



English summary  
of Fafo-rapport 2023:12

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## Digitalisation, privacy protection and union rep participation

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This report discusses issues related to digitalisation and employees' privacy protection. It also looks at the extent of union reps' participation in the introduction of new digital technology with the capability for more checks and closer monitoring of employees. The issues are viewed in light of the regulations in this area, with an emphasis on the rules on union reps' participation under the Working Environment Act and collective agreements. No legal assessments are made in this report.

The report is based on several data sources, both quantitative and qualitative: 13 qualitative interviews with union reps and safety delegates of various members of the Norwegian Confederation of Trade Unions (LO); a survey of 1182 businesses in the private and public sectors; questions put to a panel of reps from LO in the spring of 2021 and autumn 2021; and a desk study that mapped the functionality of eight selected specialist systems. The main findings of the report can be summarised as follows:

The digitalisation of the workplace is well underway, and as many as nine out of ten respondents in our survey have introduced new digital solutions or technologies in the last 3 years.

The top three areas of digitisation have been: internal communication systems (81 per cent), external communication systems to customers or users (69 per cent) and training of employees (65 per cent).

Among the companies that have safety delegates or union reps, 36 per cent indicate that safety delegates were involved in the decision-making phase in the procurement of new digital technology, while 34 per cent report that union reps were involved. Many of the businesses that involved union reps or safety delegates in the decision-making also involved them in the implementation.

Meanwhile, almost half of the businesses indicate that they have not involved union reps or safety delegates in the process. Businesses' reported practices in terms of involvement seem to differ considerably from the statutory and contractual provisions for the social partners vis-à-vis the introduction of new technology.

The Business Survey, the panel of reps from LO and the qualitative interviews show that union reps and safety delegates are not particularly sceptical or resis-

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tant to digital solutions or technologies because of the opportunities for monitoring it represents.

Employers indicate that, in many cases, the technology is used for some form of employee check; 30 per cent use the technology to monitor employees' logging in and out of the system, 24 per cent monitor the employees' hours and productivity, 18 per cent monitor how employees perform their tasks, 8 per cent monitor employees' movements and where they are, while 4 per cent monitor employees' private activities or private use of work equipment.

Several examples are given in the qualitative material of how these checks are carried out in practice. Several were related to direct and detailed checks of employees' use of work phones and communications systems via time and motion management, in both the private and public sector.

There is broad agreement among the business leaders in our data material that it is important to protect employees' privacy when introducing new digital solutions and technologies. However, only 58 per cent have told employees what data is collected, and 46 per cent have discussed the ramifications for privacy with safety delegates or union reps.

Companies that have union reps, safety delegates and data protection officers were more likely to have implemented privacy protection measures in new digital technologies than companies that do not have these resources.

Digitalisation enables new forms of monitoring and checks in the workplace. For example, software and data units whose applications are completely non-control related have integrated control functionality that can provide businesses with information on employees' movements etc. This is often standard in popular system solutions, such as Microsoft Teams.

A business may also have software that is specially developed to collect, analyse and disseminate data on the individual employees (bossware). Employee checks and monitoring in new digital systems require enhanced competence among employees, union reps and employers alike.

Bossware has the capability for new forms of monitoring and checks that could become the norm, including in Norway. We cannot ignore the fact that the pandemic has led to increased use of bossware by employers throughout Norway. This software is currently cheap and easy to obtain, but its use is not necessarily legal in Norway. The monitoring is invisible and thus more difficult to detect – and impossible to avoid or guard against compared with more traditional control and monitoring tools.

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