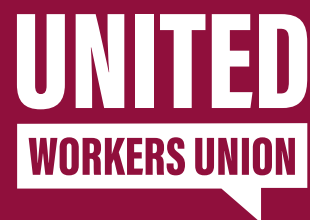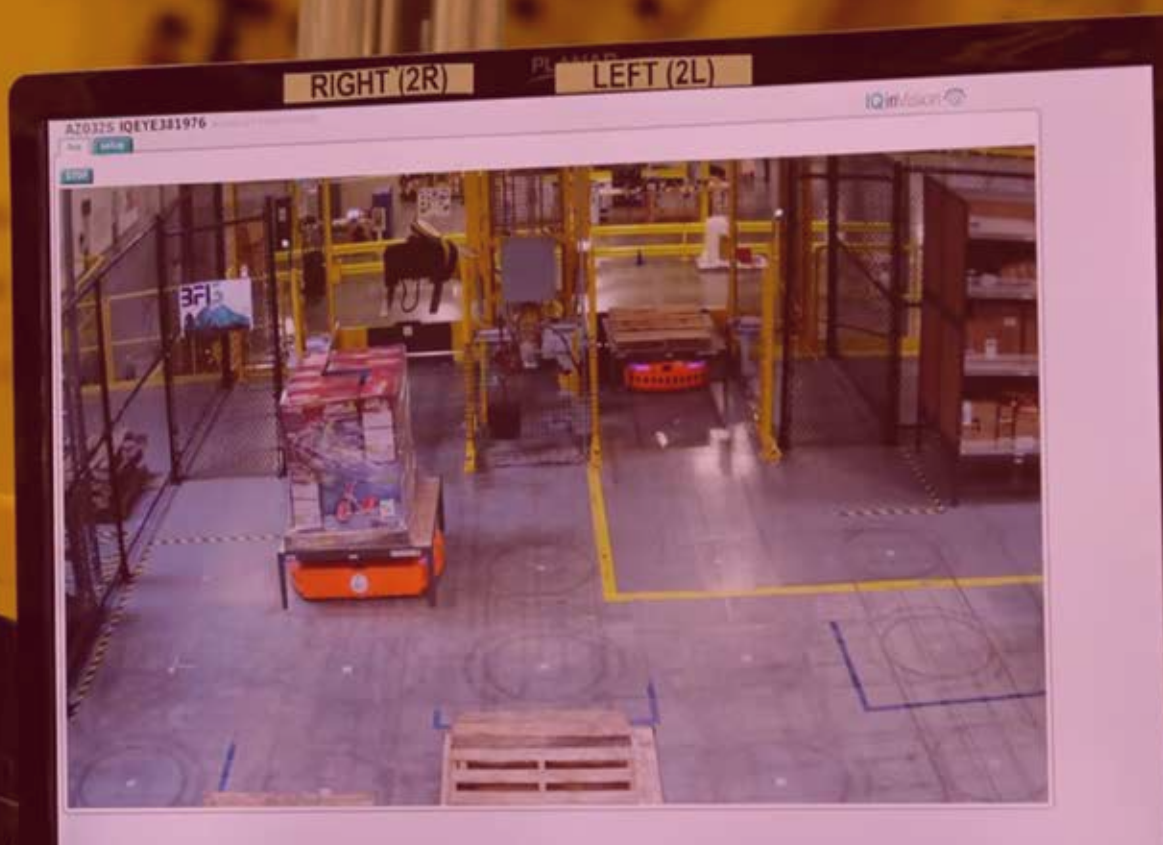July 2024

Surveillance in Australian Workplaces

Highlighting the diverse experiences of workers across industries and employment type

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About United Workers Union

United Workers Union (UWU) is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do—our paramedic members work around the clock to save lives; early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket; farm workers put food on Australian dinner tables; hospitality members serve you a drink on your night off; aged care members provide quality care for our elderly; and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.

We acknowledge and respect the continuing spirit, culture, and contribution of Traditional Custodians on the lands where we work, and pay respects to Elders, past and present. We extend our respects to Traditional Custodians of all the places that United Workers Union members live and work around the country.

Please note workers quoted in this submission are anonymised to protect against potential employer retaliation. Company names have also been removed.

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United Workers Union welcomes the opportunity to provide a submission to the Victorian Government Inquiry into Workplace Surveillance. This timely Inquiry captures many issues frequently raised by our members. Across a range of industries, workers express concern that workplace surveillance is overtly punitive, opaque, and creeping into non-work areas of life. Such trends reflect growing asymmetries of power between employers and workers.

As a large union we can see that a widespread shift in managerial culture is currently taking place. Employers who once played by the rules and accepted—however reluctantly—a worker's right to be in a union and have say a say in their workplace, are increasingly favouring more authoritarian styles of management. Compliance is no longer sought from workers, it is enforced. In achieving this aim, a range of surveillance technologies—from the banal to the sophisticated—are often weaponised against workers.

Workplace surveillance is fundamentally about power. The technologies in question are not neutral tools—they are imbued with the power of management and are shaped by the unique organisational contexts of different workplaces. As such, workplace surveillance looks different across different industries.

The authoritarian shift in management has not happened in a vacuum. Workers are feeling the pinch of decades of neoliberalism. Sham contracts, widespread casualisation, subcontracting and labour hire arrangements further entrench workplace asymmetries of power. This has emboldened more punitive and egregious uses of workplace surveillance. **Taken together, workplace surveillance and insecure work can be understood as deeply interconnected—twin drivers of punitive and unsafe workplaces.**

Often the latest cutting-edge technologies capture the public imagination, and it's easy to understand why. Moments of great disruption are important, but so too are the quiet and relatively banal instances of surveillance that result in disrespect, diminishing quality of work, and a more gradual weakening of worker protections over time.

This submission seeks to ground analysis of workplace surveillance in actual workplaces. Although this Inquiry is specific to Victoria, our submission draws case studies from around the country as our union operates at a national level. I welcome further discussion regarding this submission.

In Solidarity,

Tim Kennedy
National Secretary
United Workers Union

Introduction

"Workplace surveillance" is something of a tautology, as the workplace, by design, is an instrument to enable employer supervision over workers. Before industrialisation, production often took place in the home as part of a cottage industry. Workers were paid a piece rate rather than for the time spent labouring, which meant employers could control the pace of production from afar. This changed with industrialisation and the factory system which centralised areas of production in the cities. The effects have been profound. 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.[1]

In the factory setting, workers were systematically observed and monitored. Most famously, Frederick Taylor developed and implemented the principles of Scientific Management. This was an attempt to reconfigure work processes to achieve standardisation and efficiency gains. It required the intense monitoring of workers, their bodies, and movements. The philosophy of *Taylorism* as it would become known, reconfigured workplaces of the twentieth century and continues to shape the nature of work to this day. In this sense, the modern workplace itself can be considered a technology of surveillance. Whilst we need not dwell on these histories too long, it is important to understand contemporary workplace surveillance as part of a longer continuity with the past. This is why popular terms like "surveillance capitalism" are not particularly helpful, as they imply that this latest iteration of surveillance is something of an aberration. Instead, many of the issues raised by UWU members, as discussed in this submission, can be understood as capitalism doing what it has always done: creating disciplinary workplace cultures and practices to assert power over workers, and intimidating efforts of organised resistance.

Discussions of contemporary surveillance often reference the panopticon; the structure that allows a single guard to exercise surveillance of all inhabitants without inmates 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.[2] Even the panopticon has its roots not in prisons, but production—the workplace.

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[1] Malm, Andreas (2016) Fossil Capital: The Rise of Steam Power and the Roots of Global Warming. Verso.

The public narrative of "workplace surveillance" tends to conjure up stark imagery of CCTV cameras looming over workers, fisheye cameras and the blinking red light of alarm systems, and keystroke software covertly installed on employee laptops. Surveillance at work certainly involves a state of being constantly watched, however the reality is far more pervasive, and often banal.

Workplace surveillance includes employee swipe cards and digital IDs that track a worker's movements during a shift, fingerprint scanners to clock-in, handheld barcode scanners and mobile phone apps, rostering software, and a large manner of tools and software that are largely unremarkable. Workplace surveillance is also culture and behaviour. It's picking a particular table in the break room to avoid HR's line of sight, it's racing to the bathroom so as to not exceed the allowed "time off task," and it's avoiding certain conversations with workmates for fear of being overheard by hidden microphones.

At the same time, not all workplace surveillance is unreasonable. Workers readily 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, and in some instances, it is welcomed. Issues arise however when the scope of surveillance becomes overtly punitive, invasive or disproportionate to the risks associated with non-surveillance. These themes underpin the core of this submission.

This submission understands surveillance as not merely physical artefacts or neutral tools, but as a complex system embedded within particular organisations and managerial contexts. 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. Put simply, many technologies of the workplace serve the interests of management and do very little to improve the experience of work. Employers should not be the sole decision-makers in our workplaces.

Just like any other major decision at work, 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.

This submission draws upon the experiences and insights of a diverse groups of workers. Semi-structured interviews were carried out with members, delegates and organisers from a range of industries including early childhood education, casinos, warehousing and logistics, farms, call centres, hospitality, care and health industries, cleaning, and security. These industries also span various employment types, labour processes, locations of work, differing nationalities and visa arrangements, blue and white collar industries, traditional union jobs and emerging industries. This submission responds to terms of reference 6, 7, 8, which focus on the impact of surveillance practices on workers and what it means in terms of power in the workplace. A range of case studies are offered which together elaborate the complexity and diversity of surveillance across various workplaces. Following these findings, recommendations are offered to address these issues.

Workplace surveillance case studies

In the following section, various forms of surveillance are highlighted along with illustrative case studies.

Surveillance and worker discipline

Members of our union widely report issues of CCTV over-reach and use of surveillance for the singular purpose of disciplining and terminating workers. Typically, management will retroactively review security footage in an attempt to find a worker infraction. This could be a safety violation or taking an extended break, which management sometimes refers to as "time theft." The footage is then presented as irrefutably evidence of wrong doing, even when the infraction is unclear or manufactured. Often the worker does not have a reasonable opportunity to respond or defend themselves.

At a distribution centre in Victoria, a long-standing delegate explains how CCTV footage is being used retroactively to target workers who make complaints against management. This delegate claims that management will review footage until they find an infraction, particularly for safety. He says:

> "I am all for safety, but when surveillance is used as a tool to have something over someone, or to sack someone, I think that's really wrong…Workplace surveillance is a massive issue and even though I am approaching the end of my working life, I want this out of the workplace, especially for the younger generation. Some managers are like wolves salivating at the door—this issue is at everyone's doorstep."

Casual hospitality workers report the use of CCTV cameras as a tool of micro-management that can feel like harassment. The following quotes from hospitality workers speak to this issue.

> "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."

> "Micro-management and cameras setup in every corner to watch you. It feels like you're in a jail more than a workplace."

> "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."

"Very stressful workplace to be in. Staff constantly monitored by different surveillance systems. Staff made to wear recorded head seats and cameras were placed all throughout the venues."

"Worst place I have ever worked in my life. One of the owners watches staff upstairs on the surveillance cameras, I got told off for talking to my co-worker while we were working together."

In 2023, a logistics company 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. This was viewed as a heavy-handed attempt at worker intimidation.

At a distribution centre in Victoria, management often used CCTV footage to terminate workers on the grounds of "time theft." When it was found that a woman worker had been sexually assaulted by a member of management, the company claimed that security cameras were not working that day. A HR whistle-blower spoke with UWU and explained this was not the case, but that HR had been instructed to delete the footage.

Secretive surveillance

Employers may conceal surveillance from workers, installing "nanny cams" and the like in the workplace and non-work areas. Such activities undertaken by employers are deeply unethical as they are, by nature, *unknowable.* Even in less overt cases, employers do not typically disclose uses of surveillance. As a casino worker succinctly explains, "the point of surveillance is to be invisible."

At an early education centre in 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.

Aged care workers report concerns of covert surveillance installed by family members in the resident's private bedroom area. Whilst a desire to ensure loved ones receive good care is understandable, the uncertainty of covert surveillance can be a psychological stressor for workers.

Surveillance in non-work spaces

Workers note the use of surveillance in non-work spaces such as break rooms as being invasive, overtly punitive, and damaging to workplace cultures. These concerns are reported from every UWU industry, reflecting a broader trend of surveillance over-reach into worker's personal lives.

Several years ago a Casino significantly increased overall surveillance on site, including in non-work areas such as break rooms. Footage has been used to terminate several employees.

A food manufacturer installed a disproportionate amount of surveillance cameras following a 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.

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. Employees are sometimes told that their accounts are monitored by a member of HR, as their online action reflects the company they work for. For instance 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.

Biometric surveillance

Surveillance involving the use of biometric data such as facial recognition, voice capture, and fingerprinting are considered more invasives form of surveillance. There are many particular sensitivities involving the face and the body under surveillance, and the implications of technological creep are uncertain. Workers often report these technologies to be particularly harmful.

Facial recognition technology is widely used across Australian casinos. 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.

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.

Furthermore, facial recognition technology is deployed throughout certain oil refineries including at 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.

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 workers who make private comments to each other that are deemed unacceptable. This has eroded trust and goodwill between security officers and management.

Voice capture is suspected across many different industries, 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, a company 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 UWU successfully challenged the fingerprinting device and had it uninstalled.

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.

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.

In the warehouses of a prominent beauty company, 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. This company primarily employs women in the warehouses.

At a supermarket 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?" on your day off 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.

Working from home surveillance

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. 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, 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, and much more. The use of at home employee monitoring technologies has outpaced Australian employment laws and regulations with unclear consequences for workers' legal protections.

During Covid-19 restrictions, several prominent market research call centres shifted to working from home operations permanently. This has involved a range of worker monitoring software in an attempt to replicate the highly monitored environment of the call centre within a worker's own home.

Some call centres have expected workers to absorb any downtime that would be typically be absorbed by the company in a normal working arrangement. For instance, a call centre worker reported that when working from home 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 piece rate type arrangement whereby the worker is remunerated on a task-by-task basis.

Non-technological surveillance

In some UWU industries—such as poultry, horticulture, and massage therapy—workers labour under shadowy conditions that characterise the "black economy." Egregious methods of surveillance and worker control are prominent in these industries; however, the use of sophisticated technologies is almost entirely absent. These case studies highlight 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 fifteen 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 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 unsafe and precarious for many workers, the majority of whom are migrant workers with limited alternative employment opportunities. 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. Workers report extreme distress and panic when "they get the stopwatch out." 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 will install security cameras in the living areas of the worker's home. The contractor/employer will often control the worker's means of transport, monitoring workers' movements and conversations, and engaging in other controlling behaviours such as confiscating mobile phones and reading text messages. In extreme cases workers are locked in their accommodation overnight and movement is heavily restricted to certain times. In remote locations and isolated from the general public, workers are vulnerable to other forms of abuse.

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 witness 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.

Algorithmic management and app-based surveillance

Company apps and digital platforms are increasingly used to perform tasks and duties typically associated with management or HR 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. Such systems include Deputy, Sling, WorkFusion and many more.

App-based management has become more prevalent in homecare, involving the use of apps such as *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."[2] 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. Taken together, the integration of management apps is often experienced as a form of extended surveillance.

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[2] Source: https://www.civica.com/en-au/container---product-pages/carelinkgo/

Key Findings

Finding One: Workplace surveillance exists on a spectrum from beneficial to unacceptable

Worker experiences of workplace surveillance 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 surveillance that are unacceptable in any context and must be abolished.

Finding Two: Surveillance can be a proxy for other workplace issues

Many of the issues raised by UWU members are varied, complex, and unique to particular industries. When workers speak of "privacy concerns" for instance, this is often a catch-all for a multitude of concerns including worker autonomy and dignity, erosion of trust between employers and workers, feelings of disrespect, a sense of powerlessness within the workplace, and, more broadly, abuses of employer power. This highlights how unreasonable uses of surveillance are overwhelming interpreted by workers as an issue of power, rather than a narrowly technological problem.

Finding Three: Surveillance technology is not necessarily sophisticated

Technology is often assumed to be changing rapidly and transforming the world of work at breakneck speed. In practice however, workplace technologies are rarely spectacular or cutting-edge. Australia actually lags behind many other OECD countries when it comes to technological investment and innovation.[3] Australian employers invest very little in fixed capital and expensive technologies. Instead, emboldened by authoritarian managerial cultures, employers tend to utilise relatively rudimentary technologies to turn the screw on workers. This powerfully alters the quality of work on offer, the experience of work, and can give rise to serious psychosocial and physical harms.

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[3] Stanford, Jim. 2020. "The Robots Are NOT Coming, and Why That's a Bad Thing."

Finding Four: Workplace surveillance is readily normalised

Workplace technologies often conform to path dependencies; once installed it's very difficult to wind back their use or have them uninstalled. Particularly in the case of surveillance technologies that are designed to be ubiquitous or "part of the environment," their use is rapidly normalised. As such, interventions must happen at the outset *before* unreasonable surveillance is deployed in the workplace.

Finding Five: The workplace often falls outside of existing legal protections

There is a significant gap between the reach of new technologies—particularly surveillance—and the legal, industrial and social protections necessary to mitigate the risk of harm to workers. Many technological issues don't neatly fit into pre-existing dispute resolution processes, and legal frameworks are not always applicable to the workplace. The reason for this is not because technology outpaces the law, but because the workplace has been viewed as the purview of employers alone.

Finding Six: Worker and union literacy of tech issues (including surveillance) is limited

Many workers express a lack of understanding of their "technological rights" at work. There is a strong consensus among workers that the use of surveillance may indeed be outside the scope of regulation, but they do not know where or how to access more information about these issues. Many workers are not aware of the forms of surveillance that exist within their own workplaces, as these are not disclosed by management.

Finding Seven: Insecure work and surveillance are mutually-reinforcing

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. Unacceptable uses of surveillance to control and discipline workers tends to occur in workplaces with more precarious workforces. In very precarious industries, sophisticated technology is not required for effective worker control and surveillance.

Finding Eight: Surveillance of non-work activities is on the rise

Workers report the widespread use of invasive surveillance technologies in non-workspaces, such as break rooms, for overtly disciplinary purposes. Surveillance of social media and the home (in working from home arrangements) are clear examples of surveillance over-reach.

Finding Nine: Better understanding of biometric surveillance implications is needed

Biometric and Medical surveillance of workers is an issue of increasing concern, particularly following Covid-19 and a normalisation of employers requesting sensitive medical data of workers. Alongside workplace insurance schemes, medical and health data grows in strategic importance for firms. The collection of sensitive biometric data such as fingerprints and facial recognition technology is under-researched with respect to the workplace and requires greater attention.

Finding Ten: Diverse experiences of worker surveillance should inform public debates

Broadly speaking, the experiences of blue-collar workers differ to those of white-collar workers when it comes to experiences of surveillance. However, as white-collar professionals (office workers, politicians, journalists, academics etc) are uniquely placed to tell the stories of workplace surveillance, their own experiences tend to shape public narratives surrounding surveillance and can sometimes be taken as 'norm.' Instead, the complexity of workplace surveillance should be highlighted in order to achieve greater remedies for all workers.

Recommendations

In large part these recommendations seek to strengthen the collective power of workers both within their workplaces, and when trying to exit jobs for better opportunities. In turn this can support more democratic workplaces and lessen the coercive power of managerial surveillance.

Recommendation One: Policies to limit punitive scope of surveillance
Employers must enact policies that limit the scope of surveillance technologies and ensure surveillance is not used for overtly punitive purposes. Employers should also limit the scope of surveillance to work areas only and abolish surveillance in non-work areas such as break rooms.

Recommendation Two: Surveillance clauses in Enterprise Agreements
As standard practice, unions could develop and negotiate enterprise agreement clauses which restrict unreasonable uses of workplace surveillance. Such a clause would understand unreasonable surveillance to be an OHS risk to workers. A model clause could be developed by unions and peak bodies (such as the ACTU) and disseminated across the union movement.

Recommendation Three: Privacy thresholds in National Employment Standards
Basic workplace protections should not be 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 to ensure protections for all workers.

Recommendation Four: Genuine worker alternatives from biometric surveillance
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. 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.

Recommendation Five: 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 as to not 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.

Recommendation Six: Abolish ongoing insecure work arrangements

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. 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. Ongoing insecure work should be abolished. 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.

Recommendation Seven: Put a social security net underneath all workers

Raise the minimum wage to a living wage and introduce progressive taxation programs to assist low and middle income earners. Extend 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. This will make it easier for workers to leave bad jobs, which places a greater onus upon employers to attract and retain workers by maintaining basic workplace standards. Essential public services should also be extended to all workers including temporary visa holders, migrant workers and so-called undocumented workers. Universal basic services include unconditional access to Medicare and health services, affordable housing, quality public education, efficient public transport, legal services and universal public early childhood education and care.

Conclusion

The issues and case studies outlined in this submission demonstrate continuing asymmetries of power between employers and workers. 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; unreasonable workplace surveillance 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 address issues of power in the workplace, ensuring job security for all is a fruitful first place to start.