

Union wins privacy rights victory for call center workers

This call may be recorded for the purpose of quality assurance. All of us have probably heard this statement. In recent years it seems that dealing with the call centers of government agencies and private companies has become part of our daily lives. When you are told your call may be recorded in most cases that really means that it will be. Most call centers have purchased technology that allows them to record every call they receive, and that is exactly what they do. They then keep it indefinitely.

In the age of technology, workplace privacy has become a huge issue for workers and unions. On a daily basis workers are subjected to any number of methods of employer surveillance. These can include: Video surveillance, global positioning satellite monitoring, drug testing, voice recording, fingerprinting, polygraph testing, computer key stroke monitoring, etc

At what point does employer surveillance of workers become an invasion of privacy? What privacy rights exist for employees in the workplace?

The Nova Scotia Union of Public and Private Employees, the union that represents the call center agents of the Halifax Regional Municipality in the province of Nova Scotia, took a grievance to arbitration last fall alleging that the recording of every incoming call by the call center was an invasion of worker privacy.

In an award dated April 17th 2008 sole arbitrator Milton J. Veniot, Q.C. found that the employer recordings were a violation of worker privacy under the Municipal Government Act. Arbitrator Veniot also found that the employer violated its duty to act in a fair and reasonable manner and had established an unreasonable rule as set out in the much cited K.V.P. case.

The employer was ordered to cease the recording of calls at the call center and to destroy all the recordings that it possessed. The employer has sought judicial review of the decision.

NSUPE is encouraged by this victory and is committed to the defense of workers in situations where employer surveillance violates their rights of privacy.