

Summary of discussions with ASU and Union Delegates employed by Canon Australia Pty Ltd – Fair Work Commission, Monday 18 September.

The Commission indicated at the outset that the discussions were being held in the context of process to establish whether the changes Canon wants to introduce can be introduced by agreement. If agreement cannot be reached it was up to the parties to decide how the issue be dealt with. This could, for example, mean Canon decides to proceed to implement the changes, or for the Union to seek to have the matter determined by way of arbitration. The Commission also noted that it was grateful to Canon for providing the opportunity to be able to meet with delegates from different parts of the country as part of the process.

Two broad themes emerged in the discussions that followed. Firstly, the delegates report that employees generally feel that the proposal to introduce the GPS tracking system carries with it an implication that they are not to be trusted, and that they are being singled out and targeted. It was emphasised in this context that many of the Technicians are long-standing employees, who have operated under a system based on trust and self-management. They are now concerned about what they see as a system that imposes a new level of micromanagement and an unwarranted level of intrusion.

Secondly, they report that there is a general lack of understanding about why the changes are being proposed, and what benefits they are intended to provide. There is also a lack of understanding about how the GPS system tracking system is intended to operate. These uncertainties are generally making it difficult at this time for employees to support what is being proposed.

The ASU also indicated that the current proposals are a significant issue in a broader context, and are being watched carefully by other Unions. While GPS tracking has been introduced into employee vehicles the ASU indicated that it is not aware of other circumstances in which GPS tracking has been proposed to operate by means of an employee's mobile phone. As a consequence this was seen to be an issue that could have significant consequences and broader ramifications in other parts of the workforce.

In terms of providing further detail the following matters were referred to in the context of why the changes are being introduced, and what benefits they are intended to deliver.

- The employees are uncertain about what benefits are going to be provided to customers as a consequence of the tracking system. For example, being able to locate where a Technician is at a point in time will not necessarily provide an indication about likely travel/arrival times at the customer's premises, given traffic delays and other issues. It was also pointed out that the Technicians are already in contact with customers when significant delays occur. The employees therefore want to better understand how implementation of the system will "improve

customer viability of the signed technical resources” and “allow for the more efficient scheduling of technical consultants.”

- For example, employees are already required to report call acceptance, site arrival, start of work, and completion of job. How is the new system going to add any additional benefits over and above these existing requirements?
- In addition, what is intended when employees are required to detour or divert when proceeding to a customer’s location, for example, to collect toner or additional spare parts. The tracking system will show them as deviating rather than proceeding directly to the customer’s site and this will appear confusing to a customer who might be viewing the tracking device.
- It is also suggested that there could be other options that would improve customer service. For example, Canon could send an email to a customer when a job task is accepted with the name of the Technician and his/her phone number, indicating that the Technician will be in further contact shortly. However, if the customer wished to speak to the Technician in the meantime they could ring them directly on their mobile number. In this way the customer would have direct contact with the Technician dispatched to their call and he/she will be able to provide an estimate of their arrival time, if required.
- The employees also want to understand how the system will “improve and support Canon’s work health and safety obligations” and what are these intended benefits? In addition, they query why the system is not being introduced for all staff working in the field, i.e. supervisors, support specialists, sales staff, product support staff, other Oce Technicians.

The following matters were also highlighted in terms of the issues raised about how the system is intended to operate. As indicated, this lack of understanding is claimed to be a significant contributor to the lack of support for what is now being proposed. It is also noted that some of these issues are linked to the privacy concerns that have been raised.

- When the GPS tracking system app. is switched off will all other functions on the mobile phone still be operating. For example, will the existing MFS system still operate so that Technicians are still being informed about their next job location. It was pointed out that at present Technicians are informed first thing in the morning by a message sent to their mobile phone about where their first job location for that morning will be, and they then prepare themselves to travel to that location. They are concerned to ensure that this system continues to operate, so that they do not have to wait until 8.30am to find out where their first job is. Similarly, during lunch

breaks and other down times they still want to be able to continue to receive information about their job locations at times when the GPS tracking system is meant to be turned off.

- Will the system be “user-friendly” in that it will be able to be switched on and off by means of a simple one touch system?
- When the app. is switched from automatic to manual does this mean that the GPS tracking capability is completely switched off, and there is no capability for GPS tracking to operate during this time? Alternatively, is switching to manual location the same as shutting down or logging out of the GPS tracking app?
- What guarantees are there that the GPS tracking system will not be operating outside of the 8.30a.m – 5p.m. window, or when employees are otherwise on unpaid breaks? In addition, what is to occur when employees are required to carry out work outside of the 8.30am – 5 p.m. period?
- Will any additional battery power be required to be carried in order to operate the GPS tracking system?

A further range of issues were raised about the information and data that might be collected by the GPS tracking system.

- Firstly, why is it proposed that so many staff would have access to the information. For example, why will marketing staff have access. It was suggested instead that access should be confined to staff within the task management group and the Technician’ S supervisor.
- However, it was suggested that the bigger issue was why was the information being stored at all, if it was not to be used at some point in the future for disciplinary purposes. In this context clarification was sought about what was intended by the words “stored on a periodic basis.”
- The employees also wanted further information about what the data and information gained was to be used for. This would enable them to make more informed decisions about the operation of the tracking system. For example, was it intended that it would be used to make comparisons about the operation of the existing MFS system.
- Will employees also be provided with access to the data and information collected?

- It was also suggested that until such time as clarification has been provided about these matters then the consents that have been provided previously by employees should be withdrawn until such time as all employees have been provided with full detail about how the new system is intended to operate.

It was also suggested that the option being proposed for those employees that did not consent was impractical and disruptive. In this context it was noted that there are already a number of protocols that Technicians are required to observe. If they were now going to be required to check in on a regular basis this was an additional obligation that could potentially be difficult to comply with. For example, if employees were in a vehicle at the time this would require them to stop the vehicle in order to report in. This was not always possible, particularly if travelling on a freeway at the time, and could encourage inappropriate behaviour. A question was also raised about what mode of reporting was being proposed. For example, would it involve the GPS tracking system being used in any way.

A further issue was also raised in regard to any future changes to the policy. For example, if agreement was reached at this time what safeguards would there be to prevent Canon simply making further changes in the short-term. The employees want some further commitment to agreement and consent before any further changes could be introduced. It was noted that a similar policy had been introduced at Fuji Xerox.

It was indicated in conclusion that the three key issues were as follows.

- All references to the GPS tracking system being used for disciplinary purposes should be removed.
- Any future changes to the policy should be based upon consultation and agreement, subject to that agreement not unreasonably being withheld.
- Clarification was sought in regard to the technical issues that have been foreshadowed.

It was also suggested that one option in the future, if a broad level of agreement could be reached, would be for the system to be trialled with a limited number of employees in one particular State to assess how it operated and to deal with any operational issues that arose.

In terms of the future progress of the matter it was also suggested that Canon, after reviewing this document, should be in further contact with the Commission. It was then suggested that there be a further conference convened between the parties with the possibility of the ASU delegates participating in that discussion by telephone.

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