



CATHOLIC JUSTICE AND PEACE COMMISSION OF THE ARCHDIOCESE OF BRISBANE

*Catholic Centre
143 Edward Street
Brisbane QLD 4000
GPO Box 282 Brisbane QLD 4001*

ABN 25 328 758 007

22 December 2011

Submission to the Senate Education, Employment and Workplace Relations Committees' Inquiry into the Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011

For over a decade, my Commission has worked with FairWear, a national organisation dedicated to the protection of outworkers in the textile, clothing and footwear industry.

We have done so as we place a high priority on promoting fair and just working conditions for vulnerable workers in Australia. There is no doubt that outworkers in the textile, clothing and footwear industry are often exploited by contractors and they need greater legislative protection. My Commission is committed to promoting Government action to ensure that this comes about.

We are very pleased that the Queensland Government has improved the situation for outworkers in our State by putting into place a mandatory code of practice for the protection of clothing outworkers as of 1 January this year.

My Commission welcomes the Federal Government's introduction of the Fair Work Amendment (Textile, Clothing and Footwear Industry) 2011 Bill. We believe it will further strengthen the protections available for outworkers.

We understand that FairWear will be making a submission to the inquiry and have been advised of the major points which will be included in its submission. We strongly support this submission to the inquiry.

However, we would like to stress two points.

Firstly, the deeming provisions in the current mandatory code in Queensland are stated with such clarity that they ensure that all clothing outworkers are protected by the code. It is our understanding that the proposed Federal legislation does not provide the same degree of clarity. We strongly encourage the Government to provide the same clarity in terms of the deeming provisions as in the Queensland code. We do not want any outworkers to be at risk of exploitation because its lack of clarity enables unscrupulous contractors to deprive them of the full force of the legislation's protection.

Secondly, the proposed legislation seems to place the onus of proof on the outworker rather than on the principal contractor in relation to the recovery of money owed to the outworker for work done. We

Chairperson: Rick Sheehan – email rsheehan@bne.catholic.edu.au
Executive Officer: Peter Arndt – email arndtp@bne.catholic.net.au

believe that this responsibility should rest with the principal contractor and request that the legislation be amended to this effect.

We commend the Government for taking this initiative. Vulnerable outworkers deserve protection from exploitation by unscrupulous contractors. This legislation will greatly assist in improving their working conditions and pay rates.

PETER ARNDT
Executive Officer