

Fair Work okays tracking of employees with GPS

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The Fair Work Commission has cleared the way for Canon to track its employees' whereabouts on their mobile phones, dismissing union objections the surveillance intruded on workers' private lives and exposed them to "new avenues for discipline".

Commissioner David Gregory held the photocopier company's requirement for field technicians to keep GPS tracking on during work hours did not breach its enterprise agreement, which committed it to "minimising" the adverse impact of business decisions on employees' personal and working lives.

"The concerns of the technicians about increased surveillance are acknowledged, and the potential for this to intrude into their lives away from work can be understood," he said.

"However, I am not satisfied that it can be concluded, based on the evidence or the content of the policy document, that disciplinary reasons are a principal or a primary motivation for the changes Canon now intends to introduce."

Canon had been in an 18-month struggle with the Australian Services Union to introduce GPS tracking to monitor their technicians' locations in a bid to improve customer service.

The ASU claims Canon's tracking takes workplace surveillance to the next level by effectively monitoring the worker directly, rather than their vehicle or equipment, and by allowing clients to also monitor his or her whereabouts.

In a dispute brought by the union, the commission heard technicians could turn off tracking outside of work hours but that Canon's policy did not prevent it recording data outside work hours and allowed it to disclose the workers' residential address to a client if they were still

home after 8.30am. The data would also be transmitted to and processed by employees in the Philippines.

The union said it was unclear when workers, who were often "on call" on weekends, would be required to turn on GPS tracking and argued it could be a trigger for disciplinary actions or terminations.

Canon's national manager for technicians, Paul Gravina, said the company wanted to use GPS tracking to improve scheduling and create "market differentiation through improved customer visibility of the technicians".

He said GPS already existed on technicians' vehicles in some states and no one had ever been disciplined because of it.

Commissioner Gregory acknowledged technicians felt the surveillance reflected a lack of trust in them given they were "long-standing and loyal employees" and already regularly reported their locations to management.

But he said the commission did not have to assess the merits of Canon's business case, just whether it was in line with its obligations in the agreement.

ASU national industrial officer Michael Rizzo said the tracking reflected the "Uberisation" of customer-servicing jobs, referring to the rideshare app's disclosure of drivers' location before they pick-up passengers.

"It's a new era where employers are tracking phones, not just trucks or equipment," he said.

"You can walk away from trucks or equipment but you're relying on a phone to get instructions, rosters, everything."

"We are heading to a world where you can't live your personal or working life without being monitored."

The union has flagged making the issue part of its next bargaining round.

It could also potentially pursue a case through the courts.