

**Note: Delete this page and following page (total 2 pages) once you complete tailoring the template for your own business**

## **General Information**

Employers who wish to conduct workplace surveillance relating to the internet, e-mail, or computer usage should use the Internet, Email and Computer Use Policy, available in our resources for members.

## **Covert and overt surveillance**

The template document **only deals with overt workplace surveillance by camera.**

The NSW Act and the ACT Acts regulates both covert and overt workplace surveillance where that surveillance is performed with cameras. An employer may only implement covert surveillance in the workplace with the permission of a relevant Court, and an application to the Court must be made before the covert surveillance takes place. It is illegal to undertake covert surveillance without Court permission. Professional advice should be obtained with respect to intended covert surveillance.

## **Notification requirements**

In order to introduce overt workplace surveillance by means of cameras, an employer must comply with the following notice requirements:

- The affected employees must be notified in writing, at least **14 days before the surveillance commences**. However, the employee(s) may agree to a shorter period of notice.
- In the case of a new employee, the employer need only provide the new employee with the requisite written notice, before the employee starts work.

The written notice, including via email, to employees must indicate:

- the kind of surveillance to be carried out (ie camera); and
- how the surveillance will be carried out; and
- when the surveillance will start; and
- whether the surveillance will be continuous or intermittent; and
- whether the surveillance will be for a specified limited period or ongoing.

## **The following additional matters must be included in notices for ACT employers:**

- who will regularly or ordinarily be the subject of the surveillance; and
- the purpose for which the employer may use and disclose surveillance records of the surveillance; and
- that the worker may consult with the employer about the conduct of the surveillance under section 14.

For ACT employers, they must consult with employees in good faith about the conduct of the surveillance for not less than the **14-day notice period**. An employer will consult in good faith under

this legislation if, through the consultation procedure, it gives the employee(s) a genuine opportunity to influence the conduct of the surveillance.

Camera surveillance must not be carried out unless:

- cameras (or the casings of the cameras) used for surveillance are clearly visible in the place where the surveillance is taking place; and
- signs notifying people that they may be under surveillance in that place are clearly visible at each entrance to that place

### **How to complete this template**

#### **Designed to be customised**

It is completely customisable based on your specific requirements.

#### **Include what you must and can comply with**

This document should be used in conjunction with your contract of employment, and any specific company procedures and processes. Only include the commitments you are confident you can comply with, make sure you update and review the document regularly.

**Important:** You may have legal obligations to your employees under an employment or industrial agreement such as an award, workplace agreement or employment contract. Make absolutely certain what's written in this document is consistent with these. If you're unsure what covers your employees, ACFA Members can contact ACFA's workplace advice team on 1300 342 248 or on 02 4340 2000 for further advice/assistance.

#### **To complete the template:**

1. Using Word's Replace function, search for (INSERT COMPANY NAME) and replace with your company name.
2. Replace (items in brackets) with your own wording.
3. Once you have finished work on the template, delete the first TWO pages of the document.

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**INSERT COMPANY NAME**

**WORKPLACE CAMERA SURVEILLANCE NOTICE**

**(INSERT DATE)**

**1. PURPOSE**

- 1.1 This is notice that camera surveillance will be carried out in **(Insert Company Name)** at **(Insert Address)**. If you are an **existing employee** of **(Insert Company Name)** at the time of receiving this notice, surveillance will commence in **XXXX** days after the date of this notice.
- 1.2 If you are **yet to commence employment** with **(Insert Company Name)** at the time of receiving this notice, then by accepting employment with **(Insert Company Name)** me you consent to **(Insert Company Name)** conducting surveillance in accordance with this notice, immediately upon the commencement of your employment with **(Insert Company Name)**.

**2. TYPE OF SURVEILLANCE IN INSERT COMPANY NAME WORKPLACE**

- 2.1 This notice applies to 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.
- 2.2 Signs are located within each site/location to identify the areas affected by the camera surveillance, and are clearly visible at each entrance to that site or location.
- 2.3 Camera surveillance will be continuous and ongoing.

**3. WHAT WILL THE SURVEILLANCE RECORDS BE USED FOR?**

**\* THIS IS ONLY A PREVIEW OF THE DOCUMENT, YOU WILL NEED TO PURCHASE THE DOCUMENT TO SEE ALL THE CONTENT.**

*\*Please Note: As a Business Plus or Premium ACFA Member you can download all the policies on our website for free or have them customised specifically for your business at no additional charge. ACFA Members can also request policies and resources which are not on our website through our HR Department. This is just one of the many services that are included with our annual membership subscription.*