



TEXTILE CLOTHING & FOOTWEAR  
UNION OF AUSTRALIA VIC. BRANCH

# **Inquiry into dress codes and school uniforms in Victorian Schools**

**Submission from Textile Clothing  
and Footwear Union of Australia  
(Victoria branch)**

**June 8<sup>th</sup> 2007**

## **Executive Summary**

The two Terms of Reference for the Inquiry addressed in this submission are (c) and (d):

- the most cost efficient and practical uniform procurement arrangements and
- matters which need to be considered to ensure dress codes and uniform policies are consistent with anti-discrimination legislation and health promotion policies

The TCFUA (Victorian branch) has a longstanding role in advocating for more stringent procurement arrangements in relation to government purchasing of uniforms in Victoria. For several years the TCFUA (Vic) has engaged with the Victorian State government to improve the manner in which uniforms and materials for uniforms are procured. We have consistently advocated for locally and ethically made uniforms for Victorian schools and government bodies, requiring the State government to put into place a strict purchasing code with detailed guidelines and monitoring procedures, as well as contractual and legal sanctions for those suppliers who are found to be in breach of the code, and related legislation.

The existing Victorian Government Ethical Purchasing Policy and Mandatory Safety Net do not sufficiently guarantee that Victorian school uniforms are made locally or ethically, or that the Victorian government plays a vigorous role in ensuring that employers and subcontractors meet the government's stated policy objectives.

We recommend that:

- All Victorian uniforms are procured through local suppliers which are accredited to the Homeworkers Code of Practice.
- Materials and garments for those uniforms are made exclusively by Australian workers receiving fair wages and conditions, and working in safe working environments.
- The Victorian government adopt a stronger Ethical Purchasing Code in relation to the TCF industry, which makes it imperative that suppliers have a transparent contracting chain and employ local workers under fair and legal conditions.
- In order to effect this, the TCFUA strongly recommends that key elements of the *Queensland Code of Practice on employment and outwork obligations for TCF suppliers* be adopted by the Victorian government.

## **Role and background of the Textile Clothing and Footwear Union of Australia**

The TCFUA is a trade union representing the rights of workers in the Textile, Clothing and Footwear industry, including those workers who work from home as outworkers. Hundreds of Victorian workers are involved in the production of materials and clothing items relating to school uniforms. Some of this work is done in reputable factories. However, much of the work is carried out through sub contracting supply chains which engage homebased Outworkers who sew and

construct garments from home. These workers are particularly vulnerable to exploitation and it has been well documented that employer obligations in relation to their pay and conditions are routinely breached.

The Ethical Purchasing Policy has applied in the case of all Victorian government purchasing since January 1<sup>st</sup>, 2004. In addition, the Victorian government has adopted a Mandatory Safety Net (MSN) in relation to the purchasing of Textile, Clothing and Footwear goods in August 2006.

There are a number of issues surrounding the current Victorian Ethical Purchasing Code.

### **Issues around the current Victorian Ethical Purchasing Policy**

At present, sanctions can theoretically be imposed by the Victorian government on School Uniform suppliers who breach their employer obligations to outworkers. However, as the current Victorian policy stands, these employers cannot be banned from tendering for Victorian government contracts or have their contract with the government terminated, unless they have been successfully prosecuted.

The TCFUA is active in identifying and investigating breaches of outwork conditions through the supply chain. It is a time consuming and resource intensive process. Outworkers are often marginalized in the mainstream community, come from non English speaking backgrounds and are reluctant to complain and risk losing their precarious livelihoods.

The TCFUA regularly commences prosecutions against companies where breaches of outworker award conditions are identified and documented by the TCFUA. Most of these cases reach a negotiated settlement before they reach the stage of court hearing and determination. Whilst breaches of employment law in relation to the employment of Clothing outworkers are widespread, in three years not one TCF employer has been listed as ineligible to tender for or continue with a government contract.

For several years the TCFUA has advocated that the Victorian Government sign on to a purchasing code which protects TCF workers throughout the contracting chain from exploitation in the manufacturing of goods. The Queensland Government's Code of Practice on Employment and Outwork Obligations for Textile and Footwear Suppliers provides an effective model.

### **Victoria should follow national best practice**

The Victorian government should ensure that no TCF employer, contractor or subcontractor in Victoria is provided with work through Victorian government procurement unless they are proven to have thoroughly satisfied their industrial and legal obligations to workers across the production chain.

To this end, Victoria should follow the example set by the Queensland government in 2000 in relation to procurement practices for school uniforms. The Queensland Government's Code of Practice on Employment and Outwork Obligations for Textile

and Footwear provides a detailed list of obligations which must be met by all government agencies..

The Queensland Code identifies the legal obligations incumbent upon employers contracting or subcontracting factory workers and outworkers, award conditions, training, OHS, workers' compensation, discrimination, age of employment, superannuation and taxation.

It is specific in its description of how contract work through the supply chain must be arranged, including that tendering contractors must forward the TCFUA work list returns. It is also specific in its detailing of employer, contractor and sub contractor obligations towards outworkers.

It describes the kinds of commercial sanctions which will be applied by the state government in the event of a breach of obligation and also states that breaches and legal infringements by employers, contractors and sub contractors will be referred on to the relevant enforcement agency.

### **Recommendations**

We believe that an effective ethical code of school uniform purchasing is urgently required. Without it, vulnerable workers in our industry may be exploited in the course of school uniform production. We would welcome the opportunity to meet with the Committee to discuss our submission in more detail at a Public hearing.

We therefore recommend that:

- All Victorian uniforms are procured through local suppliers which are accredited to the Home Workers Code of Practice.
- Materials and garments for those uniforms are made exclusively by Australian workers receiving fair wages and conditions, and working in safe working environments.
- The Victorian government adopt a stronger Ethical Purchasing Code in relation to the TCF industry, which makes it imperative that suppliers have a transparent contracting chain and employ local workers under fair and legal conditions.
- In order to effect this, the TCFUA strongly recommends that key elements of the *Queensland Code of Practice on employment and outwork obligations for TCF suppliers* be adopted by the Victorian government.