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Technology and Power

Understanding issues of insecure work and
technological change in Australian workplaces



United Workers Union
Submission to the Inquiry on the impact of technological change
on the future of work and workers in New South Wales



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“I am not nostalgic for the past...I am nostalgic for an age that has not yet come into being, in which, for the worker, the craft satisfaction that arises from conscious and purposeful mastery of the labour process will be combined with the marvels of science and ingenuity of engineering, an age in which everyone will be able to benefit, in some degree, from this combination.”

—Harry Braverman*

United Workers Union welcomes the opportunity to provide a submission to the *Inquiry on the impact of technological change on the future of work and workers in New South Wales*.

This timely Inquiry comes as workers across the country adjust to rapidly changing work environments amid ongoing Covid-19 related disruptions. For frontline and essential workers, unsafe employer practices, risk of workplace transmission, and significant job losses are just some of the factors compounding a heightened sense of uncertainty and anxiety concerning the future of work.

These challenges are exacerbated by decades of restructuring efforts that have sought to move risk away from employers and onto individual workers. Widespread casualisation, subcontracting and labour hire arrangements have eroded the standard employment relationship that once brought relative stability to the world of work. In recent decades, wages have stagnated and no longer reflect labour’s contribution to rising productivity. Normal entitlements such as paid sick leave, annual leave and superannuation are now foreign concepts for many workers, especially young people. Inequality continues to grow and key industries have come to be dominated by small groups of very powerful

actors. Throughout the Covid-19 crisis, insecure work has exacerbated transmission risks and jeopardised public health.

Technology is also widely considered to be a further force transforming the world of work. Indeed, the interrelationship between work and technology has populated worker's imaginations and anxieties for centuries, dating back to the beginning of the Industrial Revolution. More recent advancements in automation, surveillance and data capture have reignited these longstanding yet understandable concerns. While as a general trend technological change does not produce widespread and long-lasting unemployment, it can powerfully alter the relationships of work and the quality of jobs on offer. Most often this change is linked to issues of declining employment security.

Taken together, insecure work and technology can be understood as deeply interconnected: twin drivers of change and uncertainty.

This submission seeks to ground analysis of workplace technologies in the context of different labour processes and employment relationships. Attention is paid to the asymmetries of power that exist between every employer and worker. Technology is treated not merely as static artefacts, but as complex social and political processes. From these theoretical underpinnings, this submission seeks to map existing trends and concerns held by workers across a diverse range of industries. These trends are considered in the historical context of work, scientific management, and different styles of management tasked with controlling workers and the labour process. Further, every attempt is made to resist the spectacle of technologies which dominate media stories with their uniquely novel or dystopian characteristics. Instead, technologies in the broadest sense are investigated—from the humble stopwatch to cutting edge facial recognition technology.

Often discussions of technology and work understandably focus on moments of great disruption; instances where entire industries or categories of workers are displaced or abolished. These are important moments, but so too are the *quiet* moments. Instances of subtle change or function creep can also *weaken* rather than *break* existing employment relationships resulting in the gradual widening of asymmetries of power,

under-employment, or the hollowing-out of existing entitlements. This poses a challenge for both unions and the Australian legal system which typically react to, rather than anticipate, workplace changes.

The industry specific case studies of this submission were gleaned through semi-structured interviews with members, delegates, organisers and union leaders. The issues raised by members most frequently and with the greatest urgency have shaped the focus of the submission. Notably, issues of workplace surveillance are significant and widespread, reaching every industry of UWW. The complexity of surveillance warrants careful consideration and has been broken down into different categories that are discreet yet do at times overlap and reinforce each other. A diversity of technological change is captured—from the relatively benign to egregious abuses of power.

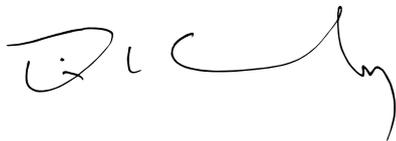
Whilst this Inquiry is specific to New South Wales, the case studies and findings of this submission reflect nation-wide trends. Many of the policy recommendations put forward may lay beyond the scope of state-level legislative and regulatory capacity but are outlined here regardless in the spirit of collaboration and discussion. In that regard, we commend the Select Committee for initiating this inquiry and its ambitious terms of reference set forth within. While great efforts have been made to address issues most relevant to UWW members there is much further research that lays outside the scope of this submission. Our findings are certainly not the last word on these important topics but will hopefully provide a springboard for further enquiry and worker engagement on these important issues. UWW stands ready to work with any government willing to play a role in meeting these challenges.

At this present moment it is crucial we consider what a more democratic and equitable future of work and technology might look like, and how it can be achieved. A society in which data is held in common, the limits and use of new technologies collectively agreed upon and used by workers to build shared power and solidarity. Workplaces in which innovation can act in service of a broad public good—not just the narrow interests of profit accumulation.

The recommendations of this submission reflect the ambitious goals of this Inquiry. Our vision for the world of work is not nostalgic, nor is it reserved for an abstract point in the future. Rather, we have sought to highlight the present day realities for many UWU members. In this sense this submission does not address the future of work, but the pressing challenges faced by workers *today*.

For further information regarding this submission please contact Lauren Kelly at lauren.kelly@unitedworkers.org.au.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Tim Kennedy', with a stylized flourish at the end.

Tim Kennedy
National Secretary
United Workers Union

Key findings and proposed solutions

The findings of this submission are expansive: some reflect historical trajectories of existing trends, while other issues are identified as uniquely contemporary. With this in mind, our view is that many existing levers of policy may be ill-equipped to meet these challenges. Instead we require a new way of thinking about power, institutions and organising in the workplace. An ambitious transformation of the world of work requires a bold political vision and not only policy oriented solutions. There is currently a gap between what workers need, and what many believe is possible. Our goal is to change what is possible.

- 1 *Workplace technologies confirm to path dependencies; once installed it's very difficult to wind back their use or have them uninstalled. Particularly in the case of technologies that are designed to be ubiquitous, their use is rapidly normalised. As such, interventions must happen at the outset to protect against issues of function creep.*

Establish industry level worker councils to negotiate the use and scope of surveillance and other disruptive technologies in the workplace. Implementation of the Ethical Framework for Workplace Technology (detailed on page 19) can be used to support industry specific discussions. With the support of government, worker councils can help facilitate the co-design of technology between workers and their employers at any stage, not only during collective bargaining rounds.

Worker councils would ensure workers:

- › co-determine how surveillance, data collection and labour-saving technologies are introduced in their workplaces;
 - › have the right to access and use all data to improve working conditions;
 - › have the right to ban certain forms of surveillance or data collection when it infringes on privacy or causes harm.
- 2 *There is a significant gap between the capabilities of new technologies—particularly surveillance—and the legal, industrial and social protections necessary to mitigate the risks of harm to workers. Many technological issues don't neatly fit into pre-existing dispute resolution processes and legal frameworks are not always specifically applicable to the workplace. Many workers express a lack of understanding of their "technological rights." This is particularly the case in instances where new technologies are obscuring or even replacing traditional management structures, in effect automating middle management and human resources roles.*

Establish an independent tribunal to hear worker disputes regarding unethical use of technology in the workplace. Particularly in cases resulting in worker discipline or termination, workers have the right to challenge employer actions based on surveillance or opaque data collection. The tribunal can also capture a holistic view of issues and trends as they arise, providing lawmakers with information regarding persistent workplace issues. The tribunal could also provide important oversight over the fairness of algorithmic and automated decision making in the workplace. New institutions are needed to regulate and protect workers' rights in the digital age and to play a role in breaking up data monopolies.

A participative industrial relations system that is fit for purpose in the modern workplace. Safe and democratic workplaces need genuine worker voice and engagement. Unions must be empowered to represent and organise workers in the realities of twenty-first century workplaces. Existing OHS laws and powers should be extended to recognise safety issues arising from unethical technologies. Enterprise agreements should also address the use of digital technologies, particularly the scope of surveillance and data collection.

Privacy thresholds in the national employment standards. Basic workplace protections should not be solely contingent on union membership, particularly at a time when Australia's union density is low. Privacy thresholds and policies that limit the scope of surveillance and other invasive technologies should be included in the national employment standards.

- 3** *Workers report the widespread use of invasive surveillance technologies in non-work spaces, such as break rooms, for overtly disciplinary purposes. Many industries are so deeply monitored that workers have come to expect surveillance and have internalised cultures of self-surveillance even if no such technology is actually in place. Secretive uses of surveillance mean workers cannot know if they are being watched or not which causes psychological harm.*

Policies to limit punitive scope of surveillance. Employers must enact policies that limit the scope and use of surveillance technologies to abolish surveillance in non-work areas such as break rooms, and prevent disciplinary actions resulting from surveillance. Disproportionate surveillance should be understood as an OHS risk.

- 4 *Technological change can be both radically disruptive and also have quiet moments that undermine the social contract gradually over time.*

Genuine worker alternatives from invasive technologies to guard against function creep. Technologies with bodily sensitivities such as facial recognition and biometric data collection should be “opt-in” only, and require informed worker consent. To be meaningful, choice requires genuine alternatives that do not disadvantage the worker and the cost of refusal must not be punitive.

- 5 *Medical surveillance of workers is an issue of increasing concern. This is expected to accelerate amid Covid-19 and as medical and health data grows in strategic importance for firms.*

Personal health and medical data must be protected by law to safeguard against discrimination. Workers must be able to refuse employer’s requests for access to their medical histories. Workers could take complaints of this nature to the tribunal discussed above.

- 6 *Many workers report issues of work intensification and unsafe working speeds and KPIs. Particularly as the cost of job loss rises amid increasing unemployment levels, employers gain further power to erode existing norms, wages and conditions.*

Reduction in work time, without loss of pay. New technologies and increased mechanization can allow for increased total output with less work. One way to capture the social benefits of productivity gains is to reduce average working hours. This addresses issues of

underemployment and unemployment too, as it allows for more people to share in the work that is to be done whilst also increasing leisure time. Shorter work time can be obtained through measures such as a shorter working week, a four day work week, increased annual leave, opportunities for mid-career family or educational leave, and earlier retirement.¹ The implementation of such measures are challenged by widespread casualisation and irregular forms of work that typically suffer from issues of underemployment. Addressing issues of over-work and underemployment can be collectively met through greater employment security.

Greater powers to cease work and strike over unsafe work design. Work intensification must be recognised as a serious OHS risk by WorkSafe.

- 7** *Technological advancements are disembodied from the labour that produces them and disproportionately benefit owners of capital. This causes anxiety and resentment among some workers rather than optimism for genuine innovation.*

Redistribute productivity gains from technology back to labour via a universal basic dividend. The dividend is administered by the state to redistribute a share of productivity gains from firms to every member of society as a basic payment. While the payment would not substitute for a living wage, it would pay out as a social dividend on our collective wealth arising from technological progress. Normalisation of the basic payment would help to socialise technological achievements.

Data must be held in common and not treated as private property. The term ‘data mining’ is misleading as it implies that valuable data exist everywhere and should be harnessed so they don’t go to waste. In reality data is manufactured, and workers must decide which data is manufactured and recorded in their workplaces. These decisions can be formalised in enterprise agreements. Data determined to be beneficial

for workers in improving working conditions must be held in common and protected by adequate laws. Workers must be able to know what data is held about them by their employer. Further, monetising the on-selling of worker data to third parties should be cautioned against for two reasons. First, unions must challenge the notion that all labour can and should be commodified. Second, the wage labour system requires labour to be purchased for less than its true value—there is no reason to expect the sale of workers’ data to be any different.

- 8** *Workers experiencing mass dislocation by labour-saving technologies in traditional union industries fear that future employment opportunities will be of diminished quality, wages and conditions.*

Lifelong training fund be made available to all workers at mid-career or late-career age. The training fund would offer genuine retraining and professional development that is tailored to each worker’s skills and interests. This would require government investment and improvements to VET and TAFE.

Just transitions that leave no worker behind by ensuring gradual and just transitions from rapidly changing industries such as warehousing and fossil fuel industries. Jobs created from the transition should be offered to redundant workers in the first instance. Generous voluntary redundancy packages must be offered to workers approaching retirement age.

- 9** *There is a strong interrelationship between technology and insecure work. Insecure employment relationships are more amenable to exploitative uses of technology, and in turn, this exploitation creates a downward pressure on the quality and security of other forms of work. In very precarious forms of work, sophisticated technology is not required for effective worker discipline and surveillance.*

Put a floor under all workers. Raise the minimum wage to a living wage and increase the tax free threshold to \$25,000 to help stimulate low paid workers. Universal paid sick leave for all workers irrespective

of employment status. Impose smaller wage differentials within firms to achieve greater income equality. Permanently raise JobSeeker (formerly Newstart) to \$550 per week and abolish mutual obligations and predatory job service providers.

Extend essential public services to all including temporary visa holders, migrant workers and undocumented workers. Universal basic services include unconditional access to Medicare and health services, affordable housing, quality public education, effective public transport, legal services and universal public early childhood education and care.

Abolish ongoing insecure work in all essential and frontline industries. This includes ongoing labour hire and subcontracting arrangements. Workers must be offered conversion to permanent part or full time positions after three months of employment. Abolish all piece rate and cash contracting arrangements.

- 10** *Many of the technological issues reported are not sophisticated in nature, but simply old technologies applied in an increasingly punitive manner. Australia is in fact lagging behind many other OECD countries when it comes to technological investment and innovation. Capital has failed to invest in genuine innovation and growth, instead favouring financialisation and rent-seeking behaviours.*

Invest in jobs of the future. Demand for health care, in-home support and social assistance is expected to triple by 2050. Current failures of the for-profit aged care system highlight just how important it is to resource the care industries properly. These are low-carbon, high social value jobs of the future, yet the financial reward and support is currently inadequate. These industries must attract living wages, security, good conditions and respect. The state has a role to play in resourcing and investing in sustainable and caring industries of the future.

Introduction

United Workers Union: who we are and what we do

United Workers Union (UWU) is a powerful union of 150,000 members across more than 45 industries and all walks of life. Our members work in essential and frontline industries, touching the lives of millions of people every single day. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops.

This submission draws upon the experiences and insights of a diverse group of workers. Semi-structured interviews were carried out with members, delegates, organisers and union leaders from the following industries:

- early childhood education
- casinos
- warehouses and logistics
- farms
- market research and call centres
- manufacturing
- food and beverage manufacturing
- aged care, disability support, health and homecare
- poultry and meat
- hospitality
- paramedics and ambulance
- cleaning
- security

The breadth of our membership base underpins the value of this submission. Insights are drawn from worker experiences that are richly diverse in terms of employment type, labour process, location of work, different worker nationalities and visa arrangements, traditional union jobs and emerging industries. This diversity highlights points of contrast as well as near-universal trends across industries. Worker experiences of technological change exist on a spectrum ranging from:

- The relatively benign, reasonable or even useful;
- Instances of function creep and concerning future trajectories;
- Current uses of technology that must be regulated with input from workers and their unions;
- Uses of technology that are unacceptable in any context, in any Australian workplace.

Technology in the workplace: tools or weapons?

Much of the anxiety surrounding new technologies in the workplace is understandable. Broad-sweeping narratives pervade the stories we tell workers about their futures, often conforming to simplistic utopian or dystopian binaries. Workers are told they must reskill, learn to code, and obtain higher and higher levels of education to be “future ready,” whilst at the same time, structural forces are held responsible for the move towards a “jobless future.” A feeling of being stuck in an impossible contradiction between individual responsibility, and structural inevitability, has exacerbated frustrations and a sense of powerlessness over our working lives. The view of UWU is that we need to reimagine technology and work with the aim of building hope and power for working people to have a say in how their working lives are organised.

This submission understands technology as not merely physical artefacts or black boxes, but as complex systems embedded in social relations and political processes. Typically, two strands of thought tend to dominate how we understand technology: *determinism* and *social constructivism*. Technological determinism assumes innovation is an inexorable, unstoppable force. Technology is disembedded from the

rest of society, moving in a linear fashion from one invention to the next. For instance, companies may talk deterministically about automation or other disruptions that result in job losses. However, which technologies are implemented, how and why, is always a matter of choice. Alternatively, a social constructivist understanding may view technology as value-neutral: a mere tool which is neither positive or negative. The NRA slogan “Guns don’t kill, people do,” is a potent example of this logic. Such a view places great emphasis on regulation as it is the external context that is thought to give meaning to the technology.

However when we think deeply about certain technologies, particularly those of great sophistication, it becomes clear that technology is not simply neutral but often adheres to its own internal logics. For instance, it is hard to conceive of nuclear weapons as neutral. Even when they are in storage with no intention of use, nuclear weapons serve one purpose only—mass destruction. Irrespective of social context, certain technologies are powerfully predisposed to serve a particular function. *We should think very critically about technologies which can not, in any social or political context, be repurposed to serve a broad public good.*

Of course, many workplace technologies are less clear-cut than nuclear weapons. Often their potential functions are broad but they are used for the narrow purpose of accumulating profit for the owner of the technology. In this instance it can be said that many workplace technologies are *ambivalent, yet biased*.² That is, the technology contains many possibilities but tends to be used in one particular way. The goal of this submission is to unpack this ambivalence and discover other possibilities; new ways to conceptualise of technology that can serve a broader social function.

We know technology doesn’t fall from the sky, but how exactly does it come into being? Why are some technologies invested in and not others? For the most part, technological research, development and implementation is not democratic. In some cases it is overtly anti-democratic. This is why technology tends to embody the values and logics of the dominant class. Currently, technological innovation is driven by workers yet the share of gains goes disproportionately to capital. If power relations were different, technological innovation could serve a broader social project; a public good.

Who gets to decide which technologies are implemented in our homes, communities and workplaces? How could we transform the world of work if radical new technologies were repurposed to the benefit of workers and communities, not just profit?

Just like any other major political decision in our workplaces, workers must hold a position of decision-making power. This extends to surveillance, automation, data collection, gig work and other technological processes that have the potential to undermine the quality of work. This is not about standing in the way of progress, but about ensuring democratic oversight in how we shape our collective future. Technology, like any other development in our society, should require broad economic and social consensus, particularly when the technology is very disruptive. Companies that are developing and deploying new technologies that disrupt our working lives must accept greater responsibility for the future. This approach to technological change is grounded in an awareness that secure work is an essential base from which workers can organise and take control of their lives.



Technology and insecure work: twin drivers of change and uncertainty

UWU members regularly report insecure work as the leading issue in their workplaces. For insecure workers, wage increases are meaningless if you don't have a shift the next day. This is why our campaign for "Jobs You Can Count On" is central to the vision and actions of our union.

Firms have access to a range of legal mechanisms that can systematically weaken the employment relationship or outsource it entirely: labour hire, sham contracting, casualisation, opaque supply chains, gig platforms and more. Legally, this seeks to move risk away from the firm and onto individual workers. At a social and interpersonal level, it also diminishes moral expectations of employers and any sense of mutual reciprocity between people in a workplace.

The result is a fundamental erosion of the social contract that undermines everyone's collective security, as was so starkly demonstrated during

workplace outbreaks of Covid-19. Long term employment insecurity, even when the work demand is regular and predictable, causes real harm to working communities and to the public at large.

Whilst technology does not cause insecure work, it can play a role in deepening and accelerating existing fault lines and inequalities in our workplaces. Without job security, workers can not fully participate in their workplaces or speak up on important issues without fear of job loss. Put simply, insecure workplaces are unsafe and anti-democratic. It's unacceptable that any worker should live day-to-day, waiting for a text message to confirm tomorrow's shift, potentially for years on end. Without notice insecure workers can be "no longer required"—a euphemism for termination without the accompanying legal protections of unfair dismissal. This way of organising work is inefficient, unethical and unnecessary.

Insecure work is not a technical problem, or an issue of misaligned labour supply and demand issues. Insecure work is first and foremost an issue of power. Employers know that insecure workers have limited power to speak up and assert their rights.

UWU seeks long-term transformative change to the world of work. A world in which people earn a wage that reflects the real social value of their work, affording them comfortable lives, enough time and security to care for their families and loved ones, pursue other interests and enjoy well-earned leisure time without the intrusion of economic worry.

Ethical framework for workplace technology

Many of the issues raised by UWU members are varied and complex, each carrying specific requirements of different industries. When workers speak of “privacy concerns” for instance, this is often a catch-all for a multitude of concerns including autonomy of the individual, worker dignity, erosion of trust, disrespect, deskilling anxieties, a sense of powerlessness over change, work intensification, and more broadly, abuses of employer power. As such, no general rule or blanket policy can easily apply across this many contexts and still remain meaningful or relevant. However there must be a process whereby workers can collectively discuss and negotiate the use and scope of technologies with their employer in the context of their specific workplace. Such a process can be formalised and supported by unions and government regulation.

The following questions are intended as a guide for workers councils, employers and governments to establish an ethical understanding of how technology ought to be used in the workplace. In trying to chart these conversations, we take the view that *“we are better served by an imperfect compass than a detailed map.”*³

A framework for ethical technology in the workplace:

- 1** Does the technology cause physical or psychological harm? What are the OHS implications of its use?
- 2** Are reasonable steps taken to minimise any potential harm, perhaps by limiting the scope of use?
- 3** Is the use of the technology overtly punitive?
- 4** Does the technology violate reasonable expectations of privacy or violate personal (non-work) boundaries?

- 5** Are workers aware of surveillance and data collection? Do they understand what surveillance/data is being collected, who seeks it and why?
- 6** Have workers provided informed consent? Are there opportunities to opt-out? Is the cost of opting-out disproportionately high and not a genuine option?
- 7** Is information collected used only for its original and stated purpose which has been consented for? Does the information stay with the original collector or does it move elsewhere? Are workers able to review and amend any data collected about them?
- 8** Is surveillance and data collection broadly applied to all members of the workplace?
- 9** Does the surveilled group have adequate protections to challenge a scope of use that results in punitive or disciplinary action?
- 10** Would those responsible for surveillance agree to be its subjects under the same conditions applied to others?
- 11** Was the decision to introduce invasive or disruptive technologies arrived at through a process of transparent public decision making or negotiation with workers?
- 12** Who is the beneficiary? Does the technology serve a broad public good, the goals of the worker, or the goals of the employer?
- 13** Is the use and scope of the technology proportionate to the risk it seeks to mitigate? If not, are there alternatives that can be taken at lesser cost to workers?
- 14** Is the use of a particular technology likely to create precedents for future unethical trajectories or function creep?

Technology at work

Surveillance

Surveillance is not new. Rather, it's a fundamental feature of work that came to prominence during the Industrial Revolution with the creation of centralised areas of production. Some have argued that the shift from water power (countryside) to steam (industrial zones) was partly driven by early capitalists' desire to oversee and control workers more easily.⁴ In the factory setting, Frederick Taylor was the first person in recorded history to systematically observe and study work and workers. His famous time and motion studies informed the philosophy of scientific management and Taylorism that came to exemplify workplaces of the Twentieth Century. The core principle of worker supervision gave birth to management and many other practices that remain central to our workplaces to this day.⁵ In this sense, the modern workplace itself can be considered a technology of surveillance.

Discussions of contemporary surveillance often reference the *panopticon*; the structure that allows a single person to exercise surveillance of all inhabitants without them being able to tell if they are being watched or not. The panopticon is usually attributed to social theorist Jeremy Bentham's prison design. However the original invention came from his younger brother Samuel who constructed the first panopticon at a shipbuilding yard in Russia, within which recruits manufactured equipment and supplies for the Russian navy.⁶ Even the panopticon has its roots not in prisons, but production.

4. Malm, A (2016) *Fossil Capital: The Rise of Steam Power and the Roots of Global Warming*, Verso
 5. Taylor, FW (1911) *The Principles of Scientific Management*, Dover Publications New York
 6. Christie, I (1993) *The Bentham in Russia 1780-1791*, Berg Publishers

To reimagine contemporary surveillance we need to take a long view of history. This is why in our view, terms like “surveillance capitalism”⁷ are not always helpful and may unintentionally obscure the deeply interrelated histories of both surveillance and capitalism. Many issues of surveillance identified by UWU members can be understood as capitalism doing what it has always done: driving work intensification to ensure future profits, creating disciplinary workplace cultures and practices to assert power over workers, and intimidating efforts of organised resistance.

In discussing surveillance, workers acknowledge the appropriateness of surveillance in particular environments. This includes highly regulated environments such as casinos, food manufacturing or areas with access to controlled substances. Unlike surveillance debates contextualised in spheres of consumption, workers tacitly accept the need for some surveillance. Issues arise however when the scope of surveillance becomes overtly punitive, invasive or disproportionate.

Proposed solution

- > Establish industry level worker councils
- > Establish an independent tribunal to hear worker disputes regarding unethical use of technology in the workplace.



Surveillance and worker discipline

UWU members overwhelmingly report issues of CCTV over-reach and use of surveillance for the singular purpose of disciplining and terminating workers. The footage is presented as irrefutably evidence of wrong-doing, even when the infraction is unclear or manufactured. Often the worker does not have a reasonable opportunity for right of reply or opportunity to defend themselves.

In particular, workers note the use of surveillance in non-work spaces such as break rooms as being invasive, overtly punitive, and damaging to workplace cultures. Examples of this nature were reported from every UWU industry with key case studies highlighted below.

- › At an early education centre in Port Pirie South Australia, the employer installed covert surveillance cameras in numerous areas of the centre. Educators became aware of the issue and successfully organised to have the cameras removed. Educators argued the cameras must be removed in the interest of child safety which gained the support of families who use the centre. Leveraging strong union density and a culture of collective action, educators were able to have the cameras removed and were made assurances they will not be installed again. Owing to the secretive nature of the technology, such assurances may not be guaranteed.

Hospitality Case Study

Casual hospitality workers report the use of CCTV as a tool of micro-management that can feel like harassment. The following testimonials were provided by hospitality workers via the union-made Fair Plate website that allows workers to rate their boss and employment venue.⁸

I was treated abysmally at this venue. Owner and management were constantly micromanaging: the boss has a habit of sitting at home or in his office and watching staff through the security cameras, he'll then call the cafe to complain about whatever you're doing. Absolutely creepy (2018).

Micro management and cameras setup in every corner to watch you. It feels like you're in a jail more than a workplace (2018).

The boss was never in the store but would always watch us on the cameras. He would call us and text us 20 minutes into our shift to tell us we weren't doing enough of what he deemed to be our job from watching us through the cameras. The few times I signed out after the official closing time my hours were changed on the app by my boss to make it seem as though I had signed out at the closing time rather than the time I actually finished (2017).

Very stressful workplace to be in. Staff constantly monitored by different surveillance systems. Staff made to wear recorded head sets and cameras were placed all throughout the venue (2018).

One of the team leaders I worked with was fired for asking for a break after a seven hour shift. There is a total lack of respect for staff, while working you are constantly being watched on CCTV cameras placed around the restaurant which they monitor from home. Staff would often work 6-7 hours without breaks and kitchen staff were completely overworked in unsafe conditions. All these guys care about is money, staff are disposable, no matter how hard working or loyal they are (2019).

Management/Owner is extremely sales focused and greedy, staff are constantly watched on cameras and questioned when they leave to go to the toilet (2020).

It was one of the worst places I have ever worked at. They have cameras in different parts of the restaurant to check on what you're doing. The other manager watches and sends directions of what you're supposed to do and what you're doing wrong on this weird WhatsApp group of a select amount of the venue's workers (2018).

- › Food manufacturer Smiths Chips installed a disproportionate amount of surveillance cameras following the “needles in strawberries” food tampering scandal of 2018. Under the guise of food safety and transparency requirements, the cameras were installed throughout the production area as well as staff break room areas. The company refused to implement policies that would limit the acceptable usage and scope of surveillance to only food security and safety issues. The footage is now used at the discretion of management to discipline and appropriate blame to workers. As a point of contrast, policies that limit the scope of acceptable use of surveillance footage were successfully implemented in the Schweppes / Asahi Enterprise Agreement 2017.

- › In 2019 Crown Casino Victoria significantly increased overall surveillance on site, including in non-work areas such as break rooms. Footage has been used to terminate several employees.
- › At major Victorian oil refineries, sophisticated forms of surveillance have been positioned at every area of production, ostensibly as an anti-terrorism measure. Low-light and thermal imaging cameras, high quality voice capture and facial recognition technologies capture every worker movement, sound and conversation that takes place on site. Despite relatively high wages and secure working arrangements, workers report potential psychological hazards of the culture of surveillance they described as “omnipresent.” The potential for these systems to unfairly target conversations related to union activity or general health and safety issues presents reasonable concern of function creep.
- › Referring to Amazon fulfillment centres, organisational psychologist Heather Ikin reported to the ABC her view that Amazon’s practices are a form of “abusive supervision” that creates a constant sense of anxiety among staff.⁹ The comments came in the context of an investigative report including UWU members. Worker stories highlighted the use of not only technological surveillance but also heavy-handed management techniques of constant observation.
- › Paramedics and workers in pharmaceutical manufacturing and logistics explain that surveillance in certain areas of their work, such as around controlled substances in “drug cages” is entirely reasonable and not a contested use of surveillance.
- › Logistics company CTI combed through a three month period of CCTV footage to find evidence against two active union members. Both were successfully terminated, one for the infraction of “time theft” which the company claims is the act of stealing time from the employer.
- › In 2019, when Woolworths Minchinbury warehouse workers announced strike action, the company erected two mobile CCTV stations outside the distribution centre to record workers taking legal industrial action.¹⁰

9. <https://www.abc.net.au/news/2019-02-27/amazon-australia-warehouse-working-conditions/10807308?nw=0>
 10. <https://www.dailytelegraph.com.au/news/nsw/1000-woolworths-workers-at-its-minchinbury-distribution-centre-to-strike-over-a-pay-dispute/news-story/fd0a224a8e1870aaa9a47983befe9b9>

- › Social media monitoring is an issue raised by workers across several industries. Particularly for companies very protective of their brand image, monitoring employee social media accounts both in and out of work time has become common practice. For instance Crown employees are openly told that their accounts are monitored by a member of HR, as their online action reflects the company they work for. If a worker called in sick, they would assume a member of HR will comb the worker’s social media accounts that day looking for geotags or other forms of data that might demonstrate an “inconsistency” with being sick. Findings can lead to workplace discipline or termination. Further, an increasingly number of workers are prohibited from publicly identifying as an employee of a certain company, and must sign media gag agreements as a conditions of employment.

Proposed solution

- › Policies to limit punitive scope of surveillance
- › Privacy thresholds in the national employment standards



Biometric data and surveillance

Surveillance involving the use of biometric data such as facial recognition, voice capture and fingerprinting are considered a heightened and more invasive form of surveillance with unclear future consequences for privacy and non-workplace uses. There are many particular sensitivities involving the face and the body under surveillance. Workers report these technologies to be particularly harmful and invasive.

- › It is expected that facial recognition technology will soon be introduced to Australian casinos as this is already widely used in the industry abroad. With sophisticated capabilities for worker tracing and surveillance, facial recognition not only raises serious privacy concerns but also reduces the need for human surveillance operators as these jobs are effectively automated.
- › In Queensland casinos, safety and security officers are required to wear audio recorders for the duration of their shift. At the time of implementation, this was purportedly to safeguard the officer from false complaints by customers and protect the company from liabilities issues, particularly in first aid situations or when a patron is asked to leave or physically evicted from the premise. However the audio is also reviewed by management and used to “catch” and discipline officers who make private comments to each other that are deemed unacceptable. This has eroded trust and goodwill between security officers and management.
- › At major oil refineries in Victoria, facial recognition technology is deployed throughout the facility and at all entrance points to the site. Workers and guests can observe the facial recognition technology at the front gate, noting a yellow square tracking the face before turning green or red depending on their clearance level and acceptance. It is unclear if workers were consulted before this technology was implemented. Before the technology was publicly displayed, workers realised their security swipe cards did not function correctly in the hands of another worker and correctly assumed facial recognition technology was also in use at checkpoints within the facility.

- › Voice capture is suspected at certain casino and third party logistics sites, following disciplinary actions in which management was able to provide verbatim worker accounts without a clear source. In some instances management have implied another worker has provided the testimony, sowing seeds of distrust between co-workers.
- › In the warehousing and logistics industry, CTI Logistics attempted to introduce fingerprint time attendance machines, to be used by workers clocking in and out. The need for such technology was purportedly due to administrative errors being made in the traditional timekeeping system. Members of UWW successfully challenged the fingerprinting device and had it uninstalled.
- › Temperature testing is being carried out at numerous sites, at the request of workers. In most cases workers actively organised to have temperature tests introduced as a safety measure.



Facial recognition technology case study

A security officer working at the Department of the Prime Minister and Cabinet building in Canberra was threatened with disciplinary action should he fail to provide “voluntary consent” to facial recognition software.

“I raised these concerns with [the company] hoping that they would be taken seriously. Instead, they just ramped up the pressure to get me on the app. The operations team was calling me every shift asking me why I wasn’t using the app, even though I told them daily.”

The app, Business Operations Support System (BOSS), requires security-cleared guards to take passport-style photos in uniform, inside classified government worksites, which are then uploaded to an unclassified non-government server.

Without addressing his specific concerns, the company issued a second warning letter threatening disciplinary action should there be “further instances of non-conformance.” This made it clear that the company was not interested in “voluntary consent” and was going to threaten the worker until he complied. Following this, the worker received a third performance note.

It is believed that claims made by Prime Minister Scott Morrison in June regarding cyberattacks targeting Australian businesses and government agencies may have driven the zealous approach to implementing BOSS.

Following a meeting with UWU the company has agreed to allow sign-in via alternative method. As the worker states, “they have agreed to drop all warnings, but I never should have got them in the first place.”

Proposed solution

- > Genuine worker alternatives from invasive technologies

Cultures of self-surveillance and lateral surveillance

In addition to widespread surveillance technologies, workers also report *cultures of surveillance* in the workplace. This includes an expectation or assumption of surveillance—be it present or not—prompting workers to regulate their own behaviours. Such behaviour is understandable as many employers conceal surveillance from workers, installing “nanny cams” and the like in the workplace and non-working areas. Such activities undertaken by employers are deeply unethical as they are, by nature, unknowable.

Further, lateral surveillance is also reported. In these instances workers are tacitly or overtly encouraged to actively participate in the surveillance of fellow workers. The effects range from the relatively benign, such as observing stringent OHS practices collectively, to more concerning trends that threaten to undermine solidarity and social harmony in the workplace.

- › At Crown Casino Victoria, it is strongly suspected that voice recording technology is installed back of house, in break rooms, and in the on-site union office, although there is no material evidence of this. Regardless, union officials and members have internalised the expectation of surveillance, and as a result do not discuss union matters in the workplace but rather hold these meetings offsite. This is common practice across workplaces around the country—important union conversations are held elsewhere.
- › In poultry facilities, live footage from the kill floor was until recently streamed into break room televisions. A hierarchical culture enforced by management encouraged workers on break to critique the actions of workers currently on the floor, creating a strange culture of lateral surveillance and bullying. Further, the footage is extremely graphic and potentially disturbing viewing for workers attempting to take a break from their shift. In 2019 the United Workers Union intervened to have this practice stopped. Now, most companies play promotional videos on break room TVs. This includes graphs and charts indicating the company’s productivity outputs.

Medical surveillance

Medical surveillance is vast and differs widely between different occupational settings. Ostensibly, it's a program designed to ensure worker health and safety through the early detection and treatment of diseases associated with a particular industry. At the international level, The joint International Labour Organization / World Health Organization Committee on Occupational health have, since 1995, established databases and programs to share information relating to occupational health.

In practice however, medical surveillance is often coercive and invasive with no clear benefit for workers. Instead, many UWU members and officials report an increasing expectation on the behalf of employers to be able to gain access to employee medical records and histories. Whilst this trend is connected to HR practices of managing risk and liabilities, it's also now aligned with the strategic importance of health data. The consequences for workers are unclear however there is emerging evidence to suggest the collection of such data could be used in screening processes for new employees resulting in medical discrimination, as well as other disciplinary measures. Existing trends are already accelerating in the context of Covid-19 which has provided retrospective justification for these practices.

- › Several casinos receives an exception under Australia's non-smoking laws to allow smoking in certain VIP areas of the casino, ostensibly to attract international business of financial significance. As a result, workers of these areas are subjected to second-hand smoke which is known to be harmful. Smoke-exposed worker health checks were originally implemented at Crown Perth and then Crown Victoria. The union was satisfied with the checks in theory and welcomed implementation, however use in practice is questionable. Workers are interviewed and asked health questions that are at times invasive and beyond the scope of work-related health issues. Workers feel they must answer truthfully however they are not informed of how the data is used, why, and for what purpose. Workers are not notified of the health test outcome unless they "fail"—which is the language used by the company—and the worker must subsequently be transferred to another area in the casino.

- › Women returning to work after having a baby have reported employer requests for Certificates of Capacity or comprehensive medical histories to demonstrate their ability to return to work. Such a practice has gained traction in recent years, presumably for company liability reasons, particularly in more physical roles and industries. However, pregnancy is not an illness, injury or disability and as such the requirement to produce a Certificate of Capacity is inappropriate. Affecting only women workers, the practice may create further barriers for women returning to work after giving birth, a period already fraught with discrimination. An UWU Director has noted circumstances in which a woman worker will request a Certificate of Capacity from her GP at the request of her employer. Her GP, unaware of the employment dynamic, will often request “light duties” for their patient, believing they are being helpful. However the employer will then interpret such a request as proof the woman is unable to return to her pre-leave position, and use this medical certificate to undermine her legal right to return to the same position held before taking leave. This may result in demotion or threats to job security. In such instances, the woman is caught between the decisions of her GP and employer, diminishing her agency during the return-to-work period.
- › At the L’oreal warehouse, management has requested employees provide access to comprehensive medical records. This is often upon returning to work after taking sick leave, and is perceived to be a punitive measure. In some instances employees must provide contact details for their personal GP and sign a waiver to allow access to records before they can return to work. This trend began at the company’s US-based warehouses and has now been adopted in Australian sites.
- › At a Coles cold storage facility, workers returning from sick leave or carer’s leave must sign a form indicating the nature of their illness. The form asks questions such as “were you given prescription medication?” and other invasive questions. Workers report that signing the form and answering the questionnaire is a condition of being paid the sick leave they are entitled to, which is unlawful. Worker may also receive a phone call at home from their shift manager to check they

are okay, however workers understand this is an act of surveillance. In a stunning example of company doublespeak, the HR initiative is called “Spread the Love.”

- › Workers who become injured in unsafe workplaces may apply for a worker’s compensation claim. In this instance WorkCover can legally conduct covert surveillance of the claimants’ activities to determine whether they are injured to the extent put forward in the claim. This typically involves a private investigator using a still camera or video camera to capture images of the workers as they go about their daily lives. The worker’s compensation industry has long been criticised by unions for its demeaning treatment of injured workers. Many have reported that their subsequent treatment by insurance providers and a network of dodgy doctors who received financial reward for terminating claims was as bad, sometimes worse, than the original injury.¹¹

Proposed solution

- › Personal health and medical data must be protected by law.

11. <https://www.injuredworkersupport.org.au/category/membersstories/>

Working from home and other Covid-19 trends

When Covid-19 hit in March 2020, many living rooms and kitchen tables were transformed into workplaces. Almost immediately, working from home (WFH) surveillance and monitoring technologies proliferated. The speed at which they hit the market suggests that perhaps such devices were already developed but waiting for an opportunity for marketing relevance. Sales in software that monitors employees working remotely has surged, with some companies reporting a 300 per cent sales increase between March and May 2020.¹² Common features of WFH surveillance technologies include:

- › recording shift start and end times
- › recording how long is spent on a website or in a program
- › monitoring if the worker is physically at their computer and tracking location using complementary software apps installed on the worker's phone
- › taking screenshots of the computer screen at regular intervals
- › the ability to log in and access the computer live
- › monitoring keywords and emails

The collected data is often used to determine KPIs and productivity scores. The use of at home employee monitoring technologies has outpaced Australian employment laws and regulations with unclear consequences for workers' legal protections.

Call centre workers have been asked to work from home throughout the Covid-19 situation. This has required workers to install the necessary software on their home computers themselves, in unpaid time, and to absorb any further costs associated with working from home. The call centre is already an incredibly surveilled workplace and this expectation to monitor every aspect of the labour process has caused frictions for employers moving to WFH arrangements.

12. <https://www.abc.net.au/news/2020-05-22/working-from-home-employee-monitoring-software-boom-coronavirus/12258198>

Call centre case study

Jonathan is an experienced call centre worker in the field of social research. His work involves conducting surveys over the phone, typically for government clients. Jonathan is not employed directly by the government agency but rather works in a subcontracted call centre that covers government contracts. As a result his hourly rate is \$3-\$4 lower than a directly employed worker doing the exact same job. Jonathan was informed by his manager that two weeks prior when WFH, he had a period of 45 minutes unaccounted for on a particular shift. Such data is possible as the software used to run the surveys has its own internal stopwatch that reports back to the team leader. It also tracks and times how much time is spent in a particular screen and can raise an issue when too much time is spent on a particular task.

Unable to remember exactly what he was doing that particular day, the matter was escalated to senior management who demanded to know exactly where he physically was during this time. This 45 minute break in surveillance caused considerable grief and anxiety for the company. A perceived productivity loss of \$27 (the worker's hourly rate) resulted in several meetings involving members of upper management, formal letters of correspondence, and a written warning delivered to the worker. Such actions would have cost the company considerably more than \$27 in time and labour, demonstrating WFH surveillance is not just about productivity—it's about power and control.

Shifting productivity losses onto workers may also have the effect of breaking the labour process down into smaller and smaller tasks; moving towards a piecemeal arrangement. In another Victorian call centre, the company has asked workers to absorb any downtime that would be typically be absorbed by the company in a normal working arrangement. For instance, an Uwu member reported that when WFH the fire alarm of his apartment building went off, forcing him to log off and evacuate. The resulting "downtime" of 30 minutes was deducted from his weekly earnings. This signals a concerning move toward a piecemeal type arrangement whereby the worker is remunerated on a task-by-task basis.

While many workers have moved to WFH arrangements, the majority of UWW members have remained in frontline essential industries. Rather than rolling out new sophisticated technology, many employers have continued business-as-usual operations, refusing to implement social distancing or other measures that may impede production levels. This has brought new OHS challenges and health risks.

- › L'oreal warehouse workers are required to sign a liability waiver, stating they accept responsibility if they are to contract Covid-19 on site and that the company could not be held liable. Such waivers may have minimal legal standing but they are deeply disrespectful and erode relationships of trust and goodwill in the workplace.

Proposed solution

- › A participative industrial relations system that is fit for purpose in the modern workplace



Surveillance without sophisticated technology

In some UWU industries—such as poultry, horticulture, and massage therapy—workers labour under shadowy conditions that characterise the “black economy” and even modern day slavery. Egregious methods of surveillance and worker control are prominent in these industries; however the use of sophisticated technologies is almost entirely absent.

The following case studies are highlighted to demonstrate instances of worker control that rely primarily on deeply precarious employment relationships and visa arrangements to control and discipline workers. In such instances, the use of elaborate technology is simply not required. Instead, particular labour processes arrange the work in such a way as to extract maximum speed and surplus value from the worker. This labour process is embedded in other structural vulnerabilities such as visa arrangements, language barrier, rural isolation, minimal to no alternative employment opportunities. The result is a tightly controlled and unsafe workforce.

- › As recently as ten years ago, many poultry workers were getting paid a flat rate cash-in-hand, or working on exploitative piece rate arrangements. The hourly rate was as low as \$10 per hour and piece rates could fluctuate even lower depending on a worker’s productivity levels. Workers would line up in breakrooms to receive their wages in an envelope of cash. While this practice was eradicated through union organising, the industry at large remains very unsafe and precarious for most workers, the majority of whom are migrant workers. To this day, poultry workers report a common management tactic in the industry: if a worker’s productivity levels are deemed too low their manager will stand behind them with a stopwatch, without saying a word. This practice echoes Frederick Taylor’s early experiments with time and motion studies on the factory floor.
- › In Australia’s horticulture industry, almost all farm workers are in insecure work that is casual, unpredictable and indirect. The vast majority of workers are employed through labour hire agencies and subcontractors. Grower’s over-reliance on contractors has entrenched casual and insecure employment arrangements even when the work is consistent and predictable. The outsourced employment relationship enables unlawful work practices to develop in the shadows.

Contractors in the horticulture industry exercise a very high degree of control over workers' lives. In most cases the contractor will arrange accommodation and transport for workers, charging them exorbitant rent and fees for such services. Substandard accommodation can be charged at rates as high as \$150 per person per week, for a single bed in a crowded dormitory style room. Often the contractor or a family member will own the accommodation and means of transport, monitoring workers' movements and conversations, and engaging in other controlling behaviours such as confiscating mobile phones and reading text messages. In remote locations and isolated from the general public, workers are extremely vulnerable to sexual assault and other abuses.

- › Seven women from the Philippines were trafficked to Australia to work at *Foot and Thai*, a massage parlour in Canberra. The owner of the venue travelled to the Philippines to find suitable massage therapists and offered them legal work in Australia on a working visa. The women were kept locked in a house owned by their manager's mother and told they were prohibited from having a relationship with anyone in Australia. The women were told that their families back in the Philippines could be killed if they did not comply. One woman escaped from the home in October 2015, exposing the story of what had taken place.¹³

Egregious abuses of power such as this are made possible by deeply precarious working arrangements and a broken visa system that does not adequately protect the rights of migrant workers in Australia. Of course, as we have witnessed over recent years, with the backing of a strong union these workers are increasingly taking action, organising their workplaces and setting an example for the rest of the Australian union movement to follow.

Proposed solution

- › Put a floor under all workers
- › Extend essential public services to all
- › Abolish ongoing insecure work

13. <https://www.canberratimes.com.au/story/5992908/massage-workers-win-unfair-dismissal-case-against-canberra-foot-and-thai/>

Work Intensification

Work, technology and productivity have had a complicated relationship since early industrialists Frederick Taylor and the Gilbreths set out to understand productivity by linking to it human behaviour and movement in the early twentieth century. While early studies claimed to be equally concerned with worker well-being, modern workplaces are now able to measure, track and analyse worker productivity in ways that were unimaginable during Taylor's and the Gilbreth's lifetimes.

KPIs and work rates are often set at a pace close to the maximum that workers can manage, leading to stress, high turnovers, stress and workplace injuries. These practices seek to increase output and discipline workers. While work intensification is as old as industrialisation, new challenges are faced in light of new technologies that introduce a "steep change in power, intensity and scope."¹⁴ Work intensification has historically also been linked to economic downturn. In the current Australian context of growing unemployment, it can be expected that employers laying-off staff will expect those who remain to maintain previous levels of productivity. As the cost of job loss is currently very high, employers have greater power to drive down wages and conditions.

Piece rates create a disciplining force akin to surveillance

- › Piece rates are widely used in the horticulture industry as they enable growers to avoid paying workers the minimum wage, and instead to pay workers by how much they pick. In theory, this should not lead to lower pay as the Horticulture Award requires the price-per-piece to be high enough that the "average competent worker" earns 15% more than the minimum wage. In practice however, piece rates are routinely set at a level that makes it impossible for an average competent worker to earn even the minimum wage. The result is extensive and pervasive underpayment.

Speeding up work-time

The use of technology to speed up the rate of work-time has been a longstanding feature of capitalism. Technology has failed on the promise to decrease work and increase leisure. Instead, electronic performance management and big data drive unrealistic KPIs and performance targets.

Ambulance workers and paramedics case study

The industry faces sustained political pressure to bring ambulance response rates down, often resulting in unrealistic targets and KPIs. These targets are driven not by practical experience in the industry but by data; the biggest growth area in Ambulance Victoria.

Numerous technologies are installed in ambulances that monitors how many seconds lapse between the initial call from dispatch, and when the ambulance starts moving. Once on the road, monitoring systems built into the ambulance GPS automatically send reports that the vehicle is moving. Such processes are appropriate for the industry, however there are issues when the data created is exclusively relied upon to understand response times. In rural areas in particular, the GPS and reporting systems may inaccurately record the ambulance as stationary when it is in fact moving. Flawed reporting can result in disciplinary action particularly when workers are not able to discuss or refute the data, they are merely subjected to it.

When an ambulance arrives at a hospital this is reported via the Ambulance Arrivals Board which is a physical button in the ambulance, connected to an app accessed by paramedics via laptop. Once at the hospital, there is a strict time window of twenty minutes to get the patient out of the ambulance, handover to hospital workers, complete the electronic case sheet and wait until hospital bed availability is confirmed. The twenty minute KPI has been developed by political pressures and data but in reality, it's often not enough time to perform these duties. Under pressure to meet KPIs, ambulance workers and paramedics must often start completing case sheets before they have arrived at the hospital, which can create unsafe working conditions. Although the KPIs

are not a true reflection of a worker's expertise or commitment, they are a key metric considered when awarding promotions and bonuses. As such, meeting KPIs is incentivised over doing the job at a safe pace.

- › Poultry workers work on a production line. Breaks are staggered so that the production line never has to stop. However, when breaks are taken, up to ten workers may leave the production line yet the conveyor belt speed is not adjusted. As a result, a diminished group of workers scramble to keep up with the pace of production for a significant portion of the working day. This work-time is set by the machine and creates extremely unsafe working conditions that can be fatal for workers. The Union has heard anecdotal evidence of a Geelong poultry facility in which predominantly African workers wear nappies on the production line as they do not have time for breaks.
- › Amazon warehouses have attracted international media for their speed, which the company calls "Amazon pace." It refers to the need for slight jogging rather than walking, a practice directly linked to impossible pick rates discussed below.

Pick Rates

In warehouse settings, pick rates refers to the number of items a worker must pick and pack within a particular time frame. The extent to which pick rates drive worker behaviour or disciplinary action is a question of management tactics. The coercive force of pick rates is empowered by insecure working arrangements whereby workers tacitly understand they will not receive future shifts if they don't meet the unrealistic targets. This mutually reinforced dynamic also reduces the role of management as workers will effectively discipline themselves.

Pick rates can obscure the erosion of workplace conditions, such as when workers skip breaks to ensure they can meet the target. The employer can be seen to legally provide breaks however a culture of insecurity will ensure the breaks are not taken. Pick rates are often captured by a hand-held scanner gun which also directs the worker to the next item to pick. This way of organising work breaks the job down into very small tasks that are routine and robotic, often paving the way for new forms of automation. Some workers report the work feels like a video game.

- › Amazon warehouse workers have scanner guns that count down the seconds left to complete the pick. The technology prioritises same-day deliveries that place great strain on workers who must manually collect the items from warehouse shelves to fulfill these online orders. In 2019, a member of UWU reported to the ABC, “I feel like they resent the fact that I’m not a robot and that I’m made of flesh and bone. The time disappears if you don’t make it, just to put the fear of god into you. You internalise that little clock.” Another Amazon worker reported “It’s hard, I can’t make the times in the scanner...it’s really fast. I get stressed. They are always looking for your rates. It’s about numbers at Amazon.”¹⁵

Proposed solution

- › Reduction in work time, without loss of pay
- › Greater powers to cease work and strike



Automation

Automation tends to dominate discussions of technology and the future of work. While automation can mean many different things, here it refers to *labour-saving technologies* that can fully substitute for human labour, as opposed to technologies which augment human labour. In reality it is almost impossible to draw a clear distinction between the two, however broad themes can be outlined.

The resurgence of *automation anxiety* is a symptom of our current era: one where the world's economy has failed to create sufficient employment opportunities.¹⁵ Prominent studies dominate media headlines, proclaiming that as many as half of the world's jobs in industrialised countries are subject to a high probability of automation in the next decade.¹⁶ Popular books such as "*Rise of the Robots*"¹⁷ echo the same sentiment: this time is different, this time robots really will take your job.

However, in Australia, investment in new technology has actually been slow for the past decade, reflecting a broad failure of the business sector to innovate, accumulate capital, create new jobs and improve living standards.¹⁸ Widespread automation, robots and artificial intelligence has captured the Australian imagination, but not yet the Australian economy which remains suitably less dynamic. In large part this owes to a shift to extractive and rent-seeking behaviours, rather than investment from capital in new enterprises and areas of production. In a sense, capital has been on strike for several decades, refusing to take risks and innovate for the future. Australia lags behind benchmarks set by other industrial countries and by some measures, technology-intensity of Australian workplaces is actually regressing.

Academic Aaron Benanav writes, "the decline in the demand for labour is not due to an unprecedented leap in technological innovation, but to ongoing technological change in an environment of deepening

15. O'Brien and Lawrence (2020) "Data and the Future of Work," Common Wealth
 16. Frey and Osborne (2016) "The Future of Employment: How Susceptible are Jobs to Computerisation?" University of Oxford
 17. Ford, M (2016) *Rise of the Robots: Technology and the Threat of a Jobless Future*, Basic Books
 18. Standford, J (2020)

economic stagnation.” This fall in labour demand “manifests not as mass unemployment, but rather as mass underemployment, not necessarily a problem for the elites.”¹⁹

Although automation is not a primary driver of declining labour demand, it can nevertheless cause significant job destruction. For workers unable to easily move into other industries, this is a cause of significant hardship and distress. For UWU members, this is felt most keenly in warehousing, third party logistics, casinos, as well as other service-based industries. While Australia currently lags behind, this may not always be the case. Strong workplace protections and job security are an important aspect of ensuring those most likely to be affected by technological innovation are well-positioned to receive the benefits.

Until very recently, jobs that required non-routine movements, unpredictable environments or cognitive ability were considered reasonably immune to automation. It was speculated that jobs such as cleaning and security would be almost impossible to automate, and due to relatively low labour costs, unlikely to attract significant capital investment to automate such roles. This is rapidly changing. Humanoid and non-humanoid robots are increasingly capable of performing non-routine tasks and even decision making with the use of big data, machine learning and deep AI. Some major employers in Australia are currently using cleaning robots in public spaces. In care industries such as early childhood education and health services, the introduction of labour-saving and labour-augmenting technologies are being trialed around the world.²⁰ Although implementation in the Australian context remains unlikely—it’s no longer impossible.

- › Cleaning robots have been installed on the night shift of Northland Shopping Centre in Victoria, effectively automating half of the work.



19. Benanav, A (2019) Automation and the Future of Work: Part One, New Left Review vol 119
 20. <https://thesector.com.au/2019/10/10/arc-explores-automated-decision-making-what-will-it-mean-for-the-future-of-eccec/>

Casinos case study

Cashier services

Reported employment reduction over the last few years due to purchases of change machines that automate the payout of pokie machines. Machines were also introduced that automatically provide food and beverage staff with a float for their register rather than them having to count out and maintain their own float or needing to visit the cashier service windows to collect change. Food and beverage workers report the benefits of not needing to count money and the start and end of a shift.

Electronic gaming

Some reduction in hours caused by the introduction of ticket in-ticket out system to the pokies that allow patrons to collect a ticket directly from their machine and then insert that ticket into another machine acting like cash and removing the need for a patron to wait for prolonged periods of time for a gaming attendant to arrive and print a ticket. Although this has reduced hours and numbers of staff it is a standard across the industry now and removed the need for staff to carry a heavy ticket printer on their belt which caused workplace health and safety issues for some of those workers.

Surveillance

Chip recognition in table games is currently in development abroad and is likely to reduce the need for surveillance operators in Australian casinos. Currently, overpayment and underpayment correction relies on operators watching the games to pick up mistakes made by the dealers. If chip recognition technology is successful it will reduce the need for operators watching games at all, or dramatically increase the number of tables an operator can monitor which would also lead to a reduction in staff numbers.

Coles and Woolworths case study

In Australia, Coles and Woolworths are leading the development of automated warehouses that draw on AI, robotics and machine learning to manage supply chains. Australia's grocery industry is among the most concentrated in the world with only four big players dominating the market. The Coles and Woolworths Group combined claim a majority 60% market share overall and 80% market share in packaged groceries.²¹ While Coles and Woolworths are in direct competition for efficiency gains and control over the labour process, each company has adopted a different approach to automation. Market analysts and the ACCC have warned that Coles and Woolworths are likely to increase their already dominate market share, particularly as more consumers move towards online food shopping.²²

Woolworths has partnered with Boston-based Takeoff Technologies to develop an agile model of micro-fulfillment centres (MFCs) located close to or inside urban areas. Such an approach is said to address the "last mile" problem of logistics and responds to increasing ecommerce consumer demands that have skyrocketed in the context of Covid-19 restrictions.

On 23 June 2020 Woolworths announced three warehouses will be closed by 2025 resulting in 1,350 job losses. The replacement smart warehouses are an investment of approximately \$1.2 billion and are set to be operational by 2023 and 2025.²³

Coles signed a partnership agreement with UK-based Ocado in March 2019 to build two centralized fulfillments centres (CFCs) in Melbourne and Sydney. Also in development is a new online grocery business using the Ocado Smart Platform. These new facilities are expected to go live by 2023 as Coles also transitions towards in-store picking operations using the new smart platform. Echoing the Amazon business model, the Coles and Ocado partnership offers same day delivery services, stating, "these capabilities are underpinned by our unique ability to

21. <http://www.roymorgan.com/findings/8336-fresh-food-and-grocery-report-december-2019-202003230634>
 22. <https://www.afr.com/companies/retail/supermarket-giants-take-bigger-share-of-food-pie-20200720-p55dkz>
 23. <https://www.abc.net.au/news/2020-06-23/woolworths-automation-will-eliminate-700-jobs/12385292>

understand—in real time—data generated across the order journey and to translate that data into ever more efficient operations for retailers and better experiences for customers.”²⁴

The warehouse and logistics industry experiences high rates of industrial action, including strikes, relative to other industries. It is likely that accelerating rates of automation in this industry will lead to industrial action, with the potential to set standards for how automation and other technologies are integrated and democratically managed within other industries.

Proposed solution

- > Lifelong training fund
- > Just transitions that leave no worker behind
- > Redistribute productivity gains from technology back to labour via a universal basic dividend



Platform-based management and data collection

Company apps and digital platforms are increasingly used to perform tasks and duties typically considered to be the purview of management or human resources departments: task allocation, rostering, time and productivity tracking, and all-staff communications. Such software can be vertically integrated with payroll, POS or HR systems for more centralised employee administrative systems and streamlined business processes. The use of digital platforms can obscure traditional management structures, making the relationship between worker and employer less apparent, with a tendency towards gamification. In turn it can also generate data used to automate some of these functions of traditional HR personnel. Such systems include Deputy, Sling, WorkFusion and many more.

- › Hospitality workers report that rostering and time tracking software is widely used in the industry, in particular the app *Deputy*. Deputy functions as a timesheet system that will automatically deduct paid time from shifts for breaks, whether or not they've been taken, and can be tampered with by management. Rockpool Dining Group committed a well-established instance of this, whereby management reduced shift times in the timesheet system to avoid recording or paying overtime. Workers sign-in to their shift via the app by submitting a photo of themselves.

On the issue of rostering apps and wage theft, UWU member Grace explained:

In the past, I've had the responsibility of approving time sheets and found it challenging as Deputy also does things like defaulting to your rostered shift times if you don't sign in and out properly, even when you finish late. I definitely prefer Deputy (or similar) to the classic paper time sheet system, because it allows workers to monitor and keep track of their timesheets retrospectively. There are a lot of features that are extremely boss-oriented though, like the ability to adjust shifts without compulsory notification for workers, or the fact that workers can't see

who's working on given days. It's also an app that contributes to that "always on" mentality—especially via the dashboard. I'm so reluctant to spruik CCTV monitoring of workers because it can so easily be used for evil and not good! By the same token, while the picture-capture sign-in feature of Deputy has always been funny in my experience, I think it's pretty wild to force workers to submit images of themselves to bosses twice a day. Can potentially raise a whole myriad of problems pertaining to harassment, discrimination, and just general privacy.

- › During the first Covid-19 lockdown in March, Crown Casino Melbourne launched a new workplace app. It functions as a digital platform that connects HR with Crown employees. The app requires unclear permissions which may enable access to an employee's phone. The company has also launched an app specific to Health and Safety Representatives (HSRs), with some HSRs resisting the app and opting for email correspondence instead. The company has suggested the app is compulsory, raising concerns of data capture and surveillance. Negotiation of the HR app usage is currently ongoing.

Homecare Case Study

Homecare support workers report an increasing use of mobile apps and rostering software, in particular *CarelinkGO* and *Procura*.

CarelinkGO is an app that claims to "connect the mobile workforce with client information, notes, documents, goals, reminders, tasks, maps, and their roster."²⁵ In practice, workers feel the app functions as management: it records shift start and end times, it suggests the fastest route for travel between patients, it provides a list of daily tasks—all with the explicit aim of increasing worker efficiency. The app also dictates how long a service should take, when in reality the amount of time needed to care properly can not be predetermined, but reflects the individual needs of a person on a particular day. Workers must record detailed notes to provide quality continuity of care among multiple workers, however no time is allocated to administrative tasks either before or after a home visit. As a result, workers often do this crucial work in unpaid time.

Similarly, the mobile health software Procura claims to “keep your field staff connected with real-time access to information. From improving the quality of care to increasing productivity...Procura’s solutions provide efficient access...and information to your field staff wherever they are.”²⁶

Several years ago, Australian Unity issued all homecare workers in their network with an individual iPhone 6, that came with the Procura software pre-installed. Workers were advised that their rosters, travel information and client notes would be accessible via the app. The impact on the work and the industry as a whole has been profound. Enterprise agreements have changed to reflect the impact of the technology, now limiting the amount of paid time for administrative duties. It is claimed that due to the mobile app, less paperwork is required and therefore less paid time should be allocated to such duties. In reality, crucial client notetaking and other related tasks have not diminished. For older workers not accustomed to the app, such tasks may actually take longer to complete, however they are no longer paid for this work.

Workers are expected to carry the phone (and app) at all times, including days off. The GPS tracking software allows managers to know where workers are at any time. When workers are seemingly not where they are supposed to be, or they do not answer a phone call from management within a narrow timeframe, they can be disciplined.

Procura markets the software as providing 24/7 access to information, with the ability to send automated messages to workers to alert of changes to schedules and plans. In practice, this means that a worker may go to sleep and wake up to find their entire schedule for the day ahead has been changed. Rather than receiving a roster two weeks’ in advance (as was once customary), workers now expect daily changes to their rostering schedule. The result is a state of constant flux for workers that causes immense stress and also worsened outcomes for clients when workers are either running late or early, due to chaotic scheduling. Workers are tacitly expected to be always on, and always available. If a last-minute roster change clashes with a worker’s personal appointment and they are unable to work, they may have a “refusal to work” noted on their file which can result in disciplinary action.

The app also provides a “best route” feature which dictates the travel route between clients and estimates how many kilometres and minutes this will take. If a worker is considered to have taken a longer route, these extra minutes are deducted from their pay. In practice, the app does not adequately allow for fluctuating traffic conditions and is considered an underhanded way of clawing back labour costs and committing wage theft.

Via the app, “allocators” assign workers to clients however this process is largely automated and does not recognise the varying skill levels of workers, nor does it appropriately match workers with compatible clients. This creates needless frustrations for both workers and clients.

Homecare workers assist vulnerable people in their homes and as such must undergo various security clearances including police checks. These are traditionally conducted in person at a Post Office or Police Station, whereby the authorised person sights the worker’s ID. However, many homecare providers now requires workers to complete these checks via an in-built app called “Fit to work” which is underwritten the credit agency Equifax. Needlessly extensive documentation, including marriage certificates, credit card information, and passports, are required and are stored with the app.

In response, UWU members organised to have new provisions included in the enterprise agreement that would grant workers the right to obtain their own police checks without using the app. However, opt-out alternatives are not genuinely protected as employers pressure workers to continue storing their information on the app instead.

UWU homecare member Teresa explains:

“Many homecare workers are in their 50s and 60s and aren’t comfortable using the technology and running constant software updates. They want to provide quality care and dignity to people in their homes, yet we’ve got people with twenty years of experience walking away from the industry because they can’t use the phones. It doesn’t make any sense.”

“On average we are being paid \$22-23 per hour, yet employers demand we provide them with every possible piece of personal information, for no clear reason. Why would anyone want to do a job like that?”

Proposed solution

- > Data must be held in common and not treated as private property
- > Genuine worker alternatives from invasive technologies

Gig economy

The term “gig economy” is often used as shorthand for many of the broader trends of technological change discussed in this submission, and has taken on an almost symbolic meaning in future of work discussions. Here, the gig economy refers to digital platform on-demand work. Organising work into on-demand gigs, piecerates and piecemeal arrangements is embedded in a longstanding history of precarious employment practices that underpin many platform-based companies of the modern economy. While the platform—a place where buyers and sellers meet—has always existed in various traditional forms, the digital platform gives rise to new issues of surveillance and data capture. Platform network effects tend towards monopolies with additional issues of surveillance and data capture.

The recent findings from the Victorian Government Inquiry on the Gig Economy found that platform work is more prevalent than previously thought and is growing, remaining a statistically small yet significant part of the labour market. Independent contracting arrangements are very common and there has been a steady increase in ABN registrations. Gig work is typically not the primary income but an additional source of income; a trend closely associated with growing rates of underemployment. Workers may be “multi-platforming” but doing the same kind of work across several platforms.²⁷

Rideshare and food delivery apps have understandably dominated media interest in the gig economy. However, health and care services are increasingly being outsourced to digital platform employment models, specifically designed to be integrated with privatised NDIS

services. For instance, *Ubercare* (unrelated to the rideshare company) launched in South Australia in 2017, with the company founder stating that traditional agencies are not flexible enough. Ubercare boasts the ability to dispatch a qualified carer within 15-20 minutes of a request.²⁸

Caring industries have been highly disrupted by the implementation of the NDIS and the advent of on-demand gig work. Workers express concerns regarding health and safety, insurance, issues of unpaid work and the long term training needs of a growing workforce. Platforms that use non-employment modes of engagement can drive down wages by providing workers at a lower cost than those platforms complying with work laws and Awards. Such downward pressure is of great concern in an industry that already fails to match the social value of the work with proportionate remuneration.

The platform *Mable* (formerly Better Caring) also sights flexibility for NDIS users as a key benefit, and engages workers as independent contractors who negotiate their own rates of pay. The website states:

*With Mable, you can get so much more flexibility from your NDIS package. You get to choose support workers that are right for you, to pursue your passions, achieve your goals and get out and about in the community. You choose who, when and where you receive support and even how much you pay!*²⁹

During the Victorian Inquiry into the Gig Economy, Mable CEO Peter Scutt emphasised that care providers are “small business owners” and as such are responsible for their own dispute resolution. If a user does not make payment to Mable, the worker will not be paid. On the Mable app, users rate worker performance and these ratings are attached to the worker’s profile.

Established in 2015, *Hire up* is a NDIS registered user operating across Australia to put NDIS users in touch with in-home support workers. The user can search for a wide range of workers, from cleaners, to drivers and therapists. Hireup boasts “low pricing to help you get the most out of your support.” Hireup employs workers on a casual basis under the Social, Community, Home Care and Disability Services Award 2010.

28. <https://insideageing.com.au/ubercare-launches-500-qualified-carers/>
29. <https://mable.com.au/our-story/>

The app is marketed as a dashboard from which users can easily manage their care and treatment plans all in one place. The platform absorbs payroll and administrative tasks that would typically be absorbed by the user.

The website states:

“...harness the power of technology to not only access Australia’s largest network of support workers, but also find, book and manage all your supports, all in one place.”³⁰

In each instance, the apps function as a platform to match NDIS users with an on-demand, flexible and short-term caring arrangement. While short-termism and fungible workers underpin precarious gig work, such an interrelationship is incompatible with caring relationships that require atmospheres of trust and non-instrumentality.³¹ The trend is concerning as health is Australia’s fastest growing industry and should support and sustain well-paid jobs with security and dignity for workers. Recent findings demonstrate that gig economy workers are overwhelmingly those who have been excluded from standard forms of employment: migrants, people with disabilities, the unemployed, and workers for whom English is not their first language.³²

A long history of undervaluing feminised industries has also contributed to gig economy encroachment in these essential industries. As Australia’s population ages, the need for personal care services will continue to grow. The aged care and disability support sector employed 175,800 workers in 2018. This is expected to grow to 245,000 by 2023.³³ These are the low-carbon, high social value jobs of the future. They must be secure and well-rewarded jobs, too.

Proposed solution

> Invest in jobs of the future

30. <https://www.hireup.com.au/how-hireup-works/>
 31. Flanagan, F (2019) Theorising the Gig Economy and Home Based Service Work, *Journal of Industrial Relations*, Vol 61(1), 57-78
 32. Report of the Inquiry into Victorian On-Demand Workforce
 33. Report of the Inquiry into Victorian On-Demand Workforce

Conclusion

The issues and case studies outlined in this submission demonstrate continuing asymmetries of power between employers and workers, and inequalities in access to the gains of technological advancement. In many instances, the punitive and disciplinary uses of workplace technology are far from sophisticated. Rather, we are seeing old technologies deployed to new ends, often in the context of insecure work and eroded employment relationships. As unionists, we know that injustices will occur where workers do not have power and collective voice; punitive technology is one of many challenges in this regard. To ensure our workplaces are safe and democratic, workers need jobs they can count on. With the basic safety net of a secure job, workers are able to fully participate in public life, have a say in how their workplaces are organised, and collectively organise against antidemocratic forces. Economic security is a public good—the gains we make in our workplaces have flow on effects to the rest of society. If we want to genuinely address issues of power in the workplace, ensuring job security for all is the first place to start.
