

## **Control of telematic and informatics workers' activities: some legal-computing considerations.**

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### **1. 1. The ontology of control in the technologic era: from Orwell to Kafka.**

The control, through technological instruments, of human beings in general, and of the worker on the workplace – or outside the premises of the company – in particular, has always been strictly connected with technological evolution.

In the 70's and in the 80's, attention was focused, especially, on company telephones, on crown cars and on the activities performed in the company premises, for example introducing partitions made of transparent glass, windows and cameras.

The control system was “classic”, in a pure Orwellian style: a centre performing controls, in real time, through cameras, which were often placed in hidden places in order to permit a concealed surveillance. Beside technology, traditional techniques were still more efficient: the main method was in fact to resort to archives filled out with information provided especially, in those years, by informers acting from parishes and police stations. Working life, including union positions and political opinions of the worker kept under surveillance, was controlled through the aforementioned technologies; private life, save for exceptional cases, was controlled by collecting information and filling out dossiers and archives.

The Workers' Statute tried, above all, to avoid these cases of concealed surveillance, which were considered, in those years, as the most invasive and deceitful methods of control.

Around the end of 90's, attention moved increasingly towards cameras, which could not only register in real time, but were equipped with a technology permitting to memorize information also for long periods. This matter was immediately regulated in data protection statutes: even if the rules set forth in the Workers' Statute were maintained, privacy laws intervened in this field, introducing a strict regulation with the aim to make *visible* that kind of controls.

Later, mobile phones, which allowed to take photos or films also unbeknown of the worker, arose as a new issue. These new technologies opened the modern era in connection with the development of internet, drones, company devices, spy software, phones which could be activated remotely (therefore allowing to put in discussion also the untouchable principle of the limited duration of the working time), GPS devices that may be placed on the crown car or on the worker's body.

The abovementioned elements created a framework permitting, nowadays, a range of controls that has never been experimented in the past.

Therefore, the ontology of control has been completely modified.

From an Orwellian method, dangerous but easy to be predicted and opposed (it was a kind of evolution of the traditional "looking eye"), the technological evolution conducted to a Kafkian method of control, extremely fragmented, complicated, similar to a labyrinth, obscure and bureaucratized, made of intersections of working and private data and characterized by the presence of technical problems that the worker can hardly understand, by the presence of liability chains (granting to the system administrator a linchpin role or, in any case, a stronger position – a new kind of power – to people with more informatic competences) and by an almost disappeared separation between working and private life (as a consequence of the technological evolution).

The present control, performed through technological instruments, has become centralized and capillary (and often, as we will see, it begins from the control devices placed on the worker's body), difficult to understand, technically advanced and, frequently, indiscriminate.