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1. Introduction

The call centre industry is a growth industry in Queensland (as in Australia as a whole), with continued growth rates estimated between 20-25%. A majority of the employees in the call centre industry are women. Most employees are casuals.

The industry has the potential to provide employment opportunities and economic benefits to Queensland, particularly for regional communities.

Although the Australian call centre industry has been characterised as being subject to little regulation of minimum standards and conditions of employment, all call centres operating in Queensland are subject to a wide range of conditions of employment under industrial legislation and awards.

The Queensland *Industrial Relations Act 1999* and associated legislation establishes a regulatory framework providing significant minimum standards of employment for full-time and part-time employees, as well as a range of conditions for longer term casual employees. Employees in the call centre industry are also subject to state common rule awards which provide for a range of employment conditions. Employees may also receive enhanced conditions under certified agreements.

Employees employed in Queensland public sector in-house call centres are also subject to public sector conditions of employment which as a general rule are of a higher standard than the private sector. These conditions are set out in industrial and public sector legislation, public sector awards and certified agreements.

There is anecdotal evidence that the industry however, is subject to low levels of compliance with both industrial and workplace health and safety standards.

Compliance issues in the call centre industry in Queensland was highlighted in a recent inquiry conducted by the Queensland Industrial Relations Commission into pay inequity between men and women workers. The Inquiry released a report of recommendations in March 2001. The Inquiry highlighted the existence of a lack of education about minimum

employment standards (both industrial and workplace health and safety) within this industry. The report also emphasises the precarious nature of employment, particularly of casual employees employed in call centres.

1.1 Key Priorities

The Queensland Government believes that a key competitive advantage of Australian call centres should be the skill of their staff and professionalism of their operations (not low pay and poor conditions). Key priority areas for the promotion of best practices within Queensland government call centres include:

- Increased training and development;
- Commitment to support staff to provide quality customer service;
- A reduction in the current rate of staff turnover;
- Increased knowledge of appropriate minimum wages and conditions regulation in the industry; and
- Increased participation of staff in key decisions regarding improvements to the provision of customer service and workplace environment and workplace health and safety issues.

The advantages to employees of emphasising these priorities will be:

- Increased job satisfaction;
- Adequate training and career development; and
- Work in an industry with a meaningful career path.

The advantages to government agencies and signatories providing call centre services include:

- Reputation as providers of reliable and quality service;
- Access to a pool of well-trained and professional employees;
- Retention of experienced employees due to reduced staff turnover; and
- A long-term sustainable business.

1.2 Objectives

The *Objectives* of the Code are to:

- encourage best practice and improve the performance of all parties in the industry in Queensland;
- promote a cooperative approach by all parties in their dealings with one another to achieve the Key Priorities;
- outline expectations of performance for industrial relations;
- outline expectations for workplace health and safety and environmental management;
- encourage high standards within the call centre industry by seeking from those involved in the industry a commitment to comply with all laws, regulations, codes of practice and contracts relating to the industry;
- encourage innovation and the use of technology that enhance customer service and the working environment;
- encourage professional development and industry training;
- encourage stable, long-term employment with a fulfilling career structure; and
- promote a consultative environment in call centre workplaces.

1.3 Application

The Queensland Government Code of Practice for Call Centres applies to all government agencies including government owned corporations.

Non-government industry participants are encouraged to become signatories to the Code:

- Parties contracting with the Queensland Government to perform call centre work will be required to adhere to relevant provisions of the code for all such work carried out in Queensland.
- Industry participants are encouraged to comply with the principles and relevant provisions of the code as a benchmark for minimum acceptable standards in the industry.

The application of the provisions of the Code is, at all times, subject to the provisions of any legislation and relevant contractual arrangements.

2. Responsibilities

All parties to the Code are required to:

- comply with the Code and take action to address Code issues;
- adopt and promote a cooperative approach and communicate honestly in all relationships and business dealings in all combinations and at all levels;
- promote and strive to achieve the Key Priorities and Objectives;
- operate within the law and comply with all relevant legislation, regulations and Government policy regarding employment, workplace health and safety and training;
- comply and promote compliance with the provisions of applicable awards and/or certified agreements, dispute settlement procedures, all orders, formal directions and decisions of any court of competent jurisdiction, and all other legislative obligations relating to employment; and
- establish internal mechanisms to ensure compliance and deal with transgressions of the Code; and
- encourage the development of collective arrangements applicable to the workplace.

3. Continuous Improvement and Best Practice

The Government is committed to the continued expansion and long-term viability of the call centre industry in Queensland. The competitive advantage of the industry in this state will not be achieved through poor wages and conditions for workers but rather through continuous improvement and best practice that embraces superior:

- business relationships and practices;
- organisational systems and standards; and
- cooperative workforce management policies and practices.

Commitment to continuous improvement and best practice will be tested and measured using agreed criteria that reflect these qualities.

3.1 Targets

Employees should have the opportunity to participate fully in the setting of achievable targets.

Targets should be linked to the quality of customer service rather than solely relying on the number of calls and the time allocated to each call.

Changes to targets will be preceded by consultation and agreement with employees and their union representatives.

3.2 Performance assessment

Performance assessment criteria will be developed in consultation with employees and will be genuinely based on the development of employee skills.

Performance assessment criteria need to be flexible enough to cater for customer service requirements balanced with efficiency or consistency requirements.

The performance review process is to embody fair procedures and review options.

3.3 Call Monitoring

Call monitoring can be used as a coaching and development tool on the following bases:

- The development of the process and outcomes of call monitoring will involve a cooperative and collaborative approach between employees and call centre management.
- Employees shall be given reasonable notice if their calls are being monitored and over what period of time.
- Call monitoring will include a feedback process.
- Subject to legislative requirements, call centres will consult with employees and their union representatives before introducing call recording.

3.4 Communication

All team members will be given the opportunity to meet as a team on a regular basis.

Employees will be given adequate time to familiarise themselves with policy updates.

Employees will have access to a notice board, e-mail or other communication facility to be established in each workplace, to facilitate communication between employees and/or their union representatives regarding matters arising at work.

3.5 Consultation

A guiding principle for communication is the acknowledgment that employees' experience and ideas add value to the quality of service the call centre can deliver.

While reserving the right to make final judgement, management will consult with employees prior to the implementation of changes in company policy and product development.

3.6 Work organisation

Employees will be provided with enough flexibility in their routine so that they can follow up customer service issues adequately. Employees will be able to negotiate appropriate flexibility guidelines with management which follow the principles of quality customer service and employee job satisfaction, appropriately balanced with efficiency issues.

3.7 Customer service resources for employees

Employees will be provided with adequate technological and informational resources in order to resolve a customer's concern as efficiently and effectively as possible.

4. Workforce Management

Workforce management will ensure workplace health and safety, industrial relations, training and skill development are integrated with the organisational procedures, practices and performance standards of the organisation. Effective workforce management at all levels of the call centre industry is a key contributor to achieving the Key Priorities and Objectives.

Workforce management requires agencies and signatories to:

- create and maintain a safe working environment;
- integrate training and skill development into project management; and support cooperative, consultative and productive industrial relations, including compliance with awards and/or agreements and legislation.

These objectives centre on industry participants adopting a broad-based agenda to improve productivity through:

- effective communication;
- teamwork;
- high standards in workplace health and safety;
- training and skill development;
- effective workplace practices;
- promotion of access, equity and equal employment opportunity; and
- continuous improvement and best practice.

4.1 Training and Skills Development

Industry wide flexible, accessible and innovative approaches to skills development will enable the call centre industry to react positively to the changing demands of the workplace, and provide opportunities for the workforce to obtain nationally recognised qualifications.

By integrating training and skill development into management processes and workplace management, enterprises and agencies can positively react to changing knowledge and skill requirements.

Compliance with policies and commitments such as those contained in Part 3 of the *State Government Departments Certified Agreement 2000* and relevant agreements applying to government owned corporations is a major step in the training process. Agencies and signatories are expected to implement a systematic and rigorous approach to training and skills development.

Training and skills development for call centre employees will be based on:

- compliance with the Government's relevant training, skills development and equal employment opportunity policies;
- training for the next generation of employees;
- commitment to skilling workers to support technological changes; and
- commitment to training, which leads to nationally recognised qualifications.

4.2 Workplace Health and Safety

The Queensland Government attaches a very high priority to the improvement of workplace health and safety for participants in the call centre industry. It is imperative that workplace health and safety management is integral to the culture of the industry.

Agencies and signatories are required to implement comprehensive management systems, ensuring a safe working environment, in compliance with existing workplace health and safety legislation as it applies to the unique circumstances of the call centre industry.

4.2.1 Workplace Health and Safety Management Systems

Agencies and signatories are required to ensure that quality workplace health and safety management systems are implemented and maintained to ensure a high standard of performance.

Implementation of a managed and systematic approach to health and safety will lead to definition of roles, duties and responsibilities for agencies, employers, management at all levels and employees.

Factors that should be considered in the workplace health and safety management system include:

- regular rest breaks from telephones and/or keyboards;
- appropriate ergonomic design of furniture and headsets;
- noise reduction;
- appropriate call volume targets;
- manual tasks;
- headset use;
- stressful working conditions; and
- appropriate work organisation.

4.2.2 Workers' Compensation Insurance

Queensland WorkCover legislation provides benefits for workers who are injured in their employment and protection for employers. Signatories are to ensure all applicable requirements of this legislation are met, including the payment of any premiums or charges levied in respect of all workers and the provision of rehabilitation for injured workers.

No party shall require or compel any party, either directly or indirectly, to pay workers' compensation benefits above the statutory obligation to do so under the *Workplace Health and Safety Act 1995* and/or registered agreements.

4.3 Industrial Relations

Key contributors to quality and value for money outcomes in the call centre industry are an improved workplace and management culture, better employer and employee relationships, and improved industrial relations planning and management.

Agencies and signatories shall adopt a strategic approach in managing industrial relations and integrate industrial relations into all normal aspects of activity. In implementing a strategic approach to industrial relations it is expected agencies and signatories will:

- integrate industrial relations with the normal procedures, practices and performance standards of the enterprise; and
- develop and implement a sound industrial relations management plan that ensures industrial relations issues and risks are identified, assessed and managed; and

- foster a consultative culture in the workplace.

4.3.1 Awards and Legal Obligations Relating to Employment

All parties must comply with the provisions of applicable:

- awards and industrial relations arrangements that have been certified, registered or otherwise approved under the relevant industrial relations legislation; and
- legislative requirements.

All parties should note the comprehensive minimum conditions of employment applying to call centre employees, including:

- remuneration;
- hours of work and overtime;
- public holidays;
- breaks;
- leave entitlements;
- parental leave;
- superannuation;
- termination and redundancy provisions; and
- other entitlements.

Part-time employees accrue most entitlements on a pro rata basis. Casual employees may also accrue certain rights (including parental leave, long service leave and other rights and protections).

Arrangements or practices designed to avoid awards, registered agreements and/or legislative obligations are not permitted, including inappropriately treating a genuine employee as an independent contractor and inappropriate application of taxation arrangements.

4.3.2 *Security of employment*

Permanent rather than casual employment is encouraged as a means of increasing the stability and long-term viability of a workforce while providing individual employees with increased job satisfaction and enhanced opportunities for training and career development.

Labour hire or agency employees or outsourcing should not be used as a means to evade legislative or award conditions or to undercut or reduce the conditions of an existing workforce.

The Government is committed to maximum employment security for tenured public sector employees by developing and maintaining a responsive, impartial and efficient public service as the preferred provider of existing services to Government and the community. The Government is also committed to providing stability to the public sector by limiting organisational restructuring and contracting-out of services.

The Queensland Government is committed to maximising permanent employment where possible. Casual or temporary forms of employment should only be utilised where permanent employment is not advisable or appropriate.

These commitments are effected through the *Government's Employment Security Policy* and the *Policy on the Contracting-Out of Government Services* and relevant agreements, awards and legislative provisions.

4.3.3 *Anti-discrimination*

The Queensland Government and signatories to this Code respect and value the diversity of the workforce by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Parties should note the provisions of relevant legislation (including the Queensland *Anti-Discrimination Act 1999*, *Industrial Relations Act 1999* and Commonwealth legislation) and relevant Government policies and standards on this issue.

4.3.4 Workforce Dispute Settlement

All parties are required to make every effort to resolve grievances or disputes at the enterprise level in accordance with the procedure outlined in the relevant award or registered agreement. If a dispute cannot be resolved at a particular level, it should be referred to higher levels within an acceptable timeframe. If the matter remains unresolved, the dispute should be referred to the Industrial Relations Commission for settlement.

All parties to a dispute are required to comply with industrial tribunal decisions, subject to any legal appeal rights, whilst adhering to the following dispute settlement procedures (subject to the dispute settlement procedures in relevant awards and agreements):

- a fair and non-discriminatory process should be undertaken to resolve the dispute co-operatively and efficiently;
- employees have the right to access union representation;
- no industrial action is to take place; and
- the status quo that existed before the dispute must prevail; and work is to continue normally, without prejudice to any of the parties.

4.3.5 Certified Agreements

Certified agreements provide considerable scope for employers and their employees to improve working conditions and gain a competitive edge by ensuring value for money and quality outcomes. Parties are encouraged to make certified agreements appropriate to their circumstances and fostering collective arrangements.

4.3.6 Membership of Industrial Associations

Participation in industrial relations by employees and employers and responsible representation by industrial associations is encouraged. Parties should note freedom of association and right of entry in the *Industrial Relations Act 1999* and relevant legislation, awards and agreements. Agreements (including the *State Government Departments Certified Agreement 2000*) may also contain provisions relating to union delegates.

Duly elected union delegates should be recognised as acting on behalf of union members in the workplace.

5. Compliance

The Queensland Government is committed to the implementation of this Code.

Breaches of the Code and any related Implementation Guidelines by parties to the Code as may be evidenced through non-compliance or unethical activity, may result in sanctions being invoked.

Where the breach also involves any law or statute, the matter will be referred to the relevant enforcement agency. Monitoring compliance with specific statutory requirements, however, remains the responsibility of the Government agency that administers those requirements.

5.1 Breaches by Government Agencies and Agency Employees

Breaches by a Government agency will be reported to the responsible or portfolio Minister who will consider appropriate changes to that agency's policies practices and/or procedures to ensure future compliance with the Code.

Where it is demonstrated that individuals have acted in contravention of the agency's policies, practices and/or procedures and this Code, disciplinary action may be taken where appropriate.

5.2 Breaches by Signatories

Parties contracting to the Queensland Government

Where signatories have a relevant contractual relationship with the Queensland Government, the Government may impose sanctions for breaches of the Code which, depending on the nature and severity of non-compliance may involve:

- a formal warning;

- referral of a complaint to the relevant industrial association for assessment against its own code of conduct, if applicable, and appropriate action;
- reporting the breach to an appropriate statutory body;
- partial exclusion from tendering opportunities for a specified period up to three months; that is, a reduction in the number and/or nature of tendering opportunities; or
- exclusion from tendering for any work for a specified period for a specified period up to three months.

Voluntary Signatories

Breaches of the code by voluntary signatories will be addressed through appropriate action, which may include:

- A formal warning;
- referral of a complaint to the relevant industrial association for assessment against its own code of conduct, if applicable, and appropriate action;
- reporting the breach to an appropriate statutory body; or
- suspension of signatory status and any privileges that accrue from such status for a specified period up to three months.

Any signatory partly or fully excluded from tendering under this code, or whose signatory status has been suspended, must be informed of their exclusion or suspension and given an opportunity to provide evidence of gaining compliance with this code after the expiry date of the period of exclusion or suspension.

If the signatory presents satisfactory evidence of compliance, the exclusion or suspension should terminate. If satisfactory evidence of compliance is not produced, then the exclusion or suspension shall continue until such evidence is produced.

5.3 Enforcement

Government Agencies as Clients

Government agencies will support the application of the Code. As a minimum, in order to facilitate industry accessibility, each agency will:

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

Department of Industrial Relations

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

5.4 Role of Industry

In addition to the Queensland Government seeking to ensure compliance with the standards of behaviour defined in the Code, it is expected that the relevant industry parties will contribute to achieving these standards. The circumstances of any breach may be referred to the relevant association for action.

6. Definitions

Award

Legally enforceable determination made by the Commonwealth and/or Queensland Industrial Relations Commissions containing the minimum terms and conditions of employment to be met by an employer.

Best Practice

Continuous improvement of processes, products and services to ensure world-class standards of performance.

Call Centre

For the purposes of applying the code, call centres are seen broadly as work areas using telephone and computer technology to deliver services to customers. It is noted that some call centres are now called ‘total customer service points’ or ‘contact centres’ to reflect the more integrated use of electronic communication such as e-mail and the internet.

Call centres would include many internal and external government services such as information services, booking and sales services, computer help-desk services, customer contact points and other areas that might not initially view themselves as ‘call centres’. The broadest view of the application of the term should be taken

Certified Agreement

An agreement between an employer and a group of employees on the terms and conditions of employment and certified by the Queensland Industrial Relations Commission.

Code of Practice

A document that outlines and establishes principles and standards of behaviour.

Employee

A person whose employment is governed by a contract of service or a person deemed to be an employee under the Queensland Industrial Relations Act 1999.

Employer

A person, corporation, enterprise or organisation that employs a person or persons under a contract of service or a person deemed to be an employer under the Queensland Industrial Relations Act 1999.

Employer Association

An association whose membership generally consists of employers who operate in the construction or related industries and is registered under the Workplace Relations Act (Commonwealth) and/or the Queensland Industrial Relations Act 1999.

Government Agency

- Any department or statutory body as those expressions are defined in the *Financial Administration and Audit Act 1977*; and
- Any government owned corporation and its subsidiaries where the shareholding Ministers have given a notification pursuant to section 123 of the *Government Owned Corporations Act 1993*.

Party

Includes but is not limited to clients; agents of clients; principals; contractors; subcontractors; suppliers; consultants; employees; unions, including their officials, employees and members; and industry associations while undertaking a representative role.

Union

An organisation of employees working in the call centre or related industries that is registered under the *Workplace Relations Act (Commonwealth)* and/or the *Queensland Industrial Relations Act 1999*.

Queensland Government
Code of Practice
for
Call Centres

3 December 2001