DEVELOPMENTS IN COMMUNICATION TECHNOLOGIES AND EMPLOYEE PRIVACY IN THE WORKPLACE

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ABSTRACT
Following the developments in technology, "monitoring" has steadily increased in educational institutions, roads, subway, or in short everywhere in cities where people live. And, the employees have also started to be monitored in workplaces by their employees during the working hours. The case of constantly being monitored and tracked has led to the established opinion in the employees that almost there is no privacy at work. Employers, however, consider the monitoring as a necessity since it increases efficiency, improves quality and ensures security. In the workplaces, e-mails and computers are monitored, offices are under surveillance by cameras, phones are tapped, certain sites and social media sites are blocked on the Internet, personal data are recorded, and electronic cards are used for employee entries and exits. Does these practices and controls have pressure on employees and harm privacy? Advances in communication technologies and the issue of employee privacy in businesses were investigated in this study by examining the regulations in international and municipal law (Constitution, the Turkish Penal Code, the Code of Criminal Procedure, Labor Law).

Keywords: Employee privacy, right of privacy, monitoring in workplaces.

INTRODUCTION
Surveillance and monitoring is an activity performed by those who are in power and desire to maintain this power continuously. Since the invention of writing, states have wished to keep record of everyone and everything. CCMS (Central Census Management System) and MOBESE (Mobile Electronic System Integration) are examples of these activities. According to the monotheistic religions, the God is omnipresent and omnipotent. Those who are in power both control and direct people. This idea has such reflections in the world: Parents control children in a family, and employer controls the staff in the workplace. Employers state that they monitor in order to control unethical behavior of their employees on the Internet and to increase production and productivity, whereas employees consider this a threat against their private life, and think that they are not being trusted.

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Although it was easy to control all workers in a factory in the early stages of the industrial revolution, the communication technologies are used in today’s business world in this regard. The rapid development in information technologies has enabled these practices. Monitoring of all communications through cameras, PACS (Personnel Attendance Control System), Internet-activity monitoring programs, GPS (Global Positioning System), and so on is considered legitimate on behalf of higher production and productivity.

The aim of this study is to investigate the positive or negative impact of the communication technologies used in workplaces in business life, and the appropriateness of monitoring and surveillance in accordance with the national and international law by screening the literature. In this context, the monitoring and surveillance concepts and the history of monitoring and surveillance was demonstrated in the first section of the study together with the current status. In the second section, the panopticon, superpanopticon synopticon, omnipnticon concepts and their impact on business life was discussed; and, the public space, private space, confidential space and work life concepts were addressed in the third section. In the fourth section, the privacy issue in the workplace was addressed in accordance with the national and international law, and the legality of the practices was discussed. And, in the final section, the basis for the employers to perform monitoring and surveillance, the monitoring and surveillance techniques, the impact of monitoring and surveillance on employees were discussed, and the issue was explained on the basis of Supreme Court’s decisions.

**MONITORING AND SURVEILLANCE CONCEPTS**

Monitoring provides work-related information accumulated automatically without any specific purpose. Determination of the premiums, controlling the workers, keeping records is covered within this concept (Yılmaz, 2005: 3). And, surveillance is defined as the relationship between the power and individual to be kept under control; its scope is narrower, compared to the monitoring (Büyük & Keskin, 2012: 57). Worker's personality and attitude towards work are not relevant in the monitoring process. In surveillance, however, the biases and power relations are involved (Yılmaz, 2005: 4).

**HISTORY OF MONITORING-SURVEILLANCE AND CURRENT STATUS**

Monitoring and surveillance actions have a long history. Managers in the ancient era were keeping records for reasons such as tax, military service, and immigration. Monitoring and recording in that era was for carrying out the tasks only in a regular fashion. And, monitoring the people by the state began in early modernism (Tekergül, 2010: 6). According to Anthony Giddens, the mechanism who held the authority should gather information about the population. This is why the communication technologies have always been strategically important for governments (Aydoğan, 2010; through: Karahisar, 2012: 600). In the 17th century, the groups that had been difficult to control and monitor (unemployed, drunk, plague-stricken, leper people, etc.) have been kept under control by confining in certain places. Foucault refers to this period as the 'great confinement' (Tekergül, 2010: 8). Modern people also experience 'great confinement' in open space. Checking-in on the social networking sites, sharing videos and photos continuously, desire to capture videos of everyone in everywhere, MOBESEs are all a reflection of the freedom restrictions unconsciously.
There was no separation between home and workplace (works were limited with home and fields) before the industrialization, whereas migration to the cities with the factories had been started after industrialization. Due to the increased population, surveillance has become mandatory to ensure public order. Factory was place is where the work begins and ends at certain hours, and it was reasonable to gather workers in one place in order to better control them. In addition, the nature of surveillance practice has also been changed with the industrial revolution. That is to say, in the manufacturing era, the type of production, the amount of raw materials, and the quality of products had been controlled, whereas the work speeds, competencies and willingness of workers has started to be controlled in line with the industrialization (Dolgun, 2005: 69,83). The monitoring conducted in the early 20th century was for 'efficiency and control' only. Being affected by Taylor's views, the businesses had passed the supervision authority to the managers, and began to measure performance in the Fordist period (Aydemir, 2012:10). For example, the 'Cyclometer' device was measuring the speed of typists. In 1946, phone operators had been monitored because of the call durations (Yılmaz, 2005: 3).

The new society, which is defined as the network society by Manuel Castells, and the information society by Yoneji Masuda is driven by Internet. There are positive and negative opinions about the Internet. According to the liberal view, access to information has become easier. And, according to the critical views, the Internet creates a surveillance-control society (Kuyucu and Karahisar, 2013: 59, 60). Most of the people who put forward the idea of the information society has suggested that this revolution is not limited with production and will affect the whole society and life. This foresight became true for today's society. Indeed, Internet is preserving its uniqueness by infiltrating in every aspect of our lives and making us dependent on it (Kalfa and Topateş, 2010: 432).

"In addition, when the capitalist investors turned their attention to manage consumer instead of organizing the workers, the surveillance practices have started to be extended too many other areas by penetrating into the social fabric. The surveillance processes are woven into the postmodern processes significantly" (Lyon, 2006: 287, 288). William Mitchell describes this situation as follows: "Our lives began to leave more complete and detailed traces in cyberspace as the duplex electronic communication devices become widespread. The first widely-used device of this kind was the telephone. Then, the transactions on the ATMs (Automatic Teller Machine) and POS (points of sale) devices in retail stores have been started to be kept. And, personal computers started to leave electronic traces behind as they become connected to commercial online networks (Mitchell, 2000; through Güven, 2006, www.inet-tr.org.tr/inetconf11/ki-tap/guven_inet06.pdf).

"The Surveillance Society: The Threat of 1984-Style Techniques" article by Gary T. Marx uses the surveillance society concept for the first time. In his article, he emphasized the dangers of keeping, cross-referencing, retrieving, processing, marketing and circulation of the personal data (Dolgun, 2005:14, 15). After the September 11, 2001 terrorist attacks, the safety perception of the states has gained a different dimension, and the states started to make compromises on privacy for
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security (Aydemir, 2012:12). After the September 11, 2001, the Madrid Metro attacks on March 11, 2004 and the July 7, 2005 London subway attacks, the government officials began to present keeping records as an obligation to sustain citizens' lives safely. MOBESE cameras in Turkey can be given as an example on this (Toktaş et al., 2012:25). Lyon stresses that the individuals are no longer citizens, but coded numbers and letter sequences. Being perceived as numbers and letters, the individuals are now treated as objects, not subjects (Dolgun, 2005:16). In addition, the ECHELON system has been established by the United States, United Kingdom, Canada, Australia and New Zealand against external threats. This system records the entire communication traffic in the world (Büyük and Keskin, 2012: 65). And, the Carnivore is a software program that enables the US Federal Bureau of Investigation (FBI) to monitor all email communications. Both Carnivore and ECHELON systems threaten privacy and confidentiality of private life, which guaranteed by the constitution of states (Yıldız, 2007: 200, 202).

REFLECTIONS OF THE PANOPTICON, SUPERPANOPTICON, SYNOPTICON, OMNIPTICON CONCEPTS ON CONTEMPORARY SOCIETY AND BUSINESS LIFE

"The Panopticon term refers to an all-seeing eye or monitoring gaze. The design of the panopticon allows observation (-opticon) of all (pan-) inmates of an institution, which consists of single-room cells of several floors aligned in a circular design. Each cell is open towards the inside of the ring and exterior walls of the circular structure have windows. There is a watchman's tower in the middle of the circular structure. Underlying principle of Panopticon is to leave nowhere to hide" (Büyük and Keskin, 2012: 66). Thus, the inmates will feel they are being watched all times, and act accordingly by providing self-control. Bentham's panopticon system is an example of asymmetrical surveillance. Individuals cannot know when they are being watched (Büyük and Keskin, 2012: 67). Foucault has stated that the surveillance permeates every aspect of life in general (Tekergül, 2010:12). And, according to Karl Marx, surveillance of workers in factories has caused discipline because of the analogies with the supervision in the army. He defined this as 'discipline similar to those in barracks', and associated an army, a factory and a school to each other before Foucault (Dolgun, 2005:78). Marx considers the surveillance as an element of the struggle between workers and employers. Supervising free-workers is not the same as controlling the slaves as in the time of slavery. Workers must be kept under continuous control in order to make them work at the lowest cost, and to ensure maximum production (Tekergül, 2010: 11).

The 1985 movie (1984, Michael Redford), adapted from George Orwell's 1984 novel is one of the best movies revealing the panopticon concept. In the movie, the protagonist Winston keeps a journal by hiding from the Big Brother. This is because everywhere is constantly monitored by the tele-screens. Workplaces are like prison. Workers are working in their cubicles similar to prison cells, and are constantly monitored through the screens on their desks. Today's work environment is not different from Winston's work environment (Öztürk, 2013:135).
Charlie Chaplin's movie the Modern Times (1936) is another example where the workplaces transform into a panopticon. The manager gives orders via the screen. And, the workers are aware that they are being monitored though the screen. They are always trying to move faster on the assembly line. And, Charlie Chaplin, as in the role of worker, may even enter to the toilet by card, which also has a screen used by managers to rebuke workers to turn back to their works (Öztürk, 2013:136). Today, entrances and exits to the various units of companies, including toilets, are made with cards or fingerprint readers in some companies.

Mark Poster reflects the panopticon concept to the Internet, and according to him, people are supervised on a voluntary basis in the superpanopticon (Aydoğan, 2010: 8). "Superpanopticon has three functions: Identification, classification and evaluation. The forms we fill, the information we provide on the Internet are examples of the strategy on describing people. Following the information collection, the classification stage begins. And, the evaluation function helps to identify whether the people are in mainstream or not. Deciding whether the people are in the mainstream by looking at their preferences leads to a series of consequences ranging from marketing strategies
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And, the majority monitoring the minority is defined as 'synopticon' by the Norwegian sociologist Thomas Mathiesen. The mass media such as Television and radio are the means where the majority watches the minority. The Internet, however, is a communication tool that the majority monitors itself. Today, the transition from synopticon to "omnipticon" concept has been realized (Toktaş et al., 2012: 32, 33).

PUBLIC SPACE, PRIVATE SPACE, CONFIDENTIAL SPACE AND WORK LIFE CONCEPTS

Public space includes public events and activities, which are not inconvenient if known by others. The actions of people in public places are not under legal protection. Although telling other people's acts is not an invasion of privacy, but telling those acts by distorting is an infringement against personality (Sirabaşi, 2007: 36, 37).

The private space consists of the actions, events and information known by family, friends, and business environment of a person emerged as a result of the communication with these people. The acts known by some in this space do not mean they are open to the public (Sevimli, 2006: 8).

The confidential space consists of the acts and information not open to the people unless trusted. The protection of the confidential area is the protection of individual rights. The sexual life, beliefs, worldview, family relations and health problems of the people and such are included in the confidential area. All kinds of communication of the people are under constitutional protection. The mutual talks and correspondence of individuals are within the scope of confidential area of both parties. Disclosure without the consent of the parties is an infringement of the confidential life area (Sirabaşi, 2007:38-40).

"Although the business life of an individual is open to his/her business circle, it is not open to the public. Therefore, the part of the business life, which is not part of the public domain is part of the private sphere and the business relations are also included the private life. Regardless of the method used, the importance of the records about workers kept by the employer becomes clear in terms of the right to privacy by this designation. The living space not shared by business sphere, such as family life, place of residence, work room and cabinet unique to the individual and his/her communication in the workplace are not open to the interventions coming from the work environment” (Sevimli, 2006:14).

EMPLOYEE PRIVACY IN WORKPLACES ACCORDING TO THE NATIONAL AND INTERNATIONAL LAW

Article No. 20 of the Constitution of the Republic of Turkey in 1982 states that "Everyone has the right to demand respect for his/her private and family life. Privacy of private or family life shall not be violated." (Republic of Turkey, Constitution, 2008:11,12). According to the United Nations Universal Declaration of Human Rights Article No. 12, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks." (Büyük and Keskin, 2012:70). 7th and 8th Articles of the "Charter of
Fundamental Rights of the European Union" stress out the protection of privacy by the "Respect for private and family life" and "Protection of personal data" headings respectively. And, 8th Article of the European Convention on Human Rights states that "Everyone has the right to respect for his private and family life, his home and his correspondence." (Savaş, 2009: 102, 103, 120).

23th-25th articles of the Civil Code No. 4721 and 49th Article of the Obligations Law No. 6098 are concerned with the confidentiality of private life. "Monitoring workers illegally violates the rights on the confidential areas, private life, name, photos and voices of individuals which are protected by law as rights. The provisions on protection of personal rights enacted in the Turkish Civil Code (TCC) Article No. 24 and 25, and the Turkish Code of Obligations (TCO_M_58/1) Article No. 49 are subject to be reflected on the business law (Özdemir, 2010: 248). For example, the workers have right to sue in accordance with the Article 25 of the Civil Code to prevent violation of personal rights if a monitoring through camera is noticed in the workplace (Savaş, 2009:116).

The Turkish Code of Obligation No. 6098 has a new regulation with the title "Protection of the worker's personality": "Employer relationship service on the worker's personality protect and respect and workplace integrity according to the principles of a scheme to provide, particularly workers' psychological and sexual abuse be, and such abuse, those who have suffered more to prevent damage and take the necessary precautions are obliged to." (Özdemir, 2010:248).

The 1st paragraph of the Article No. 132 of the new TPC (Turkish Penal Code) states that violating the confidentiality of communications between people is a crime. Recording the content of communication is a key element for enhancing punishment. And, according to the 2nd paragraph of the same Article, disclosure of the communication content is a criminal act (Ergün, 2008:105, 106). The "communication" term in the Law refers to e-mail, e-chat, and phone calls over the Internet, and teleconferences as well (Dülger, 2004:287). According to the Turkish Penal Code Article No. 134 "Anyone who violates the privacy of others' personal lives shall be punished by imprisonment for a term of from six months to two years or an administrative fine. Where the violation of privacy occurs as a result of recording of images or voice/sound, the minimum penalty shall be not less than one year. Anyone who discloses images or sounds of others' private lives shall be punished by imprisonment for a term of from one to three years. Where the offense is committed through the press or media, the penalty shall be increased by one half." (Tekergül, 2010: 57).

Since eavesdropping imposes restrictions on the freedom of communication, the law only permits this in significant criminal cases. According to the Article 135 of Turkish Criminal Procedure Code no 5271, "in an investigation or trial due to a crime, in case of serious reasons of doubt on commitment of a crime and no other means to obtain evidence, the judge, in cases which a delay is harmful, the Republic prosecutor may decide on identification, interception, recording or evaluating the signal information of a suspect or accused via telecommunication" (Erdemir and Çeliktaş, 2006:98).
Workers' economic and legal dependence on the employers may pose a risk in terms of their personal lives. Although the employer's management rights are considered as "supervision" on the fulfillment of the instructions given by the employer, and the "acknowledgment of this supervision" by workers, the employer's management right is not unlimited. This is because, management rights come after the Constitution and employment contracts (Sevimli, 2006:81, 83). In addition, employers are obliged to act even, when using the management rights. Monitoring e-mails of 'some' workers without any justifiable cause is contrary to the principle of equal treatment (Sevimli, 2006:87, 88).

**MONITORING AND SURVEILLANCE IN WORKPLACES**

According to Lyon, the workers are being checked even before their recruitment. For example, data mining techniques can be used to tell if a worker is a diligent worker (Lyon, 2006:82). Employers have started to look at the Google history and social media shares of the candidates applied. Human resource departments can easily sift out candidates who share violent, discriminatory, pornographic materials. If the candidates set his/her shares 'public', this is not considered a violation of the private sphere (Kuyucu and Karahisar, 2013:168, 169).

Employers state that they monitor their employees and workplaces because of the reasons such as improving the productivity, quality and customer satisfaction, time management, ensuring security, protection against pirates software, data collection for planning and performance evaluation (Erdemir and Çeliktaş, 2006:88).

**Rationale of employers for monitoring and surveillance in workplaces**

If an employer performs monitoring and surveillance, he/she should first comply with the rationale stated in the law. "The best private interests" is one of the reasons complied with the law. In this context, the benefits to be obtained by monitoring and surveillance and impacts on the workers' right to privacy should be considered well. For example, considering the economic damage of virus programs, employee consent on monitoring the Internet traffic can be considered as an employee loyalty, however, this type of tracking cannot be transformed into a monitoring on behaviors and lifestyles of workers (Sevimli, 2006:199, 200). Article 6 of Protection of workers' personal data code of practice published by International Labour Organization (ILO) states that "If workers are monitored they should be informed in advance of the reasons for monitoring, the time schedule, the methods and techniques used and the data to be collected" (Özdemir, 2010: 249, 250). Or if there is a cyber-control for example, and if the employment-contract has no provision on cyber supervision, then the employer has right to terminate the employment contact in accordance with a clause in the Labor Law's 24th Article 2nd paragraph (Savaş, 2009:124).

**Methods used by employers for monitoring and surveillance in workplaces**

Employers use methods such as monitoring Internet usage, tracking e-mails, watching social media, wiretapping phones, open or secret camera monitoring, checking the work hours, GPS tracking and so on for employee monitoring and surveillance.
Monitoring of employees’ computer and internet usage

Monitoring of employees’ computer and internet usage is a common method used in companies. Employers prefer monitoring the company computers to prevent games, free or pirated software, pornography, sexual harassment and data leakage. However, constantly tracking the employees’ computers is disputable in terms of business ethics (Aydemir, 2012: 64, 65). In addition, employers grant the employees working in data-processing centers infinite access authority to access data of workers. However, access to these data should be carried out in accordance with official procedures (Büyük and Keskin, 2012:59). Regarding the issue, "The Supreme Court’s 9th Law Office’s decision dated October 10, 2006, states that the behaviors of the worker who enters online betting sites during the work hours despite the warnings, and faced with execution because of his credit card debts caused by this reason were sufficient for the termination of worker's employment contract (Docket No. 2006/19150, Decree No. 2006/26792)" (Özdemir, 2010:240).

Monitoring of workers’ e-mail messages

E-mails are confidential as well as the phone calls and letters. According to another opinion, workers must not perform their private and confidential communication through the facilities provided by the workplace (Aydemir, 2012:38). As a rule, however, monitoring the e-mail messages should be limited to metadata (sender, receiver, subject, date of the e-mail) without looking at the content of the message. "In cases where monitoring the data traffic is not sufficient for legal purposes, the confidentiality of the other party of the e-mail should also be considered" (Sevimli, 2006:201, 202).

Eavesdropping employees’ phone conversations

Although employers want to monitor phone conversations for reasons such as avoiding leakage of business secrets, improving quality, limiting the phone bills etc. (Aydemir, 2012:43), this violates the Article 17 and 20 of the Constitution. Regarding this issue, "Supreme Court, 4th Law Office Decision Docket No. 2000/6487, Decree No. 2000/9467 dated October 31, 2000 states that the conversation in a phone call should be private between the two parties and these conversations are within the scope of private life of the individuals." Even if the content of the conversation is not in this context, wiretapping the phone calls or publishing these conversations are violation of the confidentiality of private life" (Savaş, 2009:117).

Monitoring workers through cameras

Workers can be monitored in two ways: overt and covert. Monitoring the workers in an openly manner is overt monitoring. Continuous monitoring of workers violates the law. Covert monitoring is performed without the knowledge of the workers and violates the law. The images obtained in this way cannot be used as evidence in court, unless there are best interests for the employers (Özdemir, 2010:244, 246). According to Sevimli, the best interests of the employer can only be the matters related to the occupational health and safety and protection of the workplace (Sevimli, 2006: 210). Some cameras are placed on locations that can be seen by everyone, such as stairs and parking lot, however, mounting cameras in locker rooms and shower areas is unacceptable (Büyük and Keskin, 2012: 58). The cameras placed in the dressing rooms
and shower areas of a Colgate-Palmolive factory in Indiana can be given as an example in this regard. Workers have noticed the surveillance in 1994, which has been started in 1990 (Yılmaz, 2005:12).

**Tracking workers by GPS and RFID technology**

Workers can be tracked with GPS and RFID (Radio Frequency Identification Chips) technologies in anywhere in the world, not just within the company boundaries. GPS is used especially by security, food, logistics and healthcare industries. This way, it is possible to determine where the workers are at any moment. RFID (tracking people by inserting chips to their bodies), however, is not yet applied to humans (Aydemir, 2012:64, 65).

**The impact of surveillance and monitoring on workers**

As a result of the employer's monitoring and surveillance activities, workers feel humiliated, and think that this type of practices are unethical (Büyük and Keskin, 2012:59). Monitoring and surveillance may lead to stress, demoralization, and stress-related health problems in workers (Yılmaz, 2005:12). According to the Article 11 of the "Principles and Procedures Concerning the Prevention of Mobbing" regulation published by Social Security Institution, "constant control of the work commute hours" is also a kind of mobbing. The surveillance is a more serious practice than that (Büyük and Keskin, 2012:72).

**CONCLUSION**

Although the rules in ancient period were performing a monitoring action only for recording purposes, the states now monitor the people as an act of 'power' since the beginning of the modernism. And today, the technology has facilitated the monitoring and surveillance. CCMS and MOBESE are examples of these activities. E-Government application records every action of citizens in the state's institutions.

The transition from manufacturing period to industrialization due to the motivation for profits led to monitoring the speeds and performances of workers. The advances in communication technology have facilitated the people's daily life as well as employees to do their jobs; however, this has also led to an open prison similar to the 'great confinement' concept. The traces left related to the personal data have started to be used for commercial purposes as a result of monitoring and surveillance. After the attack on the twin towers in 2001, the governments, the US in particular, have seen no harm in violating the privacy of the private lives of their citizens in order to ensure security. Today's workplaces, schools, hospitals, etc. are being monitored similar to a 'discipline as in barracks' according to Karl Marx. Workplaces are similar to the panopticon.

The Constitution of the Republic of Turkey, United Nations Universal Declaration of Human Rights, Charter of Fundamental Rights of the European Union, 23th-25th articles of the Civil Code No. 4721 and 49th Article of the Obligations Law No. 6098 are concerned with the confidentiality of private life and the confidentiality of private life is protected by these laws. In addition, Article No. 132 of the new Turkish Penal Code No. 5237 states that violating the confidentiality of communications between people is a criminal act.
The 'management rights' of employers are not infinite and are limited by the law. An employer is only able to perform monitoring and surveillance on the best interests’ principle, and the best interests’ principle must be in accordance with the law. However, if an employee behaves as spending free time in working hours, his employment contract may be terminated by the employer on the rationale (Supreme Court’s 9th Law Office’s decision dated October 10, 2006, Docket No. 2006/19150, Decree No. 2006/26792). And, in cases of the best interests, the employer should acknowledge the workers about the monitoring and surveillance. In practice, however, some of the employers perform monitoring and surveillance in workplaces in order to keep workers under pressure, to threaten, to appall, and to make them feel the power over.

And, the widespread practice today is keep employees under continuous pressure and control by constant monitoring and surveillance, instead of the best interests’ principle. And, the rationale of employers is to increase productivity and quality, as well as ensuring the security. In contrast to the Article 11 of the "Principles and Procedures Concerning the Prevention of Mobbing" regulation published by Social Security Institution, the work commute hours of employees are controlled with PACS continuously, and the employees who come to work late or leave earlier are warned through SMS or e-mail. Therefore, the employers who perform continuous monitoring and surveillance on their employees, act as if they have an unlimited management right. As the governments see citizens as objects consisting of letters and numbers, the employers see their employees consisting of registration numbers. The 'communication technologies were not developed' in the traditional management style and the employers were making a layoff interview before the dismissal of the employees, whereas today the employers deem this unnecessary and even cancel security pass cards of the employees without any prior notice or make them work-computers inaccessible. Although the communication technologies facilitate the works done, they also lead to a weakening of human relationships paradoxically.

The communication refers to e-mail, e-chat, and phone calls over the Internet, and tele-conferences as well. Employer may only check the metadata of the e-mail messages. Examining e-mail contents violates the privacy of both the sender's and recipient’s private life. Also, eavesdropping the phone conversations is the same crime according to the 17th and 20th Article of the Constitution. Supreme Court, 4th Law Office Decision Docket No. 2000/6487, Decree No. 2000/9467 dated October 31, 2000 states that the eavesdropping and publishing the phone conversations is a violation against the private life of individuals. But in practice, employers grant the employee working in data-processing units an infinite access permission to monitor the contents of e-mail traffics. According to the new TPC, recording the content of communication is a key element for enhancing punishment.

Workers are monitored in two ways: overt and covert. Monitoring the employees constantly and secretly cannot be used as evidence in court, unless there are best interests for the employers. Today, workers can be tracked with GPS technologies in anywhere in the world, not just within the company boundaries. Continuously monitored and supervised employees think that they are not being trusted. This leads
to stress, low motivation and stress-related health problems in the employees. For example, a worker has right to sue in accordance with the Article 25 of the Civil Code to prevent violation of personal rights if he/she notices that he/she has been monitored through camera in the workplace.

Although the employers stated that they perform monitoring and surveillance acts for security purposes, both the national and international laws are focused on not compromising the privacy of the employees. In practice, however, many employees are aware of the widespread use of this monitoring and surveillance activities in companies, and act cautiously in workplace communications with the fear of losing their jobs and bear these "continuous" monitoring and surveillance activities of employers.
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