

# Office of the Privacy Commissioner of Canada



## PRIVACY IN EMPLOYMENT



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## PRIVACY IN EMPLOYMENT

### The Challenges of new technology

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Today's workshop:

Surveillance of employees

Technology's role



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## A sea of rules

### Laws

Human rights

Privacy (PIPEDA, provincial)

Employment standards

### Contracts

Collective agreement



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## Case study

### Use of GPS to monitor trucking unit

Two tests to be met:

1. Is it reasonable?
2. Is there consent?



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- ┌ **Is it reasonable?**
  - ┌ **Is GPS demonstrably necessary to meet a specific need?**
  - ┌ **Is it likely to be effective in meeting the need?**
  - ┌ **Is the loss or privacy proportional to the benefit gained**
  - ┌ **Is there a less privacy-invasive way of achieving the same end?**



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- ┌ Is there consent?
  - ┌ Role of implied consent in the workforce  
(*Wansink v TELUS*, Court of Appeal)



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## ■ Warnings:

- Function creep – erosion of rights in bits
- Just because the technology makes it possible, doesn't mean you should (limit collection)
- Effect of surveillance on employees



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# Thank You

## Questions



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