

Monday 12 February 2001

it's your call campaign

employment rights for call centre workers

Contents

- 3 *introduction*
- 5 *health and safety in call centres*
- 9 *your right to a minimum wage*
- 11 *take a break!*
- 12 *family friendly?*
- 13 *i've just got the sack!*
- 14 *treated unfairly?*
- 15 *your rights timetable*
- 16 *other rights*
- 17 *unions today - your friend at work*

Employment rights for call centre workers

The call centre industry is one of the fastest growing in the UK. If you're a call centre worker, this leaflet sets out your employment rights and explains how unions can help you make the most of them.

Thanks to Europe and government action, people at work in Britain are gaining a new floor of basic rights at work. In this leaflet we set out the most important of the new rights and those that have been around for longer – all of which affect workers in call centres.

Good employers normally provide far more than your minimum rights. They realise a workforce that is treated well and with respect is more likely to be loyal and productive. But many are not lucky enough to work for a good employer, and things can go wrong even in the best workplaces. That's why everyone at work should have a basic knowledge of their legal rights, and be able to call on help from a union.

Of course, in a short leaflet like this we cannot describe all the detail. Employment law can be complex and you should always take further advice. Your own rights will depend on your circumstances, and you cannot rely on a leaflet like this as detailed advice.

The TUC has more detailed information on rights at work in a series of leaflets. To find out what's available and to get free copies, ring the TUC's know your rights line 0870 600 4 882 or visit www.tuc.org.uk

If you're in a union, you can also contact them for advice. Other sources of advice include your local Citizens Advice Bureau, a law centre or one of the helplines run by ACAS - a government funded service. You can find contact details for all of these in your local phone book, or ask your local library.

Health and safety in call centres

Some of the most important workplace rights relate to your health and safety at work. As a call centre worker, you should be aware of your health and safety rights and should take care to ensure the way you work and the equipment you work with doesn't damage your health in any way.

In Britain, workers can expect good protection under health and safety law. You have rights and some responsibilities.

Your employer must:

- make sure you are not injured or made ill at work
- train you to deal with health and safety issues
- provide an accident book in which work-related injuries must be recorded
- inform and consult you or your union representative on all health and safety issues. If there is no union where you work, your employer must consult you individually or they may decide to do so through a Representative of Employee Safety elected by the workforce.

You have a right to refuse to do something dangerous if you feel you are in 'imminent and serious danger'. If your employer disciplines you for refusing, you may be entitled to compensation. But you should raise your concerns first with your manager, union safety rep or other representative.

In return you must work safely by co-operating with your employer's safety guidelines as far as you can and by not injuring or endangering your workmates.

Call centre safety

The commonest injuries in offices are often slips, trips and falls. Your employer should assess hazards like this and make sure they're put right, e.g. by fixing down trailing wires, putting warnings out when floors are slippery after cleaning, making sure that people working up ladders can't drop heavy objects on people and that they don't get knocked flying themselves.

The main illnesses suffered by call centre workers are back strain and RSI, stress, eyestrain, and voice and hearing loss.

Back strain and RSI

Back strain and RSI can be caused by poor equipment, bad job and workplace design, and the speed at which repetitive tasks are carried out.

Your work station and equipment (headset, ear piece etc) should be changed to suit your needs - not the other way around.

Any assessment of your workstation must include:

- how fast you have to work
- what breaks you have (short, frequent breaks are better than long breaks every few hours)
- how your work station is arranged
- the height and adaptability of your chair.

And you should be trained in how to sit, work, and use your equipment safely – for example, by not cradling the phone under your neck.

The law says your employer must assess the risks of working with Visual Display Units (VDUs) and take action to prevent any injury.

An ‘ergonomic consultant’ should be asked to advise your employer. Unions can suggest ones who know about the risks of call centre work. Usually there are cheap, effective ways of changing the way you work and what you work with.

Stress

Call centre workers often report suffering workplace stress, usually resulting from having to meet extreme targets. Your employer is also responsible for protecting you from stress at work – the TUC has produced guidance on how you and your boss can tackle and prevent workplace stress. It’s available from TUC publications 020 7467 1294. Ask for *Tackling stress at work*.

VDUs

Although there’s limited evidence that VDUs themselves cause eye strain, the way you use them certainly can. If you have to squint, or concentrate too hard

on one thing for too long, or have glare from lights or windows on your screen, you could end up with headaches or worse. Again, by law, the work station needs to be set up properly, and changed if it doesn't suit you.

Voice loss

It may sound like a joke, but if you talk all the time - especially if you are in a hurry, have to concentrate to get things right or deal with a difficult customer - you could lose your voice (dysphonia) or develop a cough. Taking breaks is crucial, as is drinking water and doing neck and shoulder exercises.

Hearing loss

If you work in a noisy environment and feel you have to shout just to be heard, you may be developing hearing loss. The best way of checking whether you are is if you have to raise your voice to be heard by someone only a few feet away.

Hearing loss can also be caused by sudden loud noises in your ear. Some customers have been known to set off rape alarms down the phone. Other call handlers can become the victims of acoustic shock. This is when a fault in the phone system causes a sudden piercing sound. This can cause ear drums to burst and can also result in the loss of short-term memory.

Noise absorbers, breaks, hearing tests and even headset hygiene can be important solutions. The Royal National Institute for Deaf People (RNID) and the TUC have produced a joint report, *Indecent exposure* which gives actions employers should take to protect their employee's hearing. The report is available from TUC publications 020 7467 1294.

Violence at work

Your employer should also take steps to protect you from more extreme (and less common) risks such as potentially violent callers. Sometimes call centre workers have even been followed home and threatened. There are ways of dealing with this. Abusive calls can and should be controlled by your employer.

Welfare at work

Health and safety law says your workplace should have a dedicated space for you to take your breaks, food and drink provision for night workers and adequate toilets and washing facilities.

A new legal Code of Practice on passive smoking is being prepared, which would require your employer to devise a smoking policy in consultation with the workforce (catering for the needs of smokers as well as non-smokers).

More advice

Unions are experts in health and safety, and we have a special health and safety website linked to our home page at www.tuc.org.uk.

You can also call the Health and Safety Executive, who advise on the law (call 0541 545500 or look in your local phone book). The law is enforced in most call centres by the local authority, normally through the environmental health department. They will respond even to anonymous complaints, and can give advice as well.

The TUC has a report *it's your call* on call centre working which includes a blueprint for good call centre practice. To obtain a copy call TUC publications on 020 7467 1294.

Your right to a minimum wage

Everyone who is 22 or older should be getting a minimum wage of at least £3.70 an hour. If you are aged between 18 and 21, you should be getting at least £3.20 an hour.

There is no minimum wage for those under 18, apprentices under 26 during their first year, or those living as part of a family such as au pairs.

The government's minimum wage helpline - 0845 845 0360 - can tell you more about the detail, such as how tips or accommodation provided as part of your job count. The line can be used to make an official complaint.

In addition to the minimum wage, everyone at work is now entitled to four weeks paid holiday every year, once they have held a job for 13 weeks.

Your holiday pay should be at least what you earned on average over the last 12 weeks before you took the holiday. The average should include overtime and regular bonuses, not just your basic pay.

You have a right to a statement setting out how much you've been paid, and what deductions have been made. After you've worked for your employer for two months, you should be given a written statement of your pay, hours of work and holiday entitlements.

Your employer should pay you on your specified pay day, and cannot make deductions other than tax, national insurance and those allowed in your contract of employment. Take further advice as you may have an Employment Tribunal case. Ask for our leaflet *Your job and the law* from the TUC know your rights line 0870 600 4 882.

You can get statutory sick pay if you are off work for more than three days and earn more than £64 a week. Most employers are far more generous than this.

Working for commission?

If you work in telesales and get commission, your wage including commission must never be less than an average of £3.70 (£3.20 if you're aged between 18 and 21) for each hour you work.

Your employer may ask you to agree a 'fair estimate agreement'. This must also equate to at least the minimum wage for every hour you work. Often these 'agreement' documents are complicated. It is worth getting advice before you sign.

Take a break!

People in Britain work longer hours than anywhere else in Europe. Many, particularly parents or those with other caring responsibilities, say balancing work and home life is their biggest problem.

But, thanks to Europe's Working Time Directive, call centre workers are entitled to:

- four weeks' paid holiday a year
- a break when the working day is more than six hours
- a rest period of 11 hours every working day
- a rest period of 24 hours once every seven days
- a ceiling of 48 hours on the maximum average working week
- a ceiling of an average of eight hours night work in every 24 hours
- a free health assessment for night workers

And young people's rights are even better.

If you are 16-18 you should get a continuous break of 12 hours every day. You should also get a 48 hour continuous break every week. Your employer may ask you to split these times up. In some cases, it is legal so you should seek advice if your employer raises this.

Working time rights are complicated. You can get two free leaflets from the TUC's know your rights line 0870 600 4 882: *Take a break!* on rest breaks and holidays, and *Get a life!* on the 48 hour week and night work.

The Department of Trade and Industry's workright number is 0845 6000 925. Use this for copies of free government literature on the Working Time Directive.

The Health and Safety Executive infoline 0541 545500 or the environmental health department of your local council can also help with queries on the 48 hour week and night work.

Family friendly?

New rights for all parents and better maternity rights will make work more family friendly.

Maternity leave

All women are now able to take 18 weeks maternity leave and it can start any time from the 11th week before the baby is due.

At the moment, if you have worked for your employer for one year, you can take extra maternity leave - up to 29 weeks after the birth.

You cannot be dismissed just because you are pregnant or on maternity leave.

Maternity pay

If you earn more than £67 a week, and have worked for your current employer for more than 26 weeks by the 15th week before your baby is due, you can get statutory maternity pay (SMP). For six weeks this will be 90% of your normal earnings and £60.20 for the remaining twelve weeks. Additional maternity leave is unpaid (unless your employer chooses to pay it).

If you don't qualify for SMP you might be able to get maternity allowance. Ask your local DSS about this and other benefits.

Parental leave

For every child born or adopted after 15 December 1999, mothers and fathers who have worked for their employer for a year can take up to 13 weeks' unpaid parental leave. The cut off age is five, but it can be higher for adopted children and 18 for some disabled children. Leave has to be taken in blocks of at least a week, and no more than four weeks can be taken in any one year, but employers can be more flexible about these conditions.

Time off for dependants

Employees are now entitled to 'reasonable' time off (unpaid) to care for a child or other dependants such as an elderly parent in an emergency.

For more information ask the TUC know your rights line 0870 600 4 882 for the leaflet *Time off for families*.

I've just got the sack!

There are four main legal ways you can lose your job.

1. Redundancy is when your job has ended and no-one is being taken on to replace you, e.g. when a workplace or department closes. This is legal but you may be entitled to redundancy pay. If only some people are selected for redundancy, an employer cannot choose on the basis of race, sex or trade union activity. If there are more than 20 redundancies in a year the employer must consult with the workforce.

2. If you are over 65, you can be made to retire.

3. You can be dismissed at any time before you have held your job for a year, unless it's because:

- you're pregnant
- you joined a union, took legal action against your employer, insisted on the minimum wage or 'blew the whistle'
- of your sex, race or disability or trade union membership

However your contract of employment must not be breached in the way you are dismissed.

4. After you have worked for a year, you can only be dismissed on grounds of competence (you can't do your job properly) or conduct (you've done something seriously wrong).

If you think you've lost your job for another reason, or proper procedures were not followed, then you may have a case for unfair dismissal at an Employment Tribunal. The maximum compensation for unfair dismissal has recently been raised to £50,000.

You should take further advice from your union or advice agency if you think you may have a case. The TUC's **know your rights line 0870 600 4 882** has a helpful leaflet, *Your job and the law*.

Treated unfairly?

The law protects everyone at work from being discriminated against because of their race, their sex or disability. This covers pay and conditions, promotion and all treatment at work, including the job interview.

There is no legal protection against discrimination on other grounds such as age or because you are lesbian or gay. But if you're sacked on these grounds, and you've worked for the same employer for more than a year, you might be able to claim unfair dismissal.

This is an area where you will need further advice. Your union should help, or you can contact a Citizens Advice Bureau or any of the following:

the Equal Opportunities Commission 0161 833 9244 for sex discrimination

the Commission for Racial Equality 020 7828 7022

the Disability Rights Commission 08457 622 633 or textphone: 08457 622 644

LAGER Lesbian and Gay Employment Rights 020 7704 8066

Your rights timetable

Not all employment rights start from your first day at work in the call centre. This page shows you how long you have to wait before certain rights apply.

From when you apply for a job

- freedom from discrimination on grounds of sex, race, disability or trade union membership

From your first day at work

- a statement showing how much you earn and any deductions
- 18 weeks maternity leave even if you were pregnant when you started your job
- time off for antenatal care
- protection from dismissal on some limited grounds
- working time rights
- health and safety rights
- parental and emergency leave

From your first pay packet

- even if there is no written document, the law will consider some kind of contract exists between you and your employer, though not necessarily a contract of employment. This can be important in any case that goes to a Tribunal or court.

After a month

- one week's notice of dismissal
- payment if you are suspended on medical grounds
- wages if you are laid off

After two months

- a written statement of your terms of employment

After a year

- you can claim unfair dismissal
- a written statement from your employer saying why you have been sacked, within 14 days of asking for it
- the right to return to work after 40 weeks maternity leave

After two years

- statutory redundancy pay

Other rights

New legislation means that people at work now enjoy better protection than before. These new rights include the following:

Disciplinary and grievance hearings

Where employers have formal hearings (and if they don't they would find it very hard to defend themselves in an Employment Tribunal) you have the right to be accompanied either by a work colleague or a union official (even when no union is recognised).

Protection for whistle blowers

If you expose serious wrongdoing at your workplace then you are now protected against victimisation. For more information contact Public Concern at Work 020 7404 6609.

Better rights for agency workers

For more details ask the TUC's know your rights line 0870 600 4 882 for our agency workers' leaflet.

Part-time workers

It is illegal to discriminate against part-time workers and they must be treated in the same way as full-time workers.

Union recognition

When more than half the relevant workforce join a union or more than 40% vote 'yes' in a successful ballot, then an employer has to recognise a union (although the new law is more likely to encourage voluntary agreements). Union members also have new rights against discrimination and 'blacklisting'.

Unions today – your friend at work

Many of the rights described in this leaflet have been won by union campaigning. And without union help and assistance, many workers won't get the full benefit of this new deal at work.

Every day unions help thousands of people at work. Last year they won £320 million compensation for their members through legal action.

And of course unions help negotiate better pay and conditions.

But unions are not just there when something goes wrong. Union workplaces are safer, and more likely to help employees get on with better training and development programmes. Unions themselves provide training and services like legal advice.

And in the best workplaces employers and unions have put behind them outdated ideas of confrontation and work together in partnership.

Partnership employers recognise that morale and commitment are improved when staff are treated well, have their views taken into account and enjoy job security. In return staff take more pride in their work and are more ready to embrace changes needed by modern firms to compete.

David was awarded £200,000 thanks to help from his union, after he became the victim of acoustic shock.

The acoustic shock has left me with tinnitus which stops me sleeping. Doctors have told me never to fly again in case my eardrums burst and I have to avoid places where there may be sudden loud noises.

'But I am grateful to my union for their help and I hope they will continue to campaign to make other employers aware of the dangers of acoustic shock.'

Unions take on the bad employers, and work with the good to make them better.

To find out more about joining a union, call the TUC know your rights line 0870 600 4 882.