



**Australian
Privacy
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MEDIA RELEASE

No relief from snooping bosses for NSW workers

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“A headache for employers, yet no pain relief for workers” – that is the verdict of the Australian Privacy Foundation, on the NSW Government’s proposal to make new laws to regulate surveillance in the workplace.

“No-one should be happy with this proposal,” said Australian Privacy Foundation Chair, Anna Johnston, today.

The Australian Privacy Foundation, the primary non-government organisation dedicated to protecting the privacy rights of Australians, today released its analysis of the Workplace Surveillance Bill. The Bill has been tabled in the NSW Parliament for debate next week.

“The Attorney General Bob Debus has reneged on his promise to protect workers’ privacy,” said Ms Johnston today.

“He said he wanted to stop the indiscriminate use of surveillance by employers. But this proposal won’t help the majority of workers at all,” she said.

“Bosses will be allowed to put workers under constant video surveillance, monitor all their emails, and even track their movements – just so long as the employees have been told this will happen, and the employer meets some signage and visibility requirements,” said Ms Johnston.

“There is no requirement that the surveillance be necessary, or reasonable, or justified in any way. There is no requirement for employers to store material in a secure way to prevent its misuse. And there is nothing to stop the boss from embarrassing or humiliating workers by disclosing information they get through overt surveillance – whether from a personal email or from CCTV footage,” she said.

“We’ve seen complaints about the misuse of overt surveillance rise in recent years. Like the boss using footage of workers from a Christmas party to embarrass them later,” she said.

“Employers’ groups are right to feel disappointed too,” said Ms Johnston.

“An employer who is trying to follow the law, but makes an honest mistake, could find themselves facing criminal action. Even for something as simple as accidentally giving 13 days notice to workers, instead of the 14 days required by this new law,” she said.

“The debate over covert surveillance of baggage-handlers shows just how sensitive this topic is. While this Bill sensibly allows covert surveillance with a magistrate’s authority where there is a reasonable suspicion of some illegality, we are disappointed that it also allows an open-slayer approach to overt surveillance,” said Ms Johnston.

“Criminalising honest mistakes is no way to treat employers. And providing no relief for the misuse of overt surveillance is no way to treat workers. Everyone deserves better than this proposal,” she said.

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