Employee monitoring and surveillance

Phase

Native name

Type
Employee monitoring and surveillance

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Article
Description

Legal framework ensures a balance between operational needs of employers and the privacy and rights of employees: the Workers’ Statute (Law 300/70) sets the foundation by prohibiting audiovisual and remote monitoring systems unless there’s an agreement with trade union representatives.

Employers are also bound by a comprehensive obligation to inform employees about various aspects of their employment, including the use of any monitoring systems (detailed in Legislative Decree No. 152/1997 and further elaborated in Legislative Decree No. 104/2022). The Privacy Code, as amended by Legislative Decree 101/2018, reinforces these principles by requiring a solid legal basis, such as collective agreements or administrative authorizations, for the implementation of monitoring systems. It also mandates strict adherence to data protection laws, ensuring that any data collection is relevant, limited, and respects the privacy rights of individuals.

Furthermore, recent legislative developments, such as Law No. 48/2023, introduce additional layers of employee protection, including requirements for employers to provide or make accessible collective contracts, company rules, and information about automated decision-making systems used in the workplace, unless exempted due to industrial or commercial secrecy.

Commentary

The main Italian trade unions (CGIL, CISL and UIL) have clear positions regarding the monitoring and surveillance of employees. They emphasise the importance of oversight to reduce risks, accidents, and occupational diseases. They promote access to new digital technologies, workers’ participation in company management, and continuous training. The common goal is to ensure the health and safety of workers, respecting their rights and actively involving them in company management.

Additional metadata

<table>
<thead>
<tr>
<th>Cost covered by</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involved actors other than national government</td>
<td>Trade union</td>
</tr>
<tr>
<td>Involvement (others)</td>
<td>None</td>
</tr>
</tbody>
</table>
**Thresholds**

Affected employees: No, applicable in all circumstances
Company size: No, applicable in all circumstances
Additional information: No, applicable in all circumstances

**Sources**

- DECRETO LEGISLATIVO 26 maggio 1997, n. 152
- DECRETO LEGISLATIVO 27 giugno 2022, n. 104
- Decreto Legge 4 maggio 2023, numero. 48
- DECRETO LEGISLATIVO 30 giugno 2003, n. 196

**Citation**

Eurofound (2023), Italy: Employee monitoring and surveillance, Restructuring legislation database, Dublin