Subjects: Use of video surveillance
Occupation: Employee
Data type: Pictures

Does my employer have the right to monitor me by filming me?

Being a heavy smoker, an employee makes a dozen times trips to the toilet during the day, where it is forbidden to smoke.
About a month after joining the company, he was summoned by the head of service which explained that this going to and from the toilet, and joined with the smell of smoke, may be grounds for his dismissal. The employee was astounded when he learned that there were cameras hidden in the corridors.
Outraged, he exited the office yelling that he would not enter the federal commissioner / cantonal for data protection.
Anxious to calm his anger, the employer explained why the cameras were installed.
Video surveillance is very intrusive. The consent of the persons concerned cannot always be collected, as it must meet strict requirements. The first consists of the adequate information of the employees. We may monitor the service provided by a worker, it is however illegal to monitor his behaviour.

Recommendations
The objective must be clear, and the most adequate and less intrusive means to achieve this must be chosen. It should not lead to permanent monitoring of behaviour. These measures must be the subjected to adequate communication. The employer must inform and consult the employees or their representatives and, if possible, obtain their consent before introducing the automated systems for the collection and processing of their personal data.

Basic principles
LIPAD 38 et 42 ; LPD 4; 12, 13, 14 et 17 ; LTr 6 ; OLT3 26 ; CO 328 et 328b

Principles of legality, good faith and proportionality (suitability, the necessity for these measures and the least intrusive); The principle of transparency of the data collection: the purpose of the collection must be recognizable; protection of workers

Resources
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