



Canon plans to introduce GPS tracking technology on Technical Consultants mobile phones: ASU will oppose it in the Fair Work Commission

Background to the dispute

On the 8 March 2017 Canon National Consultative meeting, Canon placed on the Agenda that it wanted to place GPS Tracking on technician's mobile phones. Glen Trestrail, Canon Senior General Manager, informed the Committee that this would benefit productivity, customer service and give the company a "competitive edge". It would allow Canon AND the customer to track the employee's location in real time. At this meeting the company do not present a draft policy or any written materials about its plan. It was a verbal explanation. The ASU, represented by National Industrial Officer Michael Rizzo, expressed serious concerns about such a policy, including privacy concerns, disciplinary concerns and the fact that Canon wanted this tracking contained in a policy (which was subject to change at the company's discretion) as opposed to it being in an enterprise agreement, where there would be agreement and consultation. The parties agreed to disagree and moved on to other items on the Agenda.

Meeting with Management

Michael Rizzo of the ASU then sought a personal meeting with Glen Trestrail so to understand the company's position better and try to negotiate a possible policy that both parties could live with. This meeting was held in Sydney on the 29 March. Just prior to the meeting, Canon supplied M.Rizzo with a draft GPS Tracking Policy on a confidential basis. Apart from the obvious concern about individual privacy, the ASU at this meeting expressed serious concern that the policy could be used for disciplinary purposes and it could be changed at the employer's whim. Also very concerning was that if employees refused to give the company consent to use the GPS tracking technology, those people would have to ring the company every 15-30 minutes and report their whereabouts. A very demanding and inefficient practice in the union's view. Again the parties agreed to disagree.

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Canon releases its draft policy to employees

In early April 2017, Canon met with some employees for employee briefings and showed them the draft policy. This version of the policy differed in 2 respects to the one previously seen by M.Rizzo. It changed the language a bit in relation to use of the technology for disciplinary purposes, but the intent was still the same, and it introduced some general commitment regarding data collected and Privacy Legislation. However, the ASU and its members still had grave concerns regarding the policy.

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The ASU organises another meeting with management to discuss policy

Given member's concerns M.Rizzo organised another meeting with Glen Trestrail for the 18 April (just after Easter in Sydney) to now discuss the revised policy and to see if it could be further amended. However, just before Easter (around the 12-13 April) management started interviewing employees on an individual basis to convince them to sign the Consent form allowing Canon to place the GPS tracking technology on their phone. This was acknowledged by management in the meeting on the 18 April. While the meeting on the 18 April went over familiar ground and it became obvious that Canon would proceed with its policy with little or no change, the other disturbing element that was confirmed in this meeting was that those that did not give their consent would be directed to give Canon their location anyway, every 15-30 minutes via the settings on their iPhone or through an app. When Canon was asked what is the point of signing a consent form when those who don't sign a consent form will be directed to give their location anyway, the response from Canon was along the lines that they were complying with the Act. When the ASU said isn't the signing of a consent form a sham because one will be directed to give one's location whether one signs a form or not? the company's response was vague.

State Government GPS Tracking Legislation

Members are reminded that in the States of Victoria, New South Wales and Western Australia there is legislation which protects people's privacy particularly in determining a person's geographical location. People in these States must give express consent in order for GPS tracking to occur. Unfortunately, this type of legislation does not exist in South Australia, Queensland and Tasmania. The ASU's advice to members is that they not agree or sign any form which gives away their rights and or allows the company to track their mobile phone. The ASU believes that this practice is an invasion of privacy, inefficient (to ring the company every 15-30 minutes) and unnecessary. (Canon freely admits it has only had one serious disciplinary issue in the last 5 years)

ASU to challenge GPS Tracking Policy in the Fair Work Commission

The ASU is making a application to the FWC under the Disputes Procedure of the Canon EBA. It is seeking the Commission's assistance through its conciliation function to assist the parties to agree to an acceptable policy which contains privacy and employee safe guards, and if that is unsuccessful, the ASU will ask the Commission to exercise its arbitration powers to order that Canon not proceed with its GPS tracking policy on technicians' mobile phones. The ASU will inform members when we get a hearing date from the FWC.

More information

For more information, please get in touch with the relevant contact below.

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