Labor & Employment Law Daily Wrap Up, REPORTS—GAO releases report on digital surveillance of workers, (Sep 17, 2024)

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Workers across all four categories identified by the GAO reported the use of cameras; meanwhile, there were differences between categories with regard to other types of monitoring tools used by employers.

GAO has publicly released a report entitled “Digital Surveillance of Workers: Tools, Uses, and Stakeholder Perspectives.” It explains that it was asked to examine the kinds of digital surveillance tools employers use and how such surveillance affects workers. It noted that a range of digital surveillance tools are now being used by employers across various industries in an increasing effort to monitor their workers.

GAO has shared the report summarizing 217 public comments submitted in response to the White House Office of Science and Technology Policy’s request for information regarding use of automated digital surveillance tools to monitor workers and their effects on workers. All told, 211 stakeholders submitted their comments between May and June of 2023, GAO reports, including 91 workers, 19 advocacy organizations, 16 researchers and research organizations, 12 unions, 10 trade associations, eight technology developers, and one coalition comprised of advocacy organizations and a union. Over 50 stakeholders were unspecified. Comments covered various topics such as worker productivity, privacy, and safety.

Key takeaways. GAO identified several key takeaways from the results. First, it found that the digital surveillance tools most frequently mentioned by stakeholders include cameras and microphones, computer monitoring software, geolocation, tracking applications, and devices worn by workers (wearables). Next, it found, based on the comments, that employers use digital tools to monitor (1) productivity and efficiency, (2) worker performance, (3) safety and health, and (4) workplace security.

Additionally, it determined that stakeholders’ views differed regarding the effects of digital surveillance on worker productivity and worker well-being. Workers and stakeholders from unions commented that digital surveillance may discourage workers from unionizing, make workers feel distrusted by their employers, and decrease workplace morale. Also, privacy was the most frequently raised concern by stakeholders and the potential for discrimination or bias was also a frequently raised concern.

Types of tools used. GAO broke down the information gathered to determine the kinds of surveillance tools used in certain types of workplaces. So, for office workers, it found that cameras, computer monitoring software, microphones, and wearables were the kinds identified. For warehouse workers, employers use cameras, scanners, geolocation, app-based tracking, and wearables. For drivers, employers use cameras (specifically eye tracking cameras), microphones, geolocation, speed and breaking sensors, texting and screenshots, and app-based tracking. Finally, for healthcare workers, employers use cameras, wearables, geolocation, microphones, and visit logs.

This is the first of two reports on the digital surveillance of workers, GAO explains. The second report will incorporate stakeholder interview, use literature to enhance the information, and address how federal agencies oversee employers' use of digital surveillance technology.

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