

## The Installation of Cameras in the Workplace

The use of cameras in the workplace has been a long-established practice. However, there is the sustained controversial debate on whether the use of this technology constitutes an invasion of workers' privacy. There are several arguments supporting the pros and cons with respect to the use of cameras in workplaces. Inasmuch as these may all have merit, the justification of the individual argument will depend on the purposes for which the cameras are being used. Therefore, justification should be based on the appropriateness or inappropriateness of the action.

It is reasonable to assume that taking the decision to install cameras in the workplace would first be justified by the employer or management. There can be no denying the right of an employer/owner of an enterprise to protect one's property. The employer may put forward a case that the decision to install cameras is also for the purpose of the safety and protection of the employees. On the surface none of these can be challenged as inappropriate, provided that there is no secret installation and monitoring. If the latter were to be completed without the knowledge of the employees, there is a legitimate claim for an invasion of privacy and inappropriate behaviour. It is a shared view that the installation of video surveillance without notice being served on employees can be considered as a violation of the privacy rights of employees. This is even worse in the case where hidden cameras are installed at the workplace. As an act of good faith, employers ought to provide notice to their employees of the intention to use cameras in the workplace.

The installation and use of cameras in banks, stores, shopping malls, restaurants, airports seaports and many other business establishments is now common place. It is understandable if the use of the cameras is for the expressed purpose of deterring acts of thief, and/or a means of monitoring any malicious acts that may be perpetrated at the workplace. It is expected that employers will be respectable of their employee's privacy, and not even consider installing cameras in the lunch room, break room, rest room and lockers.

The positioning of cameras into the workstation or office of employee can be a questionable action. This is not a preferred option as it can become a subject of resentment. Where this is being contemplated, it should be for a valid reason and ought not to be done without consultation with the employees and their representative trade union. If it is the desire of an employer to go this far, it may give reason to believe that the trustworthiness of the employees is being called into question. Employers may wish to consider the extent to which the law in their jurisdiction permits the use of video or audio recordings to be used as evidence against an employee.

With the use of CCTV cameras in the workplace it means that both video and audio recordings can take place. This is where the employee's privacy can be further invaded. This calls for caution to be exercised by employers who install cameras in the workplace. Prior to the installation of video surveillance equipment, employers should work towards developing a policy regarding the use of them.

Arguably, employees should reserve the right to privacy at the workplace. However a case can be made that it is unreasonable for them to have this exclusively applied to work stations. This matter may be addressed through the development of policy on the installation and use of video and audio recording equipment in the workplace. Such a policy is warranted in much the same way that there is an Occupational Safety and Health Policy and a Sexual Harassment Policy which are considered important requirements in today's workplace. It may therefore be necessary to have legislation in place to govern the use of CCTV Cameras in the workplace.

Going forward, employers should work to develop a policy which set outs the parameters for the installation of video surveillance equipment. It should speak to the non-evasion of workers' privacy in the areas of rest rooms, lunch, break rooms, staff rooms, sick bays or lockers. Cameras should not be installed in meetings rooms. It is important that consultation with employees and their trade union representative on the development of the policy, addresses why the cameras are being used, who would have access to the footage and how and when it can be used. The policy should also speak to how long the footage could be kept, to whom it can be disseminated and the process for discarding it.

Once a security surveillance system has been installed in the workplace, the main concern of employees and their trade union remains that of maintaining the integrity of the monitoring system. With this in mind, employers should never lose sight of the fact that they have a duty to their employees to protect their privacy and confidentiality of all personal information which is gathered during the course of employment.

It is generally felt that employers have a negative motive for engaging the use of cameras and video surveillance equipment. While this is debatable, it would be interesting to know that employers may view it as a way to drive worker productivity. With the CCTV cameras in place, employees may become far more circumspect of their actions, leading to a reduction in down time spent in doing such things as as surfing the internet, being idly away from their workstation for long periods of time and engaging in lengthy personal telephone conversations.

Despite the many draws backs to the use of cameras and other forms of video surveillance technology in the workplace, workers can also feel that it can serve the useful purpose of protecting them amongst several things, including accusations and allegations made by the employer, colleagues and/or customers.