INTRUSIVE SURVEILLANCE

WHAT IS INTRUSIVE SURVEILLANCE

Intrusive surveillance refers to the excessive monitoring or observation of employees, often involving the use of technologies such as CCTV, GPS tracking, keylogging or workplace performance monitoring software. It extends beyond reasonable measures to ensure safety and productivity, breaching personal privacy and creating an atmosphere of mistrust.

This practice may include the collection of unnecessary personal data or monitoring employees during non-work hours such as lunch breaks. Intrusive surveillance can exacerbate stress, diminish morale and contribute to a toxic workplace culture, negatively impacting workers' psychological wellbeing.

EXAMPLES OF INTRUSIVE SURVEILLANCE

Intrusive surveillance can take many forms, including:

- Constant video or audio surveillance in areas where employees expect privacy, such as break rooms.
- Tracking employees' personal devices without consent.
- Monitoring employees' personal social media accounts or online activities.
- GPS tracking of employees' vehicles or phones.
- Monitoring employees' eye movements using eye-tracking software to analyse reading behaviour, such as tracking gaze patterns to measure how much they are reading.
- Installation of keylogging software to track every keystroke made on workplace devices.
- Regularly reviewing emails or internet usage without a valid reason.
- Biometric monitoring, such as fingerprint or retina scans, used excessively or unnecessarily.
- Requiring employees to wear tracking devices or carry location-enabled equipment at all times.
- Secretly recording meetings or conversations without informing participants. Using AI-powered analytics to monitor facial expressions, tone of voice or other behaviours.
- Retaining or analysing collected surveillance data for extended periods without justification.
- Observing non-work activities, such as how employees spend their lunch breaks or time after shifts.

Indicators of intrusive surveillance may include:

- Employees expressing discomfort or suspicion about being constantly watched.
- Increased reports of stress, anxiety or reduced morale.

- Visible surveillance equipment installed in private or unexpected areas, such as break rooms.
- Frequent complaints about privacy invasion or excessive monitoring practices.
- A decline in employee engagement or trust in management.
- Workers avoiding certain areas or behaviours out of fear of being monitored.
- Policies or reports that suggest monitoring extends to personal devices or activities.
- Unexplained disciplinary actions tied to information not openly disclosed to employees.

IMPACTS OF INTRUSIVE SURVEILLANCE

ON WORKERS

Increased stress and anxiety: Constant monitoring can create a sense of unease, leading to chronic stress and heightened anxiety levels.

Reduced morale and job satisfaction: Feeling distrusted can result in disengagement and dissatisfaction with the workplace.

Invasion of privacy: Overly intrusive practices may lead to resentment and feelings of being dehumanised.

Negative impacts on mental health: Prolonged exposure to surveillance can contribute to conditions such as depression and burnout.

Strained relationships: A culture of suspicion can damage trust and communication between employees and management.

Lowered productivity: Anxiety or discomfort caused by monitoring can impair focus and efficiency.

Creation of other psychosocial hazards: Intrusive surveillance can amplify other workplace hazards, including fatigue, poor support and high job demands, by fostering a lack of trust and overburdening workers.

ON ORGANISATIONS

Creation of other psychosocial hazards: Intrusive surveillance can amplify other workplace hazards, including fatigue, poor support and high job demands, by fostering a lack of trust and overburdening workers.

Decreased productivity: Stress and discomfort caused by surveillance can reduce employee efficiency and focus.

Higher staff turnover: Employees are more likely to leave workplaces that they feel breach their privacy, leading to increased recruitment and training costs.

Increased absenteeism: Stress and mental health issues linked to intrusive monitoring may result in more frequent sick leave.

Damaged workplace culture: A lack of trust fostered by excessive surveillance can harm team cohesion and employee engagement.

Legal risks: Organisations may face fines, lawsuits or regulatory action if their surveillance practices breach privacy laws or workplace regulations.

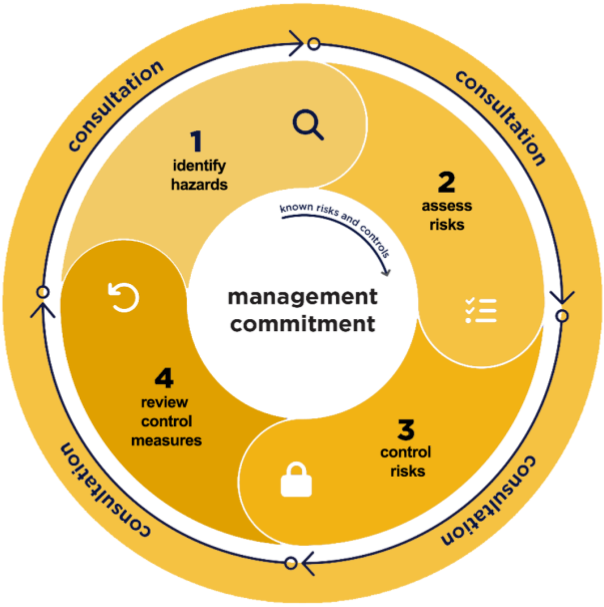
Negative public reputation: Reports of invasive surveillance can tarnish an organisation’s reputation, affecting relationships with clients, customers and stakeholders.

Reduced innovation and creativity: A culture of control and distrust can stifle employee initiative and willingness to contribute new ideas.

RISK ASSESSMENT - RISK MANAGEMENT - CONTROL MEASURES

***Risk Assessment** involves identifying potential hazards, assessing their level of risk (such as likelihood and impact of injuries), and developing **Risk Management** plans to mitigate or control them. It is **a proactive process** that aims to **prevent** harm.*

***Control Measures** are specific actions or procedures put in place to manage or mitigate identified risks. They are implemented after hazards have been identified and risks assessed as part of the risk management process. Control measures are designed to reduce the likelihood of harm or the severity of its impact by eliminating risks wherever possible. In cases where risks cannot be entirely eliminated (e.g. the risk of fire for firefighters), the focus is on reducing the risks to the lowest practicable level to minimise the likelihood and severity of harm.*



*The **Hierarchy of Control** should be referred to as best practice for the most effective ways to control risks.*

*Substantial research evidence also shows that Risk Assessments, Risk Management plans and Control Measures are **significantly more effective** when developed **in consultation** with workers. Refer to Section 47 (Duty to Consult Workers) and Section 48 (Nature of Consultation) of the WHS Act, or Section 35 of the OHS Act in Victoria, for specific legal obligations regarding worker consultation.*

No one should experience harm or injury in the workplace, including physical and psychological. **Employers have a duty** to ensure health and safety by identifying and eliminating psychosocial risks, or minimising them as far as is reasonably practicable (for a definition of "reasonably practicable", *see Section 18 on Page 25* of the WHS Act (or *Part 3, Division 1, Clause (2) on Page 23* of the OHS Act if you are located in Victoria).

The **duration**, **frequency** and **severity** of workers' exposure to psychosocial hazards influences the level of risk. Hazards that interact or combine (e.g. job demands and fatigue) can further amplify the overall risk.

Additional information on the risk management process is available in the Code of Practice: ***How to manage work health and safety risks*** *as well as* ***Section 2 of the Model Code of Practice for managing Psychosocial Risks.***

Examples of Risk Management Strategies and Control Measures for Intrusive Surveillance

The following are examples of ways this hazard can be prevented or controlled, however ***please remember to use the Hierarchy of Control*** *as best practice when implementing such examples at your workplace.*

Hierarchy of Control Guides for each recognised psychosocial hazard are available here.

- **Focus on alternative performance management tools:** Use non-invasive methods such as regular check-ins, clear goal setting and constructive feedback to assess and improve productivity. Evaluate the necessity, proportionality and potential impact of surveillance methods before implementation.
- **Develop clear surveillance policies:** In consultation with workers, design the purpose, scope and limitations of monitoring activities and ensure these policies are accessible to all employees.
- Obtain informed consent: Ensure employees are aware of and agree to any monitoring practices, where applicable.
- **Conduct privacy impact assessments:** Evaluate the necessity, proportionality and potential impact of surveillance methods before implementation.
- **Limit surveillance to essential areas and times:** Restrict monitoring to work-related activities and avoid unnecessary tracking of employees' personal time or spaces.
- **Ensure proper data storage and access controls:** Protect collected data by implementing secure storage systems and restricting access to authorised personnel only.
- **Use aggregated or anonymised data:** Where possible, collect and analyse data without identifying specific individuals to protect privacy.
- **Review and adjust practices:** Regularly audit surveillance measures to ensure they remain necessary, compliant with legal standards and respectful of employees' rights.
- **Establish transparent feedback mechanisms:** Create systems for employees to voice concerns about surveillance practices without fear of retaliation.
- **Provide regular training:** Educate managers and employees on ethical surveillance practices, data protection and respecting privacy rights.

DO	DO NOT
Conduct privacy impact assessments. Develop clear surveillance policies.	Use surveillance data as key performance indicator (KPI) measurement tools. Monitor without consultation.

Obtain informed consent.

Limit surveillance to essential areas and times.

Use anonymised data.

Secure data properly.

Provide regular training.

Review and adjust surveillance practices regularly.

Encourage feedback.

Explore non-invasive performance management tools.

Collect unnecessary data. Implement unclear or hidden policies.

Retain data longer than necessary.

Ignore employee feedback.

Use surveillance as a punitive measure.

Over-rely on surveillance for performance management.

Compromise privacy safeguards.

Rely solely on surveillance methods.

Create a culture of fear or mistrust.

MANAGING RISKS – Points to Remember…

Consult workers and HSRs. Establish Health and Safety Committees with at least 50% representation from workers. Encourage feedback, especially on any changes.

Consider how long, how often and how severely workers are exposed to hazards. The longer, more often and worse the low job control, the higher the risk that workers may be harmed.

Utilise surveys and tools to assess psychosocial risks in the workplace, particularly for businesses with over 20 employees.

Establish a system for workers to report their concerns, while ensuring anonymity as an option and treating their concerns with respect and seriousness to encourage reporting. Workers should know HOW to report a concern, risk or hazard and WHO to approach if assistance is needed.

Observe work and behaviours, such as prolonged work duration, excessive paperwork, or customer frustration, which may indicate low job control.

Review available information, including employee retention, incident reports, complaints, time-off records, injuries, incidents, and workers' compensation to identify potential hazards.

Identify other hazards present and evaluate how they may interact or combine to create new, heightened risks. For instance, high job demands could pose a greater risk in workplaces with low job control if workers are unable to take breaks or switch tasks to manage fatigue.

Continuously monitor and evaluate the effectiveness of risk management strategies to ensure that they are reducing the risk of injury and adjust them as needed, including access to improvement/suggestion forms for workers. If a review indicates that the current measures are inadequate or failing, immediately take steps to identify and establish new measures to mitigate the risks.

MIND YOUR HEAD: RESOURCES

Mind Your Head **has compiled a suite of resources to help you address Psychosocial Hazards in your Workplace**

1. **The Step-by-Step Guide to Addressing Psychosocial Hazards in the Workplace** will take you through each step of the process, including identifying hazards, assessing risks, controlling risks using best practice (the Hierarchy of Control) and reviewing control measures.

2. **The Psychosocial Hazards Workplace Survey** can be used to assist in identifying hazards in your workplace, including assessing the level of risk.

3. **Mind Your Head's Example Action Plan** demonstrates a completed Risk Assessment, with interventions and controls listed. You can also access examples of implementation strategies for every intervention listed via this document. **The Action Plan Template** can be used for your own workplace, based on the above example.

4. **Hierarchy of Controls Guides** for each recognised psychosocial hazard are available to assist you in choosing appropriate Control Measures for your workplace.