



## GPS Tracking Policy on mobile phones: Report back from meeting with Canon on 26<sup>th</sup> July 2017

As detailed in the Recommendation of the Fair Work Commission, (see attached ASU newsletter to members dated 12<sup>th</sup> July 2017) Michael Rizzo of the ASU met with Glen Trestrail of Canon on the 26<sup>th</sup> July 2017 in Sydney. The meeting was to review the Canon GPS Tracking of mobile phones policy which had been substantially re-written by Canon on the 6<sup>th</sup> July 2017 compared to the one members had seen previously. (see the attached re-written policy dated 6<sup>th</sup> July 2017 with track changes in red)

The meeting was to review the policy, agree on any changes and then present this next draft for member consideration. Members feed back to the ASU would then be relayed to the scheduled FWC Conference on the 9<sup>th</sup> August 2017 in Melbourne before Commissioner Gregory.

At the 26<sup>th</sup> July meeting with Canon it was agreed that Canon would provide to the ASU a revised draft by the 31<sup>st</sup> July, so that the ASU then had time to distribute it to members for feedback in time for the Report Back to the FWC on the 9<sup>th</sup> August 2017.

However, because of Canon managerial meetings on the policy draft and internal processes, the ASU did not receive the updated draft policy until the 7<sup>th</sup> August 2017. (attached) The ASU informed Canon and the FWC that it now did not have enough time to distribute the updated policy to members for feedback before 9<sup>th</sup> August scheduled Conference in the FWC, and asked the FWC to postpone the Conference to allow the ASU to liaise with its members. The FWC agreed and set a new Conference and Report Back date for the 31<sup>st</sup> August (see attached notice of listing from FWC).

At the ASU meeting with Canon in Sydney on the 26<sup>th</sup> July the ASU raised 4 major problems with the policy which have been outlined with members previously. Canon's response to these 4 points is contained in the covering email to the ASU dated 7<sup>th</sup> August 2017 and the latest version of the GPS policy also dated 7<sup>th</sup> August 2017 (attached).

The 4 major ASU concerns raised at the 26<sup>th</sup> July 2017 meeting were as follows:

1. Having to report to Canon at regular intervals through an app which shows ones Co-ordinates and location – Canon says technicians may have to report every 15-30 minutes, although the policy does not presently state this.

Why? What about individual privacy? What about those who do not give express consent? Does this requirement not severely undermine those who do not give consent?

The ASU while viewing this practice as unnecessary and inefficient put forward that if technicians are to report in, then it should be every 15-30 minutes, so at least there are some parameters.

Canon's response is in attachment dated 7<sup>th</sup> August 2017.

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2. Privacy surrounding the data:
  - Why is the data collected?
  - How long is it stored for?
  - Who has access to the data?
  - Will it be used for disciplinary purposes?

Canon's response is in attachment dated 7th August 2017.

3. Policy to be used for disciplinary purposes – The ASU wants this removed. If Canon says the policy is about better customer service, better rostering and OH&S concerns, then why include a draconian disciplinary policy which can lead to final warnings and terminations?

Canon's response is in attachment dated 7th August 2017.

4. Canon wants to change the policy at its discretion - while there are some current caveats, such as consulting before changing the policy, once the consultation has occurred, Canon can then go ahead and change the policy anyway. The ASU proposed the wording that Canon would "consult and agree" with the ASU/employees before it could change the GPS Policy.

Canon's response is in attachment dated 7th August 2017.

Despite the best efforts by the ASU, through meetings with Canon and FWC Conferences, to find a reasonable compromise regarding this policy, at this point, the union still has significant problems with the 7<sup>th</sup> August email and draft policy.

For instance, despite Canon removing the reference to disciplinary action in the policy, it still retains the right to use GPS Tracking for disciplinary reasons as outlined in the covering email. Furthermore, Canon can still change the policy unilaterally, without agreement from the ASU or employees, and it still wants employees to report in every 30 minutes if they do not give their consent to GPS Tracking of their mobile phone.

The ASU's duty is to now allow members to peruse and review the latest draft of the policy dated 7<sup>th</sup> August 2017 and get your feedback so this can be reported to the Commission on the 31<sup>st</sup> August. Please indicate whether you accept the policy or not by informing your delegate, State Branch ASU Organiser or myself at [mrizzo@asu.asn.au](mailto:mrizzo@asu.asn.au). The ASU will collate this material and Report Back to the Commission.

Members are reminded that if the policy is rejected, then notwithstanding further negotiations with Canon, the ASU will need to apply to the FWC to arbitrate the matter. This means that both the ASU and Canon would present their respective cases to the FWC and then the Commission would make an independent decision on the policy as it sees fit.

#### More information

For more information, please get in touch with the relevant contact below.

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