

Code of Practice
on
employment and
outwork obligations
textile clothing and
footwear suppliers



Queensland Government
Department of **Employment, Training and**
Industrial Relations

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Foreword

The Queensland Government is firmly committed to providing all Queenslanders with a fair and balanced system of industrial relations.

A system that supports economic prosperity and social justice providing protections for employees and employers.

In keeping with this commitment, the Department of Employment, Training and Industrial Relations undertook a jointly funded campaign with the Federal Department of Employment, Workplace Relations and Small Business to investigate award compliance in the clothing industry.

During the campaign Queensland Industrial Inspectors investigated 98 employers in the industry and interviewed 63 of their outworkers in December 1998.

The investigations revealed a number of shortfalls in compliance which prompted the development of this Code of Practice.

Inspectors found much anecdotal and hearsay evidence of wide scale underpayment of award wages to workers said to be receiving as little as \$2 per hour, as well as breaches of many other Queensland employment laws.

This was further complicated by the fact that many employers in the industry as a rule did not keep time and wage records required for Inspectors to prove breaches of award wages.

Additionally, many of the workers in the industry were found to be of non-English speaking backgrounds making the task of identifying problems more difficult.

Workers in the industry were reluctant to give evidence in a court of law due to their fear of losing what income they had as well as being afraid of employers in the industry who were known to threaten those wanting to complain.

Three strategies were identified as a result of that campaign to improve the status of these outworkers in the textile clothing and footwear industry.

The first was a program of prosecutions of those employers who did not keep proper time and wages records as required by law with a view to raising compliance in this regard to enable future inspections in relation to payment of award wages in the industry.

The second was a program of holding public seminars to educate workers and outworkers in the industry about their legal rights under Queensland employment law focusing mainly on award wages and conditions of employment. These seminars include translation and interpretation in five languages.

The final strategy was to develop this code of practice for major purchasers, retailers and manufacturers who want to take up the challenge of good corporate citizenship and are willing to use their economic power to raise employment standards in the industry.

I commend this code to you and urge you to comply with its requirements in an effort to prevent those who would engage in exploitative employment practices from winning tenders with your organisation.

Paul Braddy
Minister for Employment Training and Industrial Relations - Queensland

Introduction

This Code of Practice on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers will apply to all contracts for the supply of textile articles, clothing, footwear, and related goods and components to government agencies and other signatories to this code.

This code outlines what is required of government agencies and other signatories in their dealings with the industry, and of employer and industry associations and unions operating in the industry.

Contractors and employers are to ensure that a copy of this Code is available to all parties in the contract chain.

Vietnamese and Chinese language editions of the Code have been published so that workers not proficient in English are not disadvantaged.

Any contractor or employer who engages outworkers, whether or not they are engaged as subcontractors or employees, must provide information to them about their employment entitlements as required in the applicable Federal or Queensland award or other relevant employment law, each time work is given out.

The Implementation Guidelines expand on key aspects of this Code and should be read together with this Code.

The principles outlined in this Code are a suitable benchmark for Textile Clothing and Footwear Industry participants in general, and suppliers in particular, to use in their dealings with private sector clients.

Any enquiries concerning this Code should be referred to the client government agency or other signatory or the Department of Employment Training and Industrial Relations at the address in Section 9 of this document.

Section 9 provides a helpful list of contact names and telephone numbers for industry participants, workers and outworkers who want further information or assistance on this Code, industrial awards, employment conditions, occupational health, safety and WorkCover obligations, or related assistance.

2 Objectives

The Government's objectives for industry development are aimed at making industry internationally competitive, at achieving the highest standards in all business practices and, in particular, at the creation of employment.

The Code of Practice on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers focuses on the performance of members of the Textile Clothing and Footwear Industry in the employment and management of their workers.

The specific objectives are to:

- eliminate unsatisfactory work practices
- ensure service providers comply with the full spirit and intent of applicable awards, certified, enterprise and workplace agreements, and all statutory obligations relating to employees and outworkers
- achieve high standards in occupational health, safety and WorkCover performance by all industry participants
- ensure that all industry members comply with their obligations to do with training and skill formation, equal employment opportunity and affirmative action.

Achieving these objectives will increase the value obtained from the State's and other signatories' investment in the industry, and ensure that all industry employees and outworkers are appropriately remunerated and rewarded for their work.

3 Definitions

These definitions apply in the context of this Code:

Award

Legally enforceable determination made by the Australian or Queensland Industrial Relations Commission or their equivalent in other jurisdictions, containing the minimum terms and conditions of employment to be met by the relevant employer, respondent or contracting party.

Affirmative action

Policies intended to redress discriminatory practices in employment. These policies commonly redress discrimination and victimisation based on age, disability, gender, marital status, sexual preference, racial or ethnic origin; and provide for equal opportunity in employment.

Textile Clothing and Footwear Industry

“The industry” includes all organised activities concerned with the production of textile articles, clothing, footwear and related goods and components.

Client

Party receiving tenders.

Contract

Agreement for supply of textile articles, clothing, footwear or related goods and components, including the services necessary to be performed to supply or repair those goods.

Contractor

Person, corporation, supplier or their agent who contracts to manufacture or arrange the manufacture and/or the supply of textile articles, clothing, footwear or related goods and components.

Employer

Person, corporation, enterprise or organisation that employs or engages a person or persons who are defined or deemed as employees under the Industrial Relations Act 1999 (Queensland) or other relevant employment law, or a person defined as an employer under the Industrial Relations Act 1999 (Queensland) or other relevant employment law. Person, corporation, enterprise or organisation that employs a person whose employment is governed by a contract of service.

Employee

Person whose employment is governed by a contract of service, or a person defined as or deemed to be an employee under the Industrial Relations Act 1999 (Queensland) or other relevant employment law, eg outworker.

Employer association

Association or organisation whose membership consists of employers who operate in the Textile Clothing and Footwear Industry and which is registered under the Workplace Relations Act 1996 (Commonwealth) or Industrial Relations Act 1999 (Queensland).

Goods

Textile articles, clothing, footwear and related goods and components including but not limited to items described as or made by process of: Tailoring, Dressmaking, Readymades, Whitework, Undergarments, Shirts, Ties, Scarves, Pyjamas, Industrial Clothing, Headwear, Umbrellas, Furs, Artificial Flowers and Emblems.

Government agency or agencies

All entities defined as a “government entity” under section 21 of the Public Service Act 1996 (Queensland) other than government owned corporations.

Industry association

Organisation representing the professional, or trade or commercial interests of members of the Textile Clothing and Footwear Industry.

Monitoring

Process of regularly collecting information to review performance against specified criteria.

Queensland Government purchasing policies, practices and tendering requirements

The Queensland Government State Purchasing Policy and agency purchasing procedures for purchasing developed under the policy.

Outworker

An Outworker means a person engaged for someone else's calling or business, in or about a private residence or other premises that are not necessarily business or commercial premises to pack, process or work on articles or material or carry out clerical work.

Prime Contractor

A person who contracts with someone else for the performance of work by the other person, or at whose request, or on whose credit or behalf and with whose knowledge and consent, work is performed or a person, claiming under the contractor, whose rights are acquired after the work begins.

Principal

Government agency or other signatory that contracts for the supply of goods and services.

Procurement

Process involving all activities associated with the manufacture and supply of textile articles, clothing, footwear or related goods and components. This process extends from the initial decision that goods or services are required, through component design or development, evaluation of suppliers and goods or services, administration (ordering to payment), management of the arrangement (contract), to recycling and waste disposal.

Purchasing

Actual buying process, whether placing or transmitting an order orally, in hard copy, electronically via Electronic Document Interchange (EDI) or Electronic Commerce (EC), or buying across the counter.

Record

Record(s) required to be maintained under the applicable Federal and Queensland awards or the Workplace Relations Act 1996 (Commonwealth) or Industrial Relations Act 1999 (Queensland) or other relevant employment law, and any other record(s) which may be kept or required to be kept to verify compliance with this Code or any laws.

Registered employer

Employer that has secured registration as an employer giving out work, in accordance with the Workplace Relations Act 1996 (Commonwealth) or Industrial Relations Act 1999 (Queensland), an award or other relevant employment law.

Signatory

Any person or organisation who has signed as a signatory to this code in Attachment A which includes all Government agencies.

Service provider

Includes: contractors, subcontractors, agents, suppliers and all employers in the Textile Clothing and Footwear Industry.

Subcontractor

Service provider that agrees to manufacture or arrange to manufacture textile articles, clothing, footwear or related goods and components.

Tenderers

Parties submitting tenders.

Tenders

Prices, bids, quotations or proposals lodged in response to an invitation or request for offer.

Union

Organisation of employees, also referred to as a 'trade union', in the Textile Clothing and Footwear Industry, for example the Federal or Queensland Branch of the Textile Clothing and Footwear Union of Australia (TCFUA). Unions must be registered under either the Workplace Relations Act 1996 (Commonwealth) or the Industrial Relations Act 1999 (Queensland). By extension, this term also includes the Queensland Council of Unions, the State's peak council for employees.

4 Implementation and industry consultation

4.1 Implementation

This Code will apply to all contracts for the supply of textile, clothing, footwear and related goods and components to government agencies from 1 October 2000 and other signatories from the date of signing.

Government agencies and other signatories and their employees or agents are required or have agreed to implement this Code as a part of their normal business operations. Standard conditions of tender that give effect to this Code are provided in Section 8. The Implementation Guidelines should also be read in conjunction with this Code.

4.2 Conditions of tender

Tenderers must provide evidence of compliance with applicable awards and legal obligations relating to employees and outworkers when they lodge a tender. The evidence must be provided in a statutory declaration and must include but is not limited to:

- the name of the relevant Federal or Queensland award, certified, enterprise or workplace agreement or other relevant employment law (copy to be provided)
- registration number of factory or workshop, where applicable
- registration number as an employer giving outwork, where applicable
- evidence of compliance, in the twelve months prior to the tender being lodged, with the applicable Federal or Queensland award or other relevant employment law requirements relating to the lodgement of periodic work lists of employers and other parties to whom work has been given. This may include a copy of any letter to the Australian or Queensland Industrial Relations Registry or their equivalent in other jurisdictions.
- evidence of workers compensation insurance such as a renewal notice
- evidence of current superannuation fund membership and contributions
- location of time book, sheet or records required to be maintained under the applicable Federal or Queensland award and industrial legislation or other relevant employment law.

Unless the statutory declaration and information is provided, a tender will not be considered.

Service providers (including all parties in the contract chain) to Queensland government agencies and other signatories in the Textile Clothing and Footwear Industry are required to adopt all aspects of the Code. They must also comply with the Queensland Government's purchasing policies, practices and tendering requirements when tendering to a government agency.

Service providers are to ensure that a copy of this Code is available to all parties in the contract chain.

Any service provider or any party in the contract chain who engages outworkers, must provide information to the outworkers about their employment entitlements as required by the applicable Federal or Queensland award or other relevant employment law, each time work is given out to a new worker, and obtain a signed statement from the outworker acknowledging receipt of the information. This information must be provided in the form required by the relevant applicable Federal or Queensland award or other relevant employment law.

Tenderers must provide evidence that all current outworkers have received this information when they lodge a tender. The evidence must be provided by way of a receipt which states that the workers have received this information, bearing the signatures of all current employees and outworkers of the tenderer, their contractors and sub-contractors at the time of the lodgement of the tender. A sample

receipt has been prepared as an accompanying document to this code and can be obtained by contacting the Department of Employment, Training and Industrial Relations.

The tenderer may choose to have the union make a declaration on their behalf with respect to all the requirements of this clause to be included when lodging a tender. This declaration would substitute all other requirements for documentation under this clause in the tendering process.

4.3 Consultation

A formal consultative process will be established with key industry participants to discuss issues arising from implementation of this Code.

In addition, the Code will be reviewed from time to time to ensure that the primary objectives remain appropriate. Industry participants will be consulted in the course of these reviews.

5 Roles

This section defines the roles, responsibilities and obligations of government agencies and other signatories and all parties involved in supplying textile articles, clothing, footwear, related goods and components to government agencies and other signatories.

Good working relationships between clients and service providers - including contractors, subcontractors, agents, suppliers, employers and their respective employees and applicable unions - will be built on trust and co-operation. This means that government agencies and other signatories as clients will look to service providers who are able to work in a co-operative environment, and who are committed to improving employee and workplace relations, occupational health, safety and rehabilitation performance, workers skills and the competitiveness of the industry.

5.1 Government agencies and other signatories' responsibilities

Government agencies and other signatories as clients

Government agencies and other signatories, their employees and agents must comply with this Code. Government agencies and other signatories will:

- ensure that a copy of this Code is available to service providers invited or requested to submit tenders
- establish internal procedures for managing Code matters
- establish internal mechanisms to deal with transgressions from this Code.
- provide the Chief Industrial Inspector, Department of Employment Training and Industrial Relations with a yearly report each August of all service providers used to acquire textile clothing and footwear goods during the previous financial year.
- provide the Chief Industrial Inspector, Department of Employment Training and Industrial Relations with a report of sanctions imposed on service providers found to have breached this code within three months of a reported breach.
- adopt and promote a co-operative approach

Queensland Department of Employment, Training and Industrial Relations

The Queensland Department of Employment, Training and Industrial Relations monitors the conduct of industrial relations throughout the State, and supports the day-to-day operation of the Queensland industrial relations system through its Wageline service and Industrial Inspectorate.

The Department's services allow signatories, employers, unions, employer associations, and employees (including outworkers) to be fully informed of their rights and obligations, and they enable legal action to be brought for breaches of awards, agreements and legislation.

An industrial inspector may investigate breaches of industrial relations legislation (ie the *Industrial Relations Act (Queensland) 1999* and *Workplace Relations Act 1996 (Commonwealth)*) if a complaint has been made to the Department, or as part of a routine investigation. An inspector can also inspect the premises of an employer and any work which is being done there.

The Division of Workplace Health and Safety within the Department administers the provisions of the *Workplace Health and Safety Act 1995*. The Division co-ordinates the delivery of inspection and advisory services across the state. Inspectors respond to complaints and visit workplaces to monitor compliance with the provisions of the Act and improve health and safety standards. Inspectors also have specific powers under the Act to investigate accidents and issue notices and if appropriate to commence a prosecution.

Training Services has responsibility for administration of the *Training and Employment Act 2000* and provides advice and assistance on general training matters including apprenticeships and traineeships.

Queensland Industrial Relations Commission

The Queensland Industrial Relations Commission Registry is responsible for the administration of the Committee that registers employers in the clothing industry who “give out” work to another employer and/or contract out work to another person and/or have work done by outworkers. The Registrar maintains a record of employers registered.

WorkCover Queensland

WorkCover Queensland is a provider of workers compensation insurance, and provides related advice and information to employers, employees and outworkers.

5.2 Service providers: contractors, subcontractors, agents, suppliers and employers

All service providers are required to:

- adopt and promote a co-operative approach, which must extend to all relationships in all combinations, and at all levels; for example, between client, agent, and contractor; contractor, subcontractor and supplier; supplier and subcontractor; and between employers and employees (including outworkers) and the applicable union
- manage day-to-day employee and workplace relations and ensure that all employees (including outworkers) are treated fairly and equitably and in particular, ensure that award entitlements, occupational health and safety, workers compensation, training, equal employment opportunity, affirmative action, and ethnic affairs obligations and requirements are met
- operate within the law and comply with the principles, procedures and standards of behaviour in this Code, and
- establish internal mechanisms to deal with transgressions from this Code.

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5.3 Employer and industry associations

All employer and industry associations are required to:

- communicate honestly with government agencies, other signatories, unions and other industry participants
- co-operate with the government, other signatories, contractors, subcontractors, agents, suppliers, all industry employers, and the applicable union, in industry development aimed at improving:
 - employee and workplace relations
 - occupational health and safety and workers compensation performance
 - workers skills, and
 - competitiveness in the industry
- encourage compliance by members with this Code
- promote compliance by members with the provisions of applicable awards, certified, enterprise and workplace agreements, dispute settlement procedures, all orders, formal directions and decisions of any court or tribunal of competent jurisdiction, and all other statutory obligations relating to employment
- operate within the law and comply with the standards of behaviour in this Code
- establish internal mechanisms to deal with transgressions from this Code, and
- adopt and promote a co-operative approach.

5.4 Unions

The unions are required to:

- communicate honestly with government agencies, other signatories, employers, employer and industry associations, and other industry participants
- co-operate with government, other signatories, contractors, subcontractors, agents, suppliers and other industry participants in developing new and improved standards in:
 - employee and workplace relations
 - occupational health and safety and workers compensation performance
 - workers skills, and
 - competitiveness of the industry.
- comply with the provisions of applicable awards, certified, enterprise and workplace agreements, dispute settlement procedures, and statutory requirements; and with all orders, formal directions and decisions of any court or tribunal of competent jurisdiction
- operate within the law and comply with the standards of behaviour in this Code
- establish internal mechanisms to deal with transgressions from this Code, and
- adopt and promote a co-operative approach.

The Textile, Clothing and Footwear Union of Australia represents and protects the industrial interests of employees and outworkers, who choose to be members of the organisation.

6 Employment obligations and contract work

6.1 Awards and legal obligations related to employment

Contractors must ensure that their subcontractors, agents, and suppliers engaged in relation to contracts with government and other signatories, comply with their legal obligations regarding their employees, including outworkers. Any information that a contractor obtains to confirm that award and legal obligations are being met must be obtained through proper and lawful means, and in a way that respects confidentiality.

Awards set out the minimum conditions of employment and are legally binding on, contractors, subcontractors, agents, suppliers and employers who engage outworkers and/or employees. All employers should be aware of the awards, whether Federal or Queensland or other relevant employment law, to which they are bound, and must meet applicable award and legal obligations regarding their employees, including outworkers.

Certified or workplace agreements or other workplace arrangements which have been approved under either the *Industrial Relations Act 1999 (Queensland)* or *Workplace Relations Act 1996 (Commonwealth)* or other relevant employment law are legally enforceable, and must be complied with by the parties to the agreements or arrangements.

Employers are also required to ensure compliance with all other relevant laws governing the giving out of work and employment conditions (including those relating to outworkers) such as: training, occupational health and safety, workers compensation, discrimination, legal age of employment, superannuation, and taxation.

6.2 Occupational health and safety

Contractors, subcontractors, agents, suppliers, employers and employees, including outworkers, must comply with their occupational health and safety and WorkCover obligations under legislation, relevant industry codes of practice, safety procedures in applicable awards, certified, enterprise or other workplace agreements.

6.3 Contract work

A contractor who proposes to complete work using subcontract arrangements, including the employment of outworkers by those to whom work is subcontracted, can only do so:

- with the knowledge and consent of the Principal
- on terms and conditions as favourable as those provided in the applicable Federal or Queensland award or other relevant employment law including but not limited to rates of pay, annual leave, long service leave, notice requirements and employer superannuation contributions, and
- on the basis that they will, as a minimum, meet all relevant obligations relating to contract work in the applicable Federal or Queensland award or legislation, eg *Workplace Relations Act 1996 (Commonwealth)* or *Industrial Relations Act 1999 (Queensland)*. These obligations include, but are not limited to:
 - registration as a factory or workshop, where applicable
 - registration as an employer giving out work, where applicable
 - lodgement of periodic returns to the relevant Federal or Queensland Industrial Registrar or their equivalent in other jurisdictions, of employers and other parties to whom work is given
 - provision of work list returns to the relevant Federal or State Branch of the Textile Clothing and Footwear Union of Australia

- compliance with compulsory WorkCover insurance, including maintenance of up-to-date records on these matters and in relation to contract work or outwork. These records must be made available for inspection by persons authorised under either the *Workplace Relations Act 1996 (Commonwealth)* or *Industrial Relations Act 1999 (Queensland)* and under the *WorkCover Queensland Act 1996* or other relevant employment law; and
- on the basis that they will provide the Principal with a quarterly report of all records and work list returns required to be maintained under the applicable award or industrial legislation in relation to contract work and outwork.

Additionally, contractors and employers are to ensure that a copy of this Code is available to all parties in the contract chain: that is, subcontractors (including outworkers), agents, suppliers and outworkers.

6.4 Employment of outworkers

It is important to note that from 1 July 1999 all outworkers are employees as defined by the *Industrial Relations Act 1999 (Queensland)*. Therefore persons who engage outworkers must meet the requirements of that Act.

As a result all outworkers whether they are regarded as employees or “contractors” must receive the entitlements of the relevant state award. However, outworkers who are employees under federal awards or agreements must receive the entitlements of those awards or agreements.

Outworkers who are employees in other jurisdictions must receive the entitlements provided for in any relevant employment law.

The definition of outworker in the *Industrial Relations Act 1999* includes a person engaged for someone else's calling or business, in or about a private residence or other premises that are not necessarily business or commercial premises to pack, process or work on articles or material or carry out clerical work.

Any service provider who engages outworkers must provide information to them about their employment entitlements as required in the applicable Federal or Queensland award or other relevant employment law, each time work is given out. This information must be provided in the form required by the applicable Federal or Queensland award or other relevant employment law.

The Federal and Queensland awards also provide that materials, trimmings and sewing threads for the work must be provided by the party giving out the work (including any employer) free of charge to the outworker.

6.5 Responsibilities of prime contractors

Section 378 of the *Industrial Relations Act 1999 (Queensland)* makes payment of wages due by a subcontractor the first charge on the amount payable by a prime contractor.

If an employee of a subcontractor is not paid within 24 hours of payment of wages becoming due then that employee may serve a prime contractor with an attachment notice under the *Industrial Relations Act 1999 (Queensland)*. The effect of this notice is that the prime contractor must retain from amounts payable, or to become payable to the subcontractor any claim for wages specified in the notice.

The amount stated in the attachment notice must be kept by the prime contractor or paid to a clerk of the court until a magistrate orders to whom and in what way the amount should be paid. If the amounts ordered are not paid the employee may sue the prime contractor for the amount stated in the order.

A copy of a blank attachment notice can be obtained via the Internet at www.detir.qld.gov.au/ir/ir.htm or by contacting the Department of Employment, Training and Industrial Relations on the number listed in section 9.

Where an employee of a sub-contractor is injured at the workplace and that employee commences an action for damages against the prime contractor, the prime contractor's workers' compensation (WorkCover) insurance policy does not extend indemnity in this situation. Prime contractors are advised to ensure that their public liability insurance extends indemnity in such circumstances.

6.6 Membership of registered organisations

Membership of unions or employer associations through proper and lawful means is encouraged. There must be no victimisation of any kind for membership or non-membership of associations.

Employers, unions and employer associations must observe the relevant right of entry provisions of either the *Workplace Relations Act 1996 (Commonwealth)* or *Industrial Relations Act 1999 (Queensland)*, or the *Workplace Health and Safety Act 1995 (Queensland)* or other relevant employment law, as appropriate.

The requirements of the applicable award or enterprise agreement or workplace arrangement must also be observed by unions and employers in relation to:

- right of entry by authorised union officers, and
- access to and inspection of the relevant records by the union.

6.7 Dispute settlement

Service providers are required to use every effort to resolve grievances or disputes with their employees (including outworkers) and the union at the enterprise level, in accordance with the procedure outlined in the applicable award, enterprise certified, or workplace agreement.

Where resolution is not possible at its source in the enterprise, the graduated steps of the dispute settlement procedure contained in applicable awards, certified, enterprise workplace agreements are to be complied with. This may include referring the grievance or dispute to the appropriate industrial tribunal. All parties are required to comply with tribunal decisions, subject to any legal appeal rights.

6.8 Industrial impacts

The Principal must be advised during the progress of the work under the contract, and at the earliest opportunity, of any industrial relations or occupational health and safety matter which may have an impact on costs or the fulfilment of the contract or other related contracts.

7 Compliance

7.1 Contractors, subcontractors, agents and suppliers

The Queensland Government and other signatories are committed to the implementation of this Code. Breaches of this Code through non-compliance will result in sanctions being imposed. These may include:

- commercial sanctions
- remedies under the contract
- penalties applicable under the relevant law or statute.

When a breach of this code is detected, where practicable all available sanctions must be imposed on the service provider found in breach by the government agency or other signatory.

Breaches must also be reported to the Chief Industrial Inspector, Department of Employment Training and Industrial Relations within three months of the breach being detected. Where a breach is reported, government agencies and other signatories must advise the Chief Industrial Inspector what sanctions have been imposed as a result within three months of the report.

The Implementation Guidelines that accompany this code give examples of the types of breaches that may be encountered and indicate their relative seriousness and suggest an appropriate level of commercial sanction.

Where the union reports a breach, government agencies and other signatories must advise the union what sanctions have been imposed as a result within three months of the report. Discussions should take place between the agency or other signatory and the union regarding the seriousness of the breach and the appropriate sanctions to be applied.

Commercial sanctions

Commercial sanctions for breaches of the Code are based on the Governments and other signatories rights as clients to choose who they do business with. Sanctions will depend on the nature and seriousness of the breach and on the lack of commitment shown to the requirements of the Code. The sanction imposed may involve:

- a formal warning
- partial exclusion from tendering for a specified period up to three months, ie a reduction in the number of tendering opportunities
- full exclusion from tendering for any work for a specified period up to three months.

Any service provider partly or fully excluded from tendering under this code must be informed of their exclusion and given an opportunity to provide evidence of gaining compliance with this code after the expiry of the specified period of exclusion.

If the service provider presents satisfactory evidence of compliance to the client agency or signatory either direct or via the Department of Employment Training and Industrial Relations or the union at that time, the exclusion should terminate. If satisfactory evidence of compliance is not produced then the exclusion shall continue until such evidence is produced.

The identity of any service provider excluded from tendering to any Government agency or other signatory for serious or repetitive breaches of this code will be communicated to all other Government agencies and other signatories via the Chief Industrial Inspector, Department of Employment, Training and Industrial Relations.

Contractual remedies

Government agencies & other signatories may choose to exercise the right to seek remedies under relevant clauses of the contract.

Legal remedies

Where it is suspected that a breach of the Code also involves an infringement of law or statute, the matter will be referred to the relevant enforcement agency, eg the Queensland Department of Employment, Training and Industrial Relations or Federal Department of Employment, Workplace Relations and Small Business, or WorkCover Queensland.

7.2 Monitoring compliance

Government agencies and other signatories as clients

Government agencies and other signatories will monitor the application of this Code as part of their mainstream business activities. Each agency or other signatory will also:

- establish internal coordination procedures for managing Code matters
- establish mechanisms to ensure prompt response to concerns or complaints
- establish and advertise a central point of contact.

Department of Employment Training and Industrial Relations

Government agencies and other signatories may seek assistance from the Department of Employment, Training and Industrial Relations in assessing whether there has been non-compliance with industrial awards or relevant industrial, workplace health and safety and workers compensation legislation.

Yearly reports provided by government agencies and other signatories as required by this code to this Department will be used to randomly select service providers for a general inspection by an Industrial Inspector.

All breaches of this code detected during that general inspection will be reported to the government agency or other signatory who must then decide on the appropriate sanction to impose on that service provider in accordance with this code.

The agency or other signatory must then advise the Chief Industrial Inspector, Department of Employment, Training and Industrial Relations in writing of what sanctions have been imposed within three months of the report by the Industrial Inspector.

7.3 Enforcement of laws relating to employment, occupational health, safety, workers' compensation and rehabilitation

Department of Employment, Training and Industrial Relations (DETIR)

The Queensland Department of Employment, Training and Industrial Relations will support this Code by assisting government agencies, other signatories, employers, employer associations, unions, employees and outworkers, to investigate breaches of awards, agreements and legislation and to eliminate practices aimed at avoiding employment obligations.

The Department will also consider the investigation of health and safety matters in accordance with its enforcement, investigation and prosecution policy.

WorkCover Queensland

WorkCover will support this code by helping industry fulfil its statutory responsibility for workers' compensation in the workplace.

7.4 Role of industry

Industry associations are expected to contribute towards making this Code operate effectively.

Employer and industry associations

Where a contractor, subcontractor, agent, supplier, employer, or employer or industry association representative is found to have breached the Code, the circumstances of the breach will be referred to the relevant association for appropriate action under that association's rules or code of practice.

Unions

Where a union official or member is found to have breached or acted to incite a breach of the Code, the circumstances of the breach or action will be referred to the relevant union or the Queensland Council of Unions for appropriate action under the union's rules or code of conduct.

8 Standard conditions of tender

This Code will apply to all contracts for the supply of textile, clothing, footwear and related goods and components to government agencies and other signatories.

Advertisements calling for tenders should prominently display the following:

“Tenderers must comply with the Queensland Government Code of Practice on Employment Obligations for Textile Clothing and Footwear Suppliers, and must provide evidence of compliance in the twelve months prior to the tender being lodged with applicable awards and statutory obligations relating to employees and outworkers when lodging a tender. Unless the information is provided, in the form of a statutory declaration, a tender will not be considered.”

A notification for inclusion in all documents requesting tenders has been prepared.

The notification should be similar to the following:

“All tenderers must comply with the Queensland Government Code of Practice on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers.

Lodgement of a tender will be evidence of the tenderer’s agreement to comply with the Code and of their agreement to provide evidence of compliance with the Code when tendering and access to all relevant records for the duration of any contract that may be awarded.

If any tenderer has failed to comply with the Code, their failure will be taken into account by the Client when considering this or any subsequent tender and may result in this or any subsequent tender being passed over.”

When seeking further advice or clarification, government agencies and other signatories should first direct their enquiries to the Department of Employment Training and Industrial Relations.

9 Further information and assistance

For further information and assistance please contact one of the following organisations.

Advice about this Code

Principal Industrial Officer
Industrial Relations Services
Department of Employment Training and Industrial Relations
PO Box 69
Brisbane Q 4001
Phone (07) 3225 2068

Advice about Government supply contracts

Queensland Purchasing
GPO Box 123
Brisbane Q 4001
Phone (07) 3235 4333

Or the agency initiating the tender

Advice about awards, State and Federal and industrial legislation, employer and employee entitlements and obligations

Wageline

PO Box 820
Lutwyche Q 4030
Phone 1300 369 945

Industrial Registry

Registration Committee (Clothing Trades)
GPO Box 373
Brisbane Q 4001
Phone 07 3227 8060

Office of the Employment Advocate

Australian Workplace Agreement enquiries
GPO Box 9842
Brisbane Q 4001
Phone 07 3223 1392

Advice about occupational health and safety, workers' compensation, rehabilitation, factory registration, discrimination in employment, equal employment opportunity and training

WorkCover Queensland

GPO Box 2459
Brisbane Q 4001
Phone 1300 362 128

Workplace Health and Safety

GPO Box 820
Lutwyche Q 4030
Phone 1300 369 915

Queensland Anti-Discrimination Commission

GPO Box 853
Brisbane Q 4001
Phone 07 3239 3365
1800 068 305

Training Services

LMB 527
Brisbane Q 4001
Phone 1300 369 935

Advice on union or employer association membership, awards, employer and employee and outworker entitlements and obligations, occupational health and safety, workers' compensation, rehabilitation, discrimination in employment, equal employment opportunity

Textile Clothing and Footwear Union of Australia

11 Alexandra Pl.
Murrarie Q 4172
Phone 07 3390 7422

Shop, Distributive & Allied Employee's Association (Queensland Branch)

146 Leichhardt St.
Spring Hill Q 4000
Phone 07 3832 3303

Queensland Chamber of Commerce and Industry

375 Wickham Tce.
Brisbane Q 4000
Phone 07 3842 2222

Australian Industry Group

202 Boundary St.
Spring Hill Q 4004
Phone 07 3224 1777

**Queensland Retail Traders and
Shopkeepers Association**

PO Box 105
Kelvin Grove Business Centre
Kelvin Grove Q 4059
Phone 07 3352 6088

Retailers Association of Queensland

395 St. Pauls Tce.
Fortitude Valley Q 4006
Phone 07 3251 3000

Advice on employee and outworker entitlements,
interpreter and community-based
services, co-operatives

Queensland Working Womens Service

PO Box 10554
Adelaide St. Brisbane Q 4001
Phone 1800 621 458

Multicultural Affairs Queensland

PO Box 185
Albert St. Brisbane Q 4001
Phone 07 3224 5690
1800 679 763

**Department of Immigration and
Multicultural Affairs**

Interpreter Services
GPO Box 9984
Sydney NSW 2001
Phone 13 18 81

Womens Legal Service

387 Ipswich Rd.
Annerley Q 4103
Phone 07 3392 0670
1800 677 278

**Asian Women at Work Inc and
Fairwear Campaign**

91 Forbes St.
Woolloomooloo NSW 2011
Phone 02 9331 4230

ATTACHMENT A

The signatories listed below have agreed to implement the Queensland Government Code of Practice on employment and outwork obligations - textile clothing and footwear suppliers:

Company Name
ACN number
Signed under company seal

.....
Managing Director
Name
Date

.....
Witnessed
Name
Date

Name
On behalf of
(Business or organisation name)

.....
Name
Date

.....
Witnessed
Name
Date

