
CWA Issue Brief

Protections against Abusive Monitoring

CWA Goals

Call center employers monitor workers' performance by listening to live calls, recording calls, reviewing progress through screen shots and keystrokes, and other methods. Monitoring involves subjective judgments and, when done with discipline as the goal, creates stressful working conditions that harm employees' health. These conditions raise costs for employers through high rates of stress-related illness, absenteeism, and turnover. CWA believes that call monitoring, screen monitoring, and call recording should be used for coaching and developmental purposes only.

To protect employees from monitoring abuse, CWA contracts include these provisions:

- Prior notification that monitoring will take place
- Opportunity to select the form of monitoring (e.g. side-by-side, remote, recorded)
- Prompt feedback
- Limitation on the number of calls and/or sessions that can be monitored
- Protection from discipline as a result of monitoring
- Peer coaching to improve performance

CWA Best Practice Contract

The CWA contract with AT&T has included language to protect operators and customer service employees from abusive monitoring since first negotiated in the early 1980s. As AT&T (the former long-distance company, now referred to as "Legacy T") expanded monitoring to screen capture and call recording, CWA negotiated additional provisions. The current language reads:

"Employees will be informed of individual call monitoring the day that it occurs and can choose either electronic or side-by-side monitoring. Feedback will be provided to the employee by the end of the day. No employee shall be disciplined as a result of monitoring, except in cases of gross customer abuse, fraud, violation of the privacy of communications, or if developmental efforts have not been helpful. Employees will not be disciplined or evaluated on calls sampled through process monitoring (not tied to the individual). Call recording must be shown on the employee's schedule and cannot exceed four hours in length. Employees will have the right to delete recorded calls and screen activity or save them for a short time for training. Recorded samples may only be used for training purposes." (CWA/AT&T "Legacy T" Letter of Agreement, 2012)

Protections in Other CWA Contracts

CWA/AT&T Southwest

Prior Notification: The Company must provide employees with prior notification of monitoring.

Employees with at least six months of tenure have the option of remote or side-by-side monitoring.

Feedback: The Company must provide feedback regarding the monitored calls by the end of the day.

Protection from Discipline as a Result of Monitoring: Employees cannot be disciplined as a result of monitoring, except in cases of customer abuse, fraud, or gross misconduct.

AT&T West

Prior Notification: Monitoring can only occur when a visual marker is displayed to indicate that monitoring is taking place and when a published monthly or weekly recording and monitoring schedule at the team/section level has been provided to employees.

Feedback: The Company must provide feedback within 24 hours. For recorded calls, the supervisor must review within one week of the recording and then provide feedback within 24 hours.

Limitation on Number of Calls Monitored: For Service Representatives, monitoring and recording for evaluation and discipline purposes is limited to 10 calls per month, once per day, and on no more than two days per month. No more than 10 calls may be recorded. For Operators, remote monitoring is limited to 30 calls (for TOPS operators) and 50 calls (for directory assistance) per month, three days per month, and one monitoring session per day. For employees with less than 6 months tenure, monitoring can occur up to twice this amount.

Protection from Discipline as a Result of Monitoring: No employee will be dismissed solely as a result of monitoring, except when a breach of privacy of communications, fraud, loss of revenue, or gross customer abuse occurs. The intent of call recording is for coaching and training purposes. Desk Top Screen shots will be used primarily for coaching and training purposes.

Union Access to Information. The Company will provide local union representatives with recording usage reports upon request. The Union will have full participation in the creation and implementation of the communication plan of call recording and to describe the protections in the Memorandum of Agreement.

AT&T Midwest

Prior Notification: Employees with more than 6 months job tenure will be notified the day the monitoring takes place. Employees have the option of remote or side-by-side monitoring.

Prompt Feedback: Feedback will be provided to the monitored employee by the end of the day.

Protection from Discipline as a Result of Monitoring: Service or Diagnostic monitoring will not be used to evaluate or punish individual employees, except in cases of fraud, customer abuse, or violation of the Code of Business Conduct.

AT&T Southeast

Prior Notification: Employees will have prior notification when call sampling occurs and the option of remote or side-by-side monitoring.

Prompt Feedback: Feedback will be provided to the monitored employee by the end of the day.

Protection from Discipline as a Result of Monitoring: Process monitoring cannot be used for disciplinary purposes except in cases of gross misconduct.

Limitation on Number of Calls Monitored: Service observing for the purposes of training is capped at 25 times per month for individual employees. However, disciplinary actions cannot be taken except for cases of gross misconduct.

AT&T East

Prior Notification: Customer service employees that perform well on their evaluation shall be notified at least 24 hours in advance of monitoring. The number of days that monitoring can occur is capped at three per month. This status can be revoked if the employee does not meet 90 percent of call flow for three consecutive months, and once lost, it takes three consecutive months of 90 percent call flow scores.

Limitation on Number of Calls Monitored: For Service Consultants and All Distance Specialists (e.g. operator titles), observed and recorded calls are limited to two to 10, depending on employee skill and development needs.

Protection from Discipline as a Result of Monitoring. Evaluation monitoring is for development, however, an employee can be disciplined if there is gross misconduct or continually fails to meet performance standards.

Verizon Mid-Atlantic

Prior Notification: Employees who receive a rating of “exceeds requirements” or “meets all requirements” shall be provided advance notification of evaluative observations. The company shall provide 30 days notice to the union when call recording occurs in any office.

Limitation on Number of Calls Monitored: Evaluative observations are capped based on a Consultant’s rating: 20 observations per year for those that “exceeds requirements,” 30 per year for those that “meets all requirements,” 40 per year for all others.

Evaluative monitoring may take place only during the first eight hours of a scheduled work day for employees with a 35-hour work week, or the first 8.5 hours for employees with a 37.5 hour work week. On a Monday and the day after a holiday, evaluative observations may take place during the first 7/7.5 hours of the day.

Protection from Discipline as a Result of Monitoring: No employee shall be disciplined as a result of Service Observing or Diagnostic Observing, except for gross misconduct. Failure to attempt to sell a feature or to bridge to sales is not considered gross misconduct. The electronic recording of calls can be used only for Service Observing and Supervisory Observing. The monitoring language negotiated for non-recorded observations shall also apply to recorded calls. When Service and Diagnostic observations calls are electronically recorded, the Company may only impose discipline if it endeavors to provide face-to-face feedback by the close of the day on which the observation was taken or provided the following business day the employee and the supervisor are on the job.

Verizon California

Feedback: The results of performance monitoring/recording will be shared as soon as possible with emphasis on reinforcing the positive and suggestions for improvement.

Protection from Discipline as a Result of Monitoring: Information related to an employee’s performance, obtained as a result of performance monitoring/recording will be used for coaching, counseling, and training purposes. Performance monitoring/recording results will be averaged to ensure that an employee is not adversely impacted by the evaluation of a single call.

Limitation on Number of Calls Monitored: Specific performance monitoring/recording guidelines will be established; employees will be informed of such guidelines.

Century Link (former Qwest)

Limitation on Number of Calls Monitored: For evaluative monitoring, up to four calls can be monitored and recorded per month.

Protection from Discipline as a Result of Monitoring: Monitoring is designed for training and development, but the results of monitoring can be used as part of performance evaluation. Monthly evaluation will be based on a cumulative score of recorded and observed calls.

FairPoint

Feedback: The company shall give face-to-face feedback on monitored calls.

Limitation on Number of Calls Monitored: An employee can only be monitored a maximum of four days in a month and a maximum of four calls per session.

US Airways

Feedback: Feedback from all monitored calls must be provided to the employee by the end of the day of the completed contact or no later than the next scheduled work day.

Protection from Discipline as a Result of Monitoring: Employees cannot be disciplined as a result of call monitoring except for gross misconduct, fraud, violation of privacy of communications, or when developmental efforts have not been successful.

AT&T Mobility (“Orange” contract, CWA Districts 1,2-13,4,7,9)

Feedback: The Company will generally review a call quality observation or sales floor observation within the employee’s next two scheduled work days.

Protection from Discipline as a Result of Monitoring: Employees failing to meet performance expectations will first be coached when they are not currently on a step of progressive discipline for performance when performance issue is a first offense.

AT&T Internet Services (District 3 agreement)

Feedback: Employees must be notified when call monitoring takes place.

Limitation on Number of Calls Monitored: Monitoring may not exceed 30 calls per month.

Los Angeles Daily News

Limitations on Monitoring: The Employer will not use telephone monitoring devices without the consent of the employee. There shall be no secret electronic surveillance or tape recordings without the knowledge and consent of the union.

Washington Post

Images or other information collected through video cameras or other such safety/security surveillance will not be used to assess or evaluate employees’ job performance.