



02 November 2021

Committee Secretariat
Senate Select Committee on Job Security
Parliament House
Canberra ACT 2600
Via email: jobsecurity.sen@aph.gov.au

Dear Committee Secretary

RE: Responses to Questions on Notice

Please find below responses to questions taken on notice at Woolworths Group's appearance before the Select Committee on Monday 11 October 2021.

Question	Response
<p><i>Page 50 of Transcript:</i></p> <p>CHAIR: You say you're fully aware, you've set it into a major contract and you've had some other gig companies working for you. You must be aware of the decision from Commissioner Cambridge regarding those people being considered as employees, as well. In addition to that, you must be aware of the stories of exploitation that has occurred—or are you discounting them as being not factual?</p> <p>Mr Windeyer: I'm unaware of the first report that you mentioned, I'm afraid. I'll have to put that on notice.</p>	<p>We are aware of the decision of Commissioner Cambridge in the Fair Work Commission matter of Diego Franco v Deliveroo Australia Pty Ltd [2021] FWC 2818, in which a driver was found to be an employee of Deliveroo and not an independent contractor, currently on appeal. Woolworths does not partner with Deliveroo.</p> <p>Woolworths has a confidential process for raising issues or concerns for drivers if they are completing deliveries for Woolworths, and takes any complaints seriously.</p>
<p><i>Page 51 of Transcript:</i></p> <p>CHAIR: In Western Australia, I'm told that you recently switched to a contract from distribution to store transport from Toll to Goldstar and that many of those Toll drivers weren't even offered an opportunity to switch over. For those who did, the Goldstar contracts leave them up to \$400 per week worse off than the Toll contracts. How does the decision to leave your truck drivers either without jobs or \$400 worse off line up with the responsible sourcing standards? Ms McManus: I'm happy to start, and then I may hand to my</p>	<p>As one of the largest supply chain networks in the country, we are very focused on taking a fair, safe and sustainable approach with our carrier partners.</p> <p>As part of the selection of any new carrier and through our contract discussions we undertake a number of detailed checks and balances, including on safety processes and rate structures.</p> <p>Woolworths recently selected Western Australian company, Goldstar Transport for work in our store delivery supply chain. Goldstar has been a direct provider to Woolworths since 2012, and a focus on safe and sustainable outcomes was an important part of the contract process.</p>

<p>colleague Craig, who manages the relationships in our Primary Connect supply chain, which is our logistics supply chain. Actually, I don't have terribly much to add other than the fact that I'm personally not aware of that situation. So, from my end and possibly on behalf of Craig, we will have to take that question on notice.</p>	<p>Throughout the process, the team ensured rates of pay were above the award and that consultative and dispute resolution mechanisms were in place. We will also continue to work with both our carrier partners and the union where issues arise.</p>
<p><i>Page 52 of Transcript:</i></p> <p>Senator CANAVAN: Does Woolworths still have a Mind the Gap payment scheme? Ms Lloyd: I don't want to give you the wrong information so I'll have to take that on notice. Senator CANAVAN: Are you aware of the scheme I'm referring to? It was the subject of an ACCC court action. Ms Lloyd: I'll have to take that on notice to give you a bit more detail. Senator CANAVAN: I want to ask some further questions, so are you aware, or is any witness today aware, of the Mind the Gap payment system that Woolworths implemented in recent years? ... Putting aside that particular scheme and Mind the Gap itself, does Woolworths still ask suppliers to make extracontractual payments to support the company in its profit goals? ... Could you take that on notice... Can you also take on notice—I don't think you formally did before—whether or not the Mind the Gap payment program is still in place? ... And, if it is no longer in place, why it was terminated and at what date.</p>	<p><i>Does Woolworths still have a Mind the Gap payment scheme? And, if it is no longer in place, why it was terminated and at what date.</i></p> <p>This refers to a structured supplier engagement program run over three weeks in December 2014. Woolworths cooperated with the ACCC during its investigation of the program. Although the program was found not to be unlawful by the Federal Court of Australia, Woolworths considers that it fell short of the partnering standards we want to meet. The program ceased in December 2014 and since that time, Woolworths has not conducted any similar program.</p> <p>Since 2016, and the introduction of the Food and Grocery Code of Conduct, Woolworths has worked hard to ensure we meet and exceed the standards of reasonable conduct and good faith required by the Code. The Code provides a robust set of checks and balances and Graeme Samuel's independent review found it has helped improve relationships between retailers and suppliers.</p> <p>Our aspiration is to be the retail partner of choice for our suppliers, and we are focused on fostering fair, transparent and mutually beneficial partnerships. Over the last few years, bimonthly and annual independent supplier surveys rate Woolworths among the highest approval ratings by suppliers, including in relation to implementation of the Grocery Code.</p> <p><i>Does Woolworths still ask suppliers to make extracontractual payments to support the company in its profit goals?</i></p> <p>No.</p>
<p><i>Page 54 of Transcript:</i></p> <p>CHAIR: This is my final question: When did you first start engaging gig companies? Mr Windeyer: I can't answer exactly, but about three years ago would roughly be the timeline. I can come back on notice on that one, Senator.</p>	<p>Our first engagement with an on-demand partner company was a small trial in September 2017 with Drive Yello. Our current on demand partners include Drive Yello, Sherpa, a2b (13 Cabs), and more recently Uber, which together comprise a small part of our overall delivery network. Delivery trucks have and will continue to do the vast majority of our online orders.</p>

