

2nd April, 2013

Hayley Parkes
Director,
Adjudication Branch
Australian Competition and Consumer Commission

Dear M/s Parkes,

Re: Revised Homeworkers Code of Practice authorisation

The genesis of the Homeworkers code of practice was to address the high incidence of non-compliance issues with pre-modern Awards of the Textile Clothing and Footwear Modern Award ('TCF Modern Award'), and the expectations of retailers that the suppliers of locally manufactured apparel that supply to them come from establishments that meet their statutory obligations and thus operate in an ethical manner.

The Federal government was and is still providing financial support for its continued existence to provide independent accreditation of any TCF company that elects to be assessed- the accreditation is voluntary. Any company that does not wish to avail itself of the accreditation is free not to undergo this process.

Many references have been made to the Fair work Act by objectors to the revised code as being adequate for compliance. This is true as the Act now incorporates provisions of the TCF Award and it has also enabled a better resourced FW Ombudsman to prosecute any non-compliant organisation; however the code's introduction and purpose remains as one of preventing litigation as well as facilitating supplementary educational support and promotional activity for such Organisations in appropriate trade fairs and other fashion events. The accreditation not only assures them that they meet their legal obligations, but also meets their consumer expectation as being ethical.

To this end, an Award guide and a check list was developed, which has assisted and assists in particular small businesses, which makes up a large number of TCF organisations, to better understand their legal obligations including Occupational Health and Safety.

The process of accreditation is a process that is always under constant review by both the Management of ECA and the Committee for continuous improvement with prevailing principles, that it must be a process that is *transparent* and *independent*. This process would not stand up to proper scrutiny if the Organisation that seeks accreditation was to self-assess as has been suggested by those who allege that the process is cumbersome. Indeed all ISO accreditations are never obtained by self-assessment means and as such there is no justification for ECA processes to be different.

The information that is sought in the accreditation process is consistent with what is required by the provisions of the TCF Modern award. Therefore, if the company is

compliant with the award, there should be no difficulty in providing the information, as it should already exist. The statutory declaration is simply to attest that the information provided is true and correct.

The delays have been almost in every case due to the applicant company not having the information or electing not to divulge its Contractors or homeworkers in its supply chain, which if the FW Ombudsman were to be involved would more than likely lead to prosecution.

The ECA is merely the body that administers the code and is not a law enforcer of any standards; instead it is a promoter of providing a service that assists TCF companies achieve independent accreditation as an ethical organisation in its supply Chain, which is what an ever growing sector of the consumer seeks. In some cases, the consumer of such companies is made up of large/medium retailers or corporate Organisations and/or Federal/ State /local Government instrumentalities that require evidence of compliance with labour standards/practices as part of their Request For Proposal documentation.

This accreditation is very important to Organisations that are suppliers of garments to Organisations that have a comprehensive screening system to determine the supplier's credentials. Indeed, it is very important to my employer Pacific Brands to have such accreditation. In simple terms it is a risk management tool.

In my time as member of the Committee, I have seen this process evolve and as any other Organisation, it is on course to provide this service with less paper-based processes with the aid of technology including training, for which Employer Organisations' input is important.

In conclusion, I wish to declare that I continue to support the ECA and the revised code for the reasons stated above.

Yours faithfully,

Ted Eftimiadis
Committee Member of the Home Workers Code of Practice