



## Using a recording device

### IR Update February 2014

#### Using a recording device

Another revolution in the technological age is the ability for smart phones to record conversations. The Commission is coming across an increasing number of cases involving employers and employees, looking to protect themselves by making audio recordings of critical employment related meetings.

A recent decision of the Commission suggests that using covert recording devices may be pointless. In a preliminary hearing relating to an unfair dismissal application, the Commissioner ruled that an employee's secret recording of a meeting with their managers was inadmissible.

This is a lesson for both employers and employees—if either party would like to use a recording device during a conversation or meeting, they must obtain the consent of the other party— otherwise this could be a breach under the Invasion of Privacy Act 1971 (Queensland) which does not permit the use of audio recordings of private conversations.

*Sources: Employment Law Matters 10 December 2013: Handling smartphones and recording in a smart way Human Capital Editor 3 September 2013 : Using a recording device Human Capital Editor 29 January 2013 : iPhone recording costs job.*