Workplace Surveillance Policy

Date Adopted: 28 June 2016

Version: 1.1

Policy Objectives

The objective of this policy is to ensure that Maitland City Council complies with the requirements of the *Workplace Surveillance Act 2005* ("the Act"). The policy represents formal notification to workers about activities that fall within the statutory definitions of surveillance.

The Council will also comply with the legal requirements of the Act where surveillance is prohibited.

Policy Scope

This policy applies to all Council workers and others in Council workplaces.

Policy Statement

Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its employees, customers and others in the workplace.

The use of certain surveillance devices has the potential to deter vandalism or a possible assailant and reduce the safety risks associated with employees, customers and others in the workplace.

The use of certain surveillance devices also assists management to optimise performance, improve efficiency and improve customer service.

The provisions and use of fleet management surveillance allows Council to identify the geographical location of a worker if they are in need of emergency assistance.

While Council does not intend to use surveillance methods or data to monitor staff movements it may, from time to time or with cause, access surveillance systems and data records in order to investigate complaints or conduct other workplace investigations as appropriate.

1. Responsibility

Council is committed to ensuring that the surveillance activities which it undertakes are in accordance with the Act. To assist in doing this, Council will adopt a policy for workplace surveillance and communicate with employees.

General Manager

- Ensure the workplace surveillance policy is implemented
- Comply with the requirements of the Workplace Surveillance Policy.

Managers and Supervisors

- Endeavour to ensure employees are aware and understand the Workplace Surveillance Policy
- Comply with the requirements of the Workplace Surveillance Policy
- Notify the General Manager or Human Resources of suspected breaches of the Workplace Surveillance Policy.

Employees

- Comply with the requirements of the Workplace Surveillance Policy
- Notify Human Resources of suspected breaches of the Workplace Surveillance Policy.

2. Types of workplace surveillance

The types of workplace surveillance that Council will undertake include the following:

- Camera surveillance – with the use of security video cameras
- Computer surveillance – in relation to internet, software and email use, in accordance with Council's Information Communication and Technology Protocol
- Tracking surveillance – with the use of Global Positioning System (GPS) tracking devices in certain Council-owned plant and vehicles.

All surveillance will be performed on a continuous and ongoing basis.

3. How the surveillance will be carried out

3.1. Camera surveillance

Council uses camera surveillance at a number of Council facilities to monitor security and provide employee and public safety.

Facilities and areas that are the subject of camera surveillance will display appropriate signage to inform employees and the public in accordance with the Act.

Where Council intends to install new camera surveillance devices, employees working in the designated area or areas shall be advised in writing or by email 14 days prior to its commencement in accordance with the Act.

3.2. Computer surveillance

Computer surveillance is used for the general security of Council property or assets, for the protection of Council related information and to ensure that Council's computer and mobile resources are not misused.

The software applications used record user activity including logon details and times, audit trails of data changes and deletions, telephone usage activity (including calls received, placed and length of call), photocopier and printer usage. Council retains logs, backups and archives of computing activities, which may be audited.

Email of employees and Councillors is not routinely read, but is continually monitored by software to ensure the security and stability of Council's network. Software is also used to ensure Council's compliance with the State Records Act. Emails are Council records which should be managed accordingly and will be accessible in that context. Further, any email may also be the subject of an application under GIPA legislation.

Internet usage is monitored by a web filtering tool to restrict access to inappropriate sites. Monitoring may occur where unusual or high volume activities may warrant more detailed examination. Council also keeps a readily accessible list of recently accessed web sites.

Council receives accounts from its mobile service provider that identifies each cost incurred by mobile phone users. This information relates to the dates and times calls are received and made and the use of any services such as, but not limited to, voicemail, SMS, Video Message Bank, Internet/WAP and Sensis 1234. These accounts may be interrogated if misuse of the mobile phone is suspected.

Conditions apply to users of Council's computer resources and these are detailed in the Use and Access to Internet Protocol and Use and Access to Email Protocol.

3.3. Tracking surveillance

GPS devices have been fitted to plant to assist in Council's operations, provide security of the plant item and to assist the safety of staff. Plant that is the subject of GPS tracking surveillance will display appropriate signage to inform employees.

Increasingly vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data. This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams. The intention of this policy is not to utilise this information for performance management purposes, however, on occasion, available information may be accessed in the course of a workplace investigation.

Council undertakes tracking surveillance of workers through building security access swipe cards and building alarm systems.

4. Commencement of surveillance

Existing workers of Council shall be notified of the installation of the types of workplace surveillance undertaken through the dissemination of this policy. Implementation will begin 14 days after the adoption of this Policy.

Workers yet to commence with Council shall be given notification of the types of workplace surveillance undertaken as part of their offer of employment. By accepting employment with Council, the worker will be consenting to the conducting of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.

5. Recordkeeping, confidentiality and privacy

Council will ensure that surveillance records will remain confidential and, at all times, access to such records will be in accordance with the Act.

The General Manager or Human Resources may authorise an Information Technology Officer or another Council staff member to investigate alleged breaches of the Code of Conduct and Council policies. This can involve accessing individual computers, electronic records or other information systems. Such investigations may involve misconduct and are managed in accordance with the provisions of the relevant policy.

Council may apply to undertake covert surveillance and shall make any such application in accordance with the applicable legislation.

Inappropriate use of surveillance records by any employee is a breach of this policy and should be reported to the General Manager. Any person or persons breaching this policy will be subject to Council's Performance and Misconduct Protocol.

Policy Definitions

Award:	Local Government (State) Award 2014, or its successor.
Camera:	An electronic device capable of monitoring or recording visual and or audio activities in the workplace.
Camera Surveillance:	Surveillance by means of a camera.
Computer Surveillance:	Surveillance by means of software or other equipment that monitors or records the information input or output, or other use of a computer.
Council:	Maitland City Council
Covert Surveillance:	Surveillance of any employee at the workplace carried out in accordance with a Magistrate's Authority obtained under the Workplace Surveillance Act.
Surveillance:	Observation or monitoring by means of an electronic device such as a camera, computer, GPS system and through the electronic access points and security gateways.
Tracking Surveillance:	Surveillance by means of an electronic device whose primary purpose is to monitor or record geographical location or movement, such as GPS device.
Worker:	Any person who carries out work in any capacity for Council including work as an employee; councillor; contractor or subcontractor; an employee of a contractor or subcontractor; an employee of a labour hire company assigned work at Council; an apprentice or trainee; a student gaining work experience; or a volunteer.
Workplace:	A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. A place can include any vehicle or plant.

Policy Administration

Business Group:	People & Performance
Responsible officer:	Executive Manager People & Performance
Council reference:	Ordinary Council Meeting 28 June 2016 – Item 11.3
Policy review date:	Three (3) years from date of adoption
File number:	130/1
Relevant legislation	• Industrial Relations Act 1996 (NSW) • Local Government Act 1993 (NSW) • Local Government (State) Award 2014 • State Records Act 1998 • Workplace Relations Act 1996 (Cth) • Workplace Surveillance Act 2005
Related documents	• Attraction and Engagement Protocol • Code of Conduct • Equity Diversity and Respect Policy • Performance & Misconduct Protocol • Social Media Protocol • Use and Access of Electronic Mail Protocol • Use and Access of Internet Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 June 2016	New policy adopted
1.1	-	Updated to new branding and alignment to organisation structure. No change to content.