

Engaging outworkers

It's important that employers who engage outworkers are aware of their workplace responsibilities and obligations.

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Understanding outworkers entitlements

In the textile, clothing and footwear (TCF) industry, businesses that engage outworkers or enter into arrangements to have work carried out by outworkers have specific responsibilities and must ensure their outworkers receive certain conditions.

Outworkers are people who work at home or at a place that isn't a typical business premises (for example, a garage attached to a person's house). Their work typically involves:

- making clothing, bags and footwear
- cutting, sewing, or finishing work such as embroidery or sewing tags onto apparel
- manufacturing buttons and textiles.

TCF outworkers engaged as contractors are often considered to be employees for the purpose of most protections under the Fair Work Act 2009 (FW Act).

Most outworkers working in the TCF industry are covered by the [Textile Award \(http://awardviewer.fwo.gov.au/award/show/MA000017\)](http://awardviewer.fwo.gov.au/award/show/MA000017) , whether they are employees or contractors.

The Textile Award is a legal document that provides for wages and other conditions for outworkers, including:

- [information outworkers must be given](#)
- [minimum pay and conditions](#)
- [work records](#)
- [written agreements.](#)

Outworker terms and conditions in the Textile Award usually still apply when there is an applicable enterprise agreement in place that covers the outworker.

Regulation of outworkers under the FW Act and the Textile Award needs to be considered together with any state or territory regulation of outworkers.

If you run a business and engage outworkers in a different industry, your employee outworkers are entitled to the same pay and conditions as other employees under the relevant award. You can find awards and pay rates by using our [Pay Calculator \(www.fair-work.gov.au/pay/pay-calculator\)](http://www.fair-work.gov.au/pay/pay-calculator) .

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Engaging outworkers in your TCF business

If you engage outworkers in the TCF industry, you have the following obligations:

- [be registered with the Textile Award Board of Reference](#)
- [provide them with required information](#)
- [provide them with at least the minimum conditions](#)
- [keep written work records](#)
- [provide them with a written agreement.](#)

Textile Award Board of Reference

You must register your business with a [Board of Reference \(www.fairwork.gov.au/library/k600096_board-of-reference-in-the-textile-](http://www.fairwork.gov.au/library/k600096_board-of-reference-in-the-textile-)

and-clothing-award) before you engage outworkers. Once registered you will be given a registration number. This number must be included on work records and in written agreements with outworkers.

Information for your outworkers

Outworkers engaged in the TCF industry must be given a copy of Schedule F (http://awardviewer.fwo.gov.au/award/show/MA000017#P2009_183708) of the Textile Award in a language that they understand.

Schedule F includes an information sheet that sets out some of the minimum entitlements for outworkers, including:

- pay rates
- hours of work
- leave and public holidays.

Minimum conditions

- Schedule F of the Textile Award provides that as an employer or principal you must ensure that outworkers: are engaged on a full-time or regular part-time basis
- receive at least the minimum award pay rate for the appropriate classification, even if they are a pieceworker
- get overtime, allowances and penalties
- get the minimum entitlements in the National Employment Standards (www.fairwork.gov.au/employee-entitlements/national-employment-standards) .

Some provisions of the Textile Award don't apply to contract outworkers . A full list of these provisions can be found at clause F.5.8 of Schedule F of the Textile Award (http://awardviewer.fwo.gov.au/award/show/MA000017#P2007_183570) .

Work records

You need to make and keep a written record of what you and the outworker agree about getting the work done.

This record must contain relevant details about your business, the outworker and the type of work required. Find out more about work records on the Outworkers page (www.fairwork.gov.au/find-help-for/outworkers) .

A copy of this work record must be given to the outworker before any of the work described in it starts.

Find out more about your record-keeping obligations (www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping) .

Written agreements

Whenever you enter into any new arrangement with an outworker to carry out work in relation to any garment, article or material in the TCF industry, you must complete a signed written agreement with the outworker. The agreement must set out if the work will be provided on a full-time or part-time basis.

If the work will be provided on a part-time basis, the agreement will also need to include:

- the agreed number of hours of work per week
- if the hours will be averaged, the period over which the hours will be averaged, which can't be more than four consecutive weeks.

The agreement must also include a range of other matters and provide for wages and conditions no less favourable than those contained in Schedule F of the Textile Award.

The agreement must be clear and simple and in a language the worker understands.

You must:

- give the outworker reasonable time to read and understand the agreement before it is signed
- keep a copy of the agreement and a copy of any changes you and the outworker make to it
- keep a version of the agreement and any variation in English.

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Supply chain management

You may have contracts with a number of suppliers who make the goods that you sell. If these suppliers engage outworkers and do not pay them correctly you can be held responsible for the unpaid wages.

Download our Working with your suppliers in the textile, clothing and footwear industry (DOCX 113.6KB) (www.fairwork.gov.au/ArticleDocuments/862/working-with-suppliers.docx.aspx) information sheet for more information.

For tips and tools to help you manage your labour contracting arrangements, visit our [Contracting labour and supply chains section](#)

Help with workplace issues

We're here to help you. Find out what we can help with, how we help and where to go if we can't help on our [Fixing a workplace problem page](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) (www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) .

If you have a workplace issue, tell us about it via My account. If you already have a [My account](http://www.fairwork.gov.au/my-account/fwosignin.aspx) (www.fairwork.gov.au/my-account/fwosignin.aspx) with us, use the [enquiries form](http://www.fairwork.gov.au/my-account/fwosignin.aspx?RedirectURL=%2fmy-account%2fsubmit-a-new-enquiry) (www.fairwork.gov.au/my-account/fwosignin.aspx?RedirectURL=%2fmy-account%2fsubmit-a-new-enquiry) .

Help for small business

Find tools, resources and information you might need in our [Small Business Showcase](http://www.fairwork.gov.au/small-business-showcase) (www.fairwork.gov.au/small-business-showcase) .

You might also be interested in

- [Contracting labour & supply chains](http://www.fairwork.gov.au/find-help-for/contracting-labour-and-supply-chains) (www.fairwork.gov.au/find-help-for/contracting-labour-and-supply-chains)
- [Independent contractors](http://www.fairwork.gov.au/find-help-for/independent-contractors/independent-contractors) (www.fairwork.gov.au/find-help-for/independent-contractors/independent-contractors)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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