



**GEORGES
RIVER
COUNCIL**

**WORKPLACE
SURVEILLANCE POLICY**

July 2017

POLICY ADMINISTRATION

Dates	Policy approved 03/07/2017 This policy is effective upon its approval. Policy is due for review July 2021.
Approved by	Council Meeting 03/07/2017 Council Resolution CCL131-17
Exhibition Period	Consultative Committee – 16 May 2017 and 27 June 2017
Policy Owner	Executive Manager People and Culture, Office of the Chief Operating Officer
Related Documents	Georges River Council CCTV Operations Policy Georges River Council CCTV Operations Procedures Georges River Council Code of Conduct Georges River Council Social Media and Communications Devices Policy Workplace Surveillance Information Request Form Workplace Surveillance Information Request Register
References & Legislation	Workplace Surveillance Act (2005) Workplace Surveillance Regulations 2005 (NSW) Local Government State Award
Document Identifier	Policy #: Pol-013.01 Doc #: D17/94020
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

The purpose of this Policy is to establish a framework for Council to meet its obligations under the Workplace Surveillance Act (2005) in performing workplace surveillance and notification of workplace surveillance practices.

SCOPE

This Policy applies to all Council officials including Councillors, members of staff, members of Council committees, delegates of Council, volunteers and contractors while in the workplace.

A surveillance implemented by Council will only occur in accordance with the provisions of the Workplace Surveillance Act (2005) and this Policy.

DEFINITION OF TERMS

Term	Meaning
<i>The Act</i>	Workplace Surveillance Act (2005) NSW
<i>Surveillance</i>	<ul style="list-style-type: none">a) 'Camera surveillance' which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place.b) 'Computer surveillance' which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including but not limited to, the sending and receipt of emails and the accessing of internet websites)c) 'Tracking surveillance, which is surveillance by means of an electronic device, the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning Sydney Tracking device).
<i>Covert surveillance</i>	Covert surveillance (Section 3 of the Act) is surveillance carried out of caused to be carried out by Council management of a Council employee while at work and not carried out in compliance with the requirements set out in Sections 1 and 2 of this Policy
<i>Workplace</i>	Means premises, or any other place, where employees work, or any part of such premises or place as defined in Section 3 of the Act.
<i>Surveillance information</i>	Surveillance information means, information obtained, recorded, monitored or observed as a consequence of surveillance of a workplace.
<i>Employee</i>	As defined in the Industrial Relations Act (1996), and for the purposes of this Policy includes Council contractors, Councillors, persons performing voluntary work without remuneration, reward or obligation and any person authorised to undertake a Council function or activity while in the workplace.

POLICY STATEMENT

1. Reasons and Requirements for Surveillance

Workplace surveillance is used for the general security of Council property and assets, operations needs and for the protection and safety of Council officials and the general public.

1.1 Camera Surveillance

- 1.1.1. Council may require designated areas to be under CCTV camera surveillance for operations, security or protection / safety reasons.
- 1.1.2. Cameras will be placed such that they are visible to people in a workplace.
- 1.1.3. Council will erect visible signs informing people who enter or leave a workplace that camera surveillance is being carried out
- 1.1.4. Where Council intends to introduce surveillance cameras, employees working in the designated area or areas shall be advised in writing or by email 14 days prior to its commencement, by their supervisors in accordance with the Act.
- 1.1.5. Where camera surveillance is proposed for safety reasons, such as remote work sites or hazardous work activities, Council shall consult with the relevant employees, and when possible advise in writing or email 14 days before commencing camera surveillance.
- 1.1.6. Surveillance will not be carried out in change rooms, toilets, showers or other bathing locations.

1.2 Computer Surveillance

- 1.2.1 Computer surveillance is used for the general security of Council property or assets for the protection of Council related information and to ensure that Council's computer resources are not misused.
- 1.2.2 Computer resources are provided for business purposes related to an employee's position, however reasonable personal use is permitted in accordance with the Model Code of Conduct (Office of Local Government).

1.3 Tracking Surveillance

- 1.3.1 Council may carry out tracking surveillance for operational, security or protection/safety reasons.
- 1.3.2 Tracking devices come in many forms and can be fixed (i.e. to a vehicle) or handheld (i.e. security passes/grey keys). The devices can be used by Council to provide operational and/or safety information related to the exercise of a function of Council.
- 1.3.3 Council will install visible signs in all vehicles fitted with tracking devices to inform all vehicle users that surveillance tracking is being carried out. The signs will state similar to the following "Tracking surveillance devices have been fitted to this vehicle".

2. Notice of Surveillance

The following five elements meet the provisions of Section 10(4) of the Act which require Council to provide prior notice in writing to an employee of the following;

2.1 The kind of surveillance to be carried out;

2.1.1 Council will carry out CCTV camera, computer and tracking surveillance.

2.2 How the surveillance will be carried out;

2.2.1 Council will use overt cameras, email filters, internet monitoring software and devices, tracking devices and any other similar surveillance methods permitted by the Act that Council deems appropriate, from time to time. (Refer to Social Media and Communications Devices Policy).

2.2.2 If surveillance information is required by a Manager or Director, they must gain authority from their relevant line Manager, Director or General Manager to access that information for a specific purpose and an approved period.

2.2.3 The Manager or Director must complete a Workplace Surveillance Information Request form (appendix A), and the relevant line Manager, Director or the General Manager must sign off this form. Further approval is required for any surveillance beyond the approved period.

2.2.4 All completed forms are to be forwarded to the Executive Manager People and Culture, who will arrange for the provision of the information request if the request complies with Sections 1, 3 and 4 of this Policy and the Act.

2.2.5 The Executive Manager People and Culture is responsible to keep secure records of all surveillance information requests for auditing purposes.

2.3 If the Surveillance is continuous or intermittent?

2.3.1 The surveillance will be a combination of continuous and intermittent, dependent upon the means of surveillance being used.

2.4 If the Surveillance is to be for a specified limited period or ongoing?

2.4.1 The various means of surveillance covered by this policy will be ongoing; except for covert surveillance which will be conducted strictly in accordance with the conditions of any covert surveillance authority issued to Council.

2.4.2 Notification to employees of this Policy will be in writing or by email which constitutes notice in writing for the purpose of complying with the Act.

2.5 Where additional workplace surveillance is introduced in the future

- 2.5.1 The introduction of additional cameras is the responsibility of the Head of Security and Emergency in consultation with the Executive Manager, People and Culture and must be implemented in accordance with Section 1.1 of this Policy.
- 2.5.2 The introduction of new or upgraded software or computers is the responsibility of the Chief Information Officer. Any new or upgraded software or computers will not require staff notification unless the new or upgraded software or computers is for a purpose other than that specified in 1.2 of this Policy.
- 2.5.3 The introduction of new or additional tracking devices is the responsibility of the Unit Manager operationally accountable for the vehicle or equipment in which the tracking devices are located. That Unit Manager must implement the devices in accordance with Section 1.3 of this Policy.

3. Use and Disclosure of Surveillance Information

- 3.1 Surveillance information will not be used to initiate investigations, but may be used by Council as part of investigations for disciplinary purposes and as evidence during any disciplinary interviews in compliance with the disciplinary procedures detailed in Council's Industrial Instruments.
- 3.2 The surveillance information will only be accessed and used for legitimate employment/business purposes or in connection with suspected corruption, illegal activity, maladministration, or misuse of Council resources and imminent threat of serious violence to persons or substantial damage to property, in accordance with Section 18 of the Act.

4. Covert Surveillance

- 4.1 Covert surveillance will only be carried out for the sole purpose of establishing whether an employee or group of employees is engaged in any unlawful activity within the workplace.
- 4.2 The Act requires the Council to obtain a covert surveillance authority issued by a Magistrate, prior to the commencement of any covert surveillance.
- 4.3 Covert surveillance by Council will not be carried out without the specific endorsement of the General Manager followed by the authority of a Magistrate.
- 4.4 The use of Council's cameras/computers and tracking devices for covert surveillance of an employee, or group of employees, will only be carried out in accordance with the requirements of the Act.

RESPONSIBILITIES

Position	Responsibility
<i>General Manager</i>	<ul style="list-style-type: none"> • All items as per Responsibilities of Managers and Directors (see below in this Section); • Approve the use of covert workplace surveillance if approved by Magistrate
<i>All Managers and Directors of any Unit</i>	<ul style="list-style-type: none"> • Ensure that workplace surveillance conducted in their units is carried out in accordance with this Policy and the Act; • Ensure appropriate notification (Section 2) is given for all workplace surveillance conducted by means of a tracking device or camera surveillance; • Approve the use of workplace surveillance if appropriate and forward request to the Executive Manager People and Culture (Directors and General Manager only); • Keep appropriate confidential records in relation to workplace surveillance conducted; • Make staff aware of this Policy and their compliance; • Notify the Executive Manager People and Culture or Chief Operating Officer of suspected breaches of this Policy.
<i>Executive Manager People and Culture</i>	<ul style="list-style-type: none"> • Assess and approve workplace surveillance requests and arrange for the provision of the information request if the request complies with this Policy and the Act; • Provide a point of contact for anyone wanting information or advice about the meaning and application of the Policy; • Receive complaints/grievances or reports of possible breaches of this Policy; and investigate these; • Develop and implementing a training strategy for the application of the Policy; • Ensure that all new Council employees are made aware of the Policy and are provided any notification required by this Policy.
<i>Chief Information Officer</i>	<ul style="list-style-type: none"> • All items as per Responsibilities of Managers and Directors; • Provide workplace surveillance information to the Executive Manager People and Culture if requested; • Ensure appropriate notification is given for all workplace surveillance conducted by means of Computer Surveillance; • Keep appropriate confidential records in relation to computer surveillance conducted.
<i>Head of Security and Emergency</i>	<ul style="list-style-type: none"> • Ensure that workplace surveillance conducted in their units is carried out in accordance with this Policy and the Act; • Ensure appropriate notification (Section 2) is given for all workplace surveillance conducted by means of a tracking device or camera surveillance • When appropriate keep relevant confidential records in relation to workplace surveillance conducted; • Notify the Executive Manager People and Culture or Chief Operating Officer of suspected breaches of this Policy.

<i>All Staff</i>	<ul style="list-style-type: none"> • Comply with the requirements of the Workplace Surveillance Policy; • Notify the Executive Manager People and Culture or Chief Operations Officer of suspected breaches of the Policy.
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VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
KCC	Former Kogarah Council Policy discontinued	Kogarah Human Resources	28/04/2014 – 02/07/2017
1.0	Complete new Georges River Council Workplace Surveillance Policy	Executive Manager People and Culture	03/07/2017