



## FWC decides Canon's GPS Tracking policy does not breach Canon EBA-dismisses ASU application

The FWC released its GPS tracking Decision on the 13 July and unfortunately dismissed the ASU's application deciding that the Canon policy **DOES NOT BREACH** the Canon EBA. (Decision attached)

This is obviously a very disappointing result. We have all worked hard on this issue for the past 18 months and the ASU knows about the depth of concern members have about this GPS tracking policy.

The Commission in its Decision is not deciding about the virtues of the policy itself. It accepts through managerial prerogative that the company can introduce any policy it likes as long as it consults with employees, it is not illegal and it does not breach the EBA. In the Conclusion on page 19 of the Decision, Commissioner Gregory unfortunately concludes the policy does not breach the EBA. This is the primary question he has the jurisdiction to decide upon.

However, the ASU is particularly disappointed with this Decision for a number of reasons, including:

- I. Senior Canon Manager, Clifford Hole at paragraphs 27 and 28 of the Decision admitted under ASU cross-examination that he had not read the final GPS tracking policy and that the GPS would only update customers every 15 minutes. The ASU would hardly call this keeping customers up to date with Technicians movements as the policy seeks to do;
- II. the Commission at para 33 accepts Senior Canon Manager Paul Gravina's evidence that the Technicians will know when to switch on and off the tracking device and thus protect their privacy despite a lot of evidence to the contrary brought forward by the ASU regarding confusion around the meaning of "during working hours", Start of Day, Overtime, weekend work and Stand-By and Call-Out. The policy is not specific on whether Technicians need to switch on or off during these times or events.(see para 69 for example) and;
- III. while at paras 47 and 48 the Commission acknowledges the concerns of the Technicians with the policy such as disciplinary action, he concludes at para 49 that these concerns are not his primary concern-his primary concern is whether the policy breaches the EBA and to this question his answer is that it **DOES NOT**.( paras 62, 65, 66, 67).

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Despite our disappointment, the ASU will carefully monitor the implementation of this policy and raise any issues with Canon that may disadvantage our members. And we can also add it as a log item in the EBA negotiation next year. We may consider for example placing the policy in the EBA, so we can have some control over it and so it cannot be changed by the company at its discretion.

The ASU would like to take this opportunity to thank the ASU delegates for their hard work during this long and difficult dispute and that includes Carl Lowther who took a redundancy from Canon earlier this year.

If you have any questions, please contact your relevant ASU official below.

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