

RSL Lifecare

Updated Surveillance Policy & Procedure

Dear Member,

The HSU has received an updated workplace surveillance Policy and Procedure (see attached).

The main addition to the existing policy is in relation to usage of RSL Life Care IT and Phones.

The policy still states that cameras will not be installed in the Staff/Lunch Rooms or resident rooms.

Cameras are to be installed at Tobruk/Wirraway (in common areas) and are likely to be rolled out across the company over time.

If you have any questions or concerns about the policy, please email agedcare@hsu.asn.au .

You can encourage your workmates to join online www.hsu.asn.au/join or phone 1300 478 679.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Policy Title:	Workplace Surveillance Policy
Policy Statement:	<p>This Policy serves as the written notification to RSL LifeCare (“RSLLC”) employees regarding activities that fall within the statutory definitions of surveillance.</p> <p>Where there is an inconsistency between this Policy and the Workplace Surveillance Act 2005 (NSW) (“WS Act”), or the Workplace Privacy Act 2011 (ACT)(“WP Act”) the WS Act or the WP Act prevails.</p>
Purpose:	<ul style="list-style-type: none"> • The purpose of the Workplace Surveillance Policy is to ensure employees are notified of the types of workplace surveillance that RSLLC undertakes and that RSLLC complies with the requirements of the workplace surveillance legislation. • The primary aim of the use of surveillance is to achieve potential benefits as follows: <ul style="list-style-type: none"> ○ Potential to deter vandalism and/or a possible assailant/s ○ Reduce the safety risks associated with workers, residents/ clients and others in the workplace ○ Promote a safe working environment by deterring acts of harassment, assault or abuse of employees, residents and visitors ○ Increasing information available to assist with investigating breaches or potential breaches of RSLLC's policies and procedures or breaches or potential breaches of the law ○ Ensure the appropriate use of Company IT property and resources.
Scope:	<ul style="list-style-type: none"> • This Policy applies to all RSLLC employees and contractors, and at all RSLLC premises.
Principles:	<ul style="list-style-type: none"> • The types of workplace surveillance that RSLLC conducts are: <ul style="list-style-type: none"> ○ Camera surveillance – (Closed Circuit TV Camera - CCTV) ○ Computer/data surveillance ○ Security Access Points • RSLLC will not carry out, or cause to be carried out, covert surveillance unless it is in accordance with the requirements of Part 4 of the WS Act and Part 4 of the WP Act. • Camera surveillance will be ongoing, permanent and continuous. • For new employees, RSLLC will, from commencement of their employment, carry out ongoing, intermittent surveillance of their use of RSLLC computer systems, phone systems and mobile communications or computing devices (including by way of real time monitoring and recording) – including emails, internet and files (including files stored on the work computer or mobile communication or computing devices).

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Approved by: Chief Executive Officer

Policy owner: Executive General Manager – Human Resources

Policy Title:	Workplace Surveillance Policy
	<ul style="list-style-type: none"> • For existing employees, the above surveillance will be carried out on an ongoing, intermittent basis after the required consultation period. • RSLLC may use or rely on surveillance records for the purposes of taking disciplinary or other appropriate action against employees or investigating a reasonable suspicion that an employee has breached their employment obligations. • RSLLC will take reasonable steps to protect surveillance records it holds from misuse, loss, unauthorised access, modification or disclosure.
Compliance, Monitoring and Evaluation:	<ul style="list-style-type: none"> • RSLLC may use any data or information that is generated by surveillance technology for the purposes of verifying an individual's conduct in the workplace.
Related Documents and References:	<ul style="list-style-type: none"> • Workplace Surveillance Procedure • IT Acceptable Policy
Supporting Documents and References:	<ul style="list-style-type: none"> • Workplace Surveillance Act 2005 (NSW) • Workplace Privacy Act 2011 (ACT) • Surveillance Devices Act 2007 (NSW)

This document sets out procedures and guidelines of RSLLC. It does not form part of any employment contract or give rise to contractual rights or promises. It may be varied from time to time by RSLLC.

Approval date: xx xx 20xx

Next review: xx 20xx

Approved by: Chief Executive Officer

Policy owner: Executive General Manager – Human Resources

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Procedure Title:	Workplace Surveillance Procedure
Purpose:	The purpose of this Procedure is to detail the actions relating to workplace surveillance in RSL LifeCare's ("RSLLC") premises.
Scope:	This Procedure applies to all RSLLC employees and contractors, and at all RSLLC premises.
Roles and Responsibilities:	<ul style="list-style-type: none"> Human Resources are responsible for ensuring new employees are advised of the RSLLC's Workplace Surveillance Policy and Procedure. All employees are responsible for maintaining strict confidentiality of all RSLLC records, information and data.
Compliance, Monitoring and Evaluation:	<ul style="list-style-type: none"> Any employee or contractor found to be in breach of the Workplace Surveillance Policy or Procedure will be subject to appropriate disciplinary action, up to and including summary dismissal. RSLLC may use data or information that is generated by surveillance technology for the purposes of verifying an individual's conduct in the workplace.
Related Documents and References:	<ul style="list-style-type: none"> Workplace Surveillance Policy IT Acceptable Use Policy
Supporting Documents and References:	<ul style="list-style-type: none"> Workplace Surveillance Act 2005 (NSW) Workplace Privacy Act 2011 (ACT)
Definitions and Terminology	<ul style="list-style-type: none"> Surveillance: of an employee means surveillance of an employee by any of the following means: <ul style="list-style-type: none"> camera surveillance (or optical surveillance), which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place, computer surveillance (or data surveillance), which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer, laptop, servers, email and network services, printers, network connected devices and connections to the internet.

Procedure

1. Camera surveillance (Closed Circuit TV - CCTV)

1.1 Location of CCTV

RSLLC has CCTV surveillance across its sites. The use of this technology includes both real time monitoring and the recording of images. However, except as otherwise permitted by law, RSLLC will not use camera surveillance in employee breakout/ lunch rooms, first aid rooms/

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Approved by: Chief Executive Officer

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sick bay, parent/ nursing rooms/ prayer rooms (where applicable) and any private areas such as resident's rooms and toilets/restrooms.

1.2 Installation and notification of Camera Surveillance Devices

Any installations of surveillance devices must be in-accordance with the Workplace Surveillance Act 2005 (NSW), Workplace Privacy Act 2011 (ACT) and the Workplace Surveillance Policy.

1.3 Purpose of camera surveillance

The primary purpose of RSLLC's use of CCTV technology is to ensure that its premises are secure and to minimise risk to the health, safety or welfare of employees and workers. For this reason, the technology operates on a continuous and ongoing basis. RSLLC reserves the right to use information generated by CCTV technology for the purpose of verifying an individual's conduct on RSLLC's premises.

2. Computer/ data surveillance

RSLLC uses computer surveillance to monitor, and record employees' use of computers and RSLLC's computer network. Most commonly, this data and information is recorded through normal computer operations (including the storage of temporary files, cache memory and usage logs).

Computer surveillance is used on a continuous and ongoing basis throughout employment. RSLLC may collect and use any information that is obtained through the use of computer surveillance for an indefinite period of time and may use such information for any legitimate purpose, including in respect of investigations involving an employee's conduct, their use of such equipment or their performance.

2.1 Examples of information and data that may be accessed and reviewed

Include, but is not limited to:

- system storage and download volumes
- internet usage and access
- suspected malicious code or viruses
- email usage including content sent and received
- computer hard drives
- company mobile telephone/smartphone/mobile device use, access and locational records (e.g. all phone bills state the general location calls/texts were made from)
- use of WIFI access points
- access and use of RSLLC software
- Information Technology logs, backups and archives

2.2 Emails and internet systems

Employee's emails are subject to monitoring, and such the surveillance of them is continuous and ongoing, however, emails are not routinely read and monitored by RSLLC on a continuous and ongoing basis.

2.3 The prevention of delivery of an email

RSLLC reserves the right to prevent (or cause to be prevented) the delivery of an email sent to or from employees, or access to an internet website (including a social networking site) by an employee, if it contains, refers or links to:

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- obscene, offensive or inappropriate material (for example, material of a sexual, indecent or pornographic nature)
- material that causes or may cause insult, offence, intimidation or humiliation
- defamatory or may incur liability or adversely impacts the RSLLC's image or reputation
- is illegal, unlawful or inappropriate
- anything that does or potentially affects the performance of, or cause damage to or overload the RSLLC's computer network, or internal or external communications in any way
- anything that gives the impression of, or is representing, giving opinions or making statements on behalf of the RSLLC's without proper delegation.

Where an email is prevented from being delivered to or from an employee, they will receive a notice from Information Technology that informs them that the delivery of the email was prevented.

Notice will not be given if:

- the email was considered to be SPAM, or contain potentially malicious software
- the content of the email (or any attachment) would or might have resulted in an unauthorised interference with, damage to or operation of any program run or data stored on any of the RSLLC's equipment
- the email (or any attachment) would be regarded by a reasonable person as being, in all the circumstances, menacing, harassing or offensive
- an email sent by a user if the RSLLC was not aware (and could not reasonably be expected to be aware) of the identity of the user who sent the email or that the email was sent by the user.

3. Security Access Points

RSLLC may use security access cards, security entry points and biometric access controls such as thumbprint scanners. These technologies do not monitor a person's specific location on RSLLC's premises at any given time, but do record the time and location that such persons use those cards to pass through designated entry and exit points, or access entry through fingerprint scan entry points.

The primary purpose of these technologies is to restrict and monitor access to RSLLC's premises to ensure that such premises are secure and without risk to employees and workers' health, safety or welfare. For this reason, the technology operates on a continuous and ongoing basis. RSLLC reserves the right to use information generated by these devices for the purpose of verifying an individual's entry to and exit from RSLLC's premises.

Employee's and contractor's obligations when using the RSLLC's computers and other IT resources are set out in the IT Acceptable Use Policy.

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