

**FUNZIONE
PUBBLICA**

CGIL

Jobs Act & remote controls, in the digitilization of social services.

Audiovisual equipment and other
control tools in personal services

Legislative framework

Current Text

Art. 4 **Audio visual Installations and other control systems**

1. Audiovisual equipment and other instruments, which can remote control workers' activities, can only be used for organizational and production needs (...)

Previous text

Art. 4 **Audio Visual Installations**

1. It is forbidden to use audiovisual equipment and other equipment to remote monitoring workers' activity (...)

Possible risks

The jobsact, that has reformed the workers' statute, removes the obligation of union agreement, as previously established. This gives strong power to companies relating to workers right to privacy, for those who are employed in personal services, but also to users right to privacy. In some cases it undermines human and professional relationship and causes distrust.



Privacy Guarantor: provision no. 247/2017

On the one hand:

admits data processing related to workers localization (to optimize resources), job security (protection of the personnel employed in highly "dangerous" areas) and protection of corporate assets (prevention of thefts)

On the other:

specifies that data processing can't be a survey in real-time (constant and continuous) of mobile devices and workers data

The importance of company bargaining to protect privacy

The company agreement is strategic about this issue to make clearer and / or amend and mitigate legislative provisions.

Without a specific legislative intervention it is strongly recommended to conclude company agreements, additional, district and local agreements, in order to better manage problems and specific issues of single companies related to workers' and users' privacy protection .



Example of agreement

Here below a passage from a company agreement:

“The use of geolocalization for the home care workers’ badging presents , in the union’s opinion, the problem of workers’ remote control. The company has anyway specified that the use of the system is aimed only to register presences and not to register the place where workers sign, due to the specificity of the service, assuring that it can’t be used for disciplinary actions.”

To notice the passage in which the company undertakes to detect only the presence and not the constant and continuous workers’ localization, due to the special nature of the service.

The implications of this control should also be analyzed taking into account effects on users.

The importance of collective bargaining

As for Art.18 that granted unjustified dismissals, deleted by JobsAct, it is important to underline the importance of collective bargaining and trade union struggle to undermine legislative acts that restrict labor protection; as it happened with a recent provision by the constitutional court, following a case filed by a worker with our support, which has rejected the instrument of compensation, ruled by jobsact, for unjustified dismissals.

THANK YOU



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