

# Contact ASU Centre News



It's our second edition of contact centre news! This month you can read about your rights to a safe and happy workplace and find out if you're on a sham contract. Word up, know your rights, get paid!

*Like us; we like you! Go to <http://on.fb.me/give-a-hoot>*



Like

## Is work making you sick?

Workplace illness and injury isn't just about people who work with bread slicing machines or heavy stuff: office workers can be hurt at work too. And before you think "it could never happen to me", ask yourself: Do I ever...

- Carry out repetitive tasks?
- Sit for long periods?
- Take stressful calls?
- Share equipment with other workers?

That's right superman, it could happen to you! And if it does, it's only fair that you should be compensated or have access to sick leave. Here's how to make sure that you do:

### Sick leave

If you're a **part time or full time worker**, you are entitled to at least 10 days of paid personal or carers leave. Once you call in sick and provide an estimation of how long you'll be off work, you don't need to check in or respond to calls asking for progress reports. Your employer can ask for evidence of your illness (a doctors certificate or stat. dec.) and if they do you should provide this as soon as possible. Last month's edition of "Contact Centre News" dealt with these issues more extensively. You can download a copy at

<http://bit.ly/contact-centre-news>

But a lot of customer service workers are on sham "casual" contracts that mean you don't get access to paid sick leave. This is just another reason to talk to your union representative about your situation.

### If you're injured at work

Any type of employee – permanent or casual – can make a claim for compensation if injured at work but you must notify your employer of your injury or illness within **30 days** of becoming aware of it. If you don't you may still be eligible for compensation but it's better not to risk it.

Reporting your injury involves giving written notice to your employer stating

- your name and job title;
- the date and time of your injury or illness;
- your exact location when you were injured or became ill;
- how the injury or illness happened;
- the nature of the injury or illness and what parts of your body were affected;
- any witnesses to the injury or illness; and
- the date you notified your employer.

If you can't notify your employer you can ask someone else to do it for you. Be sure to get acknowledgement from your employer that they have received your notification. If you have any trouble along the way, call your union for help!

### Did you know...

Studies have shown that workplace factors such as

- job security
- the level of interest you have in your job
- recognition for good performance
- the level of control you have in your work
- perception of workplace fairness

all have a measurable impact on your health and life expectancy! (Marmot 2004)

*Joining a union can improve these factors!*

Who's sharing your headset?



## Avoiding injury and illness at work

In any single year, over 600,000 Australian workers sustain an injury at work. Why risk it? Identify risks at your workplace, and get management to minimise hazards! Here's how:

### Get representation

The union can work with you and your employer to establish 'work groups' at your workplace, each of which can elect its own health and safety representative.

Your health and safety representative can represent any member of staff if they encounter a health and safety issue in the workplace. That means that your OH&S rep can either take your issue to management for you so that you remain anonymous, or they can accompany you in a meeting with management.

### What are some issues you might want addressed?

- Abusive calls, targets & call monitoring creating stress
- Shared headsets or desks spreading germs (hotdesking)
- Too much ambient noise between workstations
- Inappropriate seating (with insufficient lumbar or thigh support)
- Not having enough room / not being allowed to stretch or stand up regularly
- Faulty equipment or furniture constituting a tripping hazard
- Visual fatigue from computer work

The ASU has compiled a guide to addressing these hazards and others. Ask us for a copy for you or your boss, or download it at: <http://www.asuvic.org/health-and-safety>

### Why elect a representative?

Your representative is legally empowered to:

- Take paid time off their normal duties as necessary to represent staff
- Inspect any part of the workplace in which staff work (as long as they give notice to the employer)
- Access paid training leave to attend Health and Safety Training
- Access information on the health and safety of employees
- Request the establishment of an OH&S committee if needed
- Accompany a worksafe inspector during an inspection of the workplace (after consulting with management)

### What will that get me?

It will get your issue addressed. Once an H&S rep identifies an issue or hazard, the employer is obliged to assess the risk and take steps to reduce or eliminate the hazard.

### We don't have a rep, but I still need help.

If you're a union member, you are entitled to bring your union delegate to any meeting you have with management, including about OH&S. Don't know who your delegate is? Ask your colleagues or give us a call at the ASU.

Your union representative can also represent you if you have any sort of dispute with management or if you feel your employer is not taking your safety seriously.

*In the end, workplace safety is about making sure you leave work as fit and healthy as you came in so you can enjoy your leisure time. That's nothing to cough at!*

Questions? Concerns? Call the ASU!

## Why get compo?

We often tell ourselves to 'toughen up' if we get sick or injured: we think it's a sign of weakness to complain about our health and wellbeing. But getting compensation isn't about being a sook; it's about standing up for yourself!

Remember: you may be happy to put up with your injury or illness now, but what if it gets worse? Medical bills can be a huge expense, and if work is responsible for your injury, work should foot the bill.

## CONTRACT SHAM!

### Are you really an independent contractor?

Damian works as a translator in a call centre in the Eastern suburbs. Although he helps people from many different companies every day, he tells people he works for Advantex, the company that runs the call centre. He's worked from 9-5 in the same office every day since he joined the company a year and a half ago, and while he likes the work, and the pay is OK, he's uncomfortable in the knowledge that his contract says he can be dismissed at any time; even sent home in the middle of the day. The company promises Damian he'll be made permanent staff in a year or two when business improves, but that seems a long time not to know where your rent is coming from!

It is a problem that has become endemic to many industries across Australia, but nowhere is sham contracting

### Are you in a sham contract arrangement?

Even if you have an ABN and a signed contract stating that you are a contractor, the law may classify you as an employee. Tick the boxes that apply to you to find out:

Employee	Contractor
<input type="checkbox"/> You have little or no control over your work. The company monitors you and tells you what to do.	<input type="checkbox"/> You have a degree of control over your work. You have your own strategies and methods.
<input type="checkbox"/> You are paid by salary	<input type="checkbox"/> You are paid by invoice
<input type="checkbox"/> The company supplies and maintains your equipment	<input type="checkbox"/> You maintain your own phone and computer
<input type="checkbox"/> You have set working hours	<input type="checkbox"/> You don't have set hours
<input type="checkbox"/> You receive leave entitlements and holidays	<input type="checkbox"/> You don't get paid holidays
<input type="checkbox"/> You have to take shifts that are set for you	<input type="checkbox"/> You can choose whether or not to take shifts
<input type="checkbox"/> Income tax is deducted for you by the company and appears in your pay slip	<input type="checkbox"/> You have to manage your own income tax.
<input type="checkbox"/> You can't arrange for a third party to do your work	<input type="checkbox"/> You're allowed to delegate or outsource your work
<input type="checkbox"/> You do your job for only one employer	<input type="checkbox"/> You can work for more than one company at a time in your role
<input type="checkbox"/> The company can suspend or dismiss you	<input type="checkbox"/> The company can't suspend or dismiss you from your job

Even if you ticked quite a few of the 'Contractor' boxes, you might - in legal terms - be an employee. The most important factor is the degree of control you have.

more obvious than in customer call centres. Staff are kept on short-term contracts and on 'casual' rates for years after first starting work for an employer. Some work 9-5, five days a week. In many—but not all—cases, the employee works on the employment premises and is indistinguishable from a full-time employee. And yet these employees are classed as "independent contractors"; denied the job security, conditions and benefits of regular staff.

According to the call centre award, casual and contract workers are not entitled to sick leave, holidays, or notice or redundancy payments on dismissal. In some cases you might be paid more per hour than permanent staff. But your hours can be cut without notice and you're not paid if you get sick.

### What can I do if I think I'm on a sham contract?

As always, your first call should be to your union, the Australian Services Union (ASU). If you're a member, we can offer you free advice on your situation. We can also represent your case to your employer, bargaining on an equal footing with the strength of the union behind us. If they still think you're a contractor, and we don't, we can take them to court. We can even do this for a short time after you've stopped working for the employer.

ASU Assist  
03 9320 6700

# Why it *pays* to join the ASU

- **Better pay and conditions**

On average, union members in the telecommunications industry earn \$114 more *per week* than non-union members. That's because we can bargain with your employer on an equal footing, and get you the best possible pay.
- **Protection against unfair treatment**

If your employer tries to cut your hours, cut your pay, or change your conditions, we'll step in. Your union is your voice in the workplace.
- **Representation**

Union members get free access to advice and representation from our legal experts. If you are harassed, made redundant or dismissed on unfair grounds, we'll fight to get you your legal entitlements.
- **Health and safety**

Contact centre staff are half as likely to feel stressed at work when they know the union is active in their workplace. That's because we put pressure on employers to protect the health and safety of their employees.
- **Tax deductible dues**

Union dues are 100% tax deductible, but depending on your circumstances you might receive 100% or none of your union fees back at tax time. You'd have to ask your accountant.
- **Money saving benefits**

In addition to all this, you get access to some amazing discounts and services like ME Bank, Unident Dental, and Union Shopper, where you can buy pretty much anything at a cheaper rate.

## How much does it cost?

### Adult

30+ hours per week \$9.65/week  
Less than 30 hours \$7.10/week

### Junior

30+ hours per week \$7.30/week  
Less than 30 hours \$5.55/week

### That seems like a lot of money...

Yeah, it does seem that way at first glance. But given that you might get some or all of it back at tax time, and given you're likely to receive a **much higher wage** as a union member, doesn't it make sense? Plus you get a voice in your workplace, legal representation, and you're helping to protect your whole industry from adverse legislation. We reckon it's a bargain, so we're all members too!

### Still not convinced?

Consider this. Just by making use of UnionShopper when you make your next big purchase, you could save **THOUSANDS!** So if in the following year you plan on buying anything from a camera or computer equipment to a stove or fridge, to a car or car insurance, you'd be crazy not to join!

## Join the ASU



Sign up with an organiser at your workplace



Phone us on 9320 6700

Join Online  [www.asuvc.org](http://www.asuvc.org)

Scan this QR code:



Email us at  
[info@asupsvic.org](mailto:info@asupsvic.org)

Send us old school mail  
Australian Services Union  
L1, 117 Capel St.  
North Melbourne 3051

