

Can You Use Surveillance Cameras to Monitor Employees?



QUESTION

At the produce store, we had an employee complain to us regarding the Store Managers watching the employees during and after through the cameras and that it is against Human Rights.

What are your thoughts on this subject?

Although what you're describing doesn't sound like a human rights issue, the employee does raise a legitimate concern under privacy laws.

EXPLANATION

Under privacy laws, the use of surveillance cameras to film employees at work is allowed only if it's "reasonable." As an employer, you have the burden of proving reasonable by showing 4 things:

- 1) Using surveillance cameras is necessary to meet a specific and legitimate need;
- 2) The use is likely to be effective in meeting that need;
- 3) The resulting loss of privacy to the employees being filmed is proportional to the benefit gained; and
- 4) There is no less privacy-invasive way of achieving the same end.

Note that you're much more likely to meet this standard if you're using the surveillance cameras to protect security. But if your purpose is to monitor productivity or catch employees "goofing off," you're going to have problems.

Even if the use is reasonable, you may still have to notify employees so they know that cameras are being used.

WHAT YOU SHOULD DO

If you haven't already, I'd suggest that you implement a written surveillance policy along the lines of the model on the HR Insider website listing:

- The fact that surveillance cameras are being used;
- The reason for such use;
- Camera locations;
- The hours surveillance is conducted;
- How you intend to use the footage;
- How long you intend to keep the footage; and
- Contact information of somebody at the store who can field complaints.

I'd also post warning signs or notices to remind employees that surveillance cameras are in use.

I hope this helps.