Workplace Surveillance Quiz



Can Employer Install Workplace Surveillance Cameras

SITUATION

A company installs video surveillance cameras in its parking lots in response to a rash of theft and vandalism incidents. Although employees aren't the target, the cameras do capture some of their activities. The company posts signs at entrances warning of the cameras. Insisting that the cameras are the only feasible way to protect security, the company reassures employees that it won't use the cameras to monitor their workplace behaviour or productivity. In fact, it doesn't monitor the cameras at all and uses them only to investigate incidents. Even so, employees claim that the cameras are an invasion of privacy and demand their removal.

QUESTION

Does the company have the right to keep the cameras in place?

A. No, because it didn't get employee consent to install them in the first place

B. No, because the cameras record worker activity, which is personal information

C. Yes, because it owns the property and can place surveillance cameras wherever it wants

D. Yes, because it has a legitimate security need for the cameras

ANSWER

The company can maintain the cameras because they serve a legitimate security purpose.

EXPLANATION

This situation is based on the facts of an Ontario case called *Eastmond v. Canadian Pacific Railroad*. The court ruled that the cameras could stay because:

- The company notified employees about their presence;
- They were used principally to monitor visitors and not to monitor employees for productivity or disciplinary purposes;
- The videos were only accessible to "responsible management" and police and only

in response to incidents;
- They were located in public areas where the expectation of privacy was minimal; and
- Alternatives such as fencing or security guards were ineffective and infeasible.

WHY WRONG ANSWERS ARE WRONG

A is wrong because employers don’t need consent to install video cameras if obtaining consent would thwart a legitimate purpose, and deterring theft or vandalism in the interest of protecting security is a legitimate purpose.

B is wrong because it’s okay to collect personal information, including tapes of employee activity, if, as in this case, it serves legitimate purposes and less burdensome methods aren’t feasible.

C is wrong because courts have repeatedly found that PIPEDA laws ban employers from installing video cameras on their own property for disciplinary purposes or to monitor employee productivity.