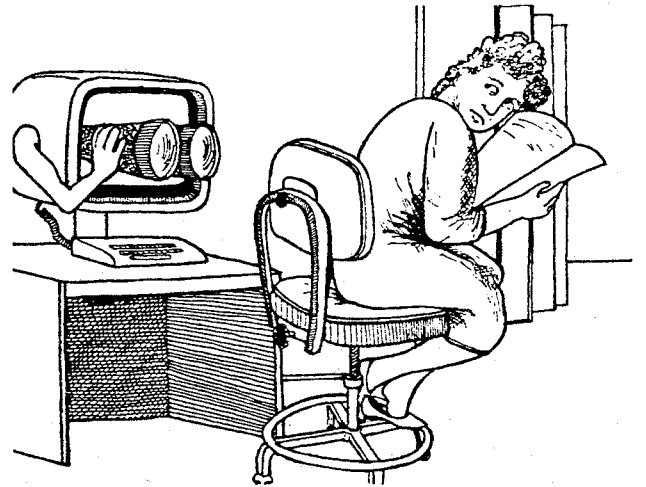


# Electronic Monitoring in the Workplace: Supervision or Surveillance?

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Computers are used to store all sorts of information about each of us -- from our credit rating to what videos we rent at the neighborhood outlet. Who has access to that information? How is it going to be used? What rights do we have to protect our privacy?

The same questions are being asked in today's workplace, where new information gathering technologies keep track of employees. Drug testing, lie detectors, video cameras, electronic identification systems, even brain wave testing .... and **electronic monitoring**, probably the most widely used.



This fact sheet describes electronic monitoring, how it is used, some of its potential problems, and how legislation in Massachusetts would prevent abuses of the practice.

Consider this question:

When is electronic monitoring a legitimate tool for supervision and when is it being used for employee surveillance?

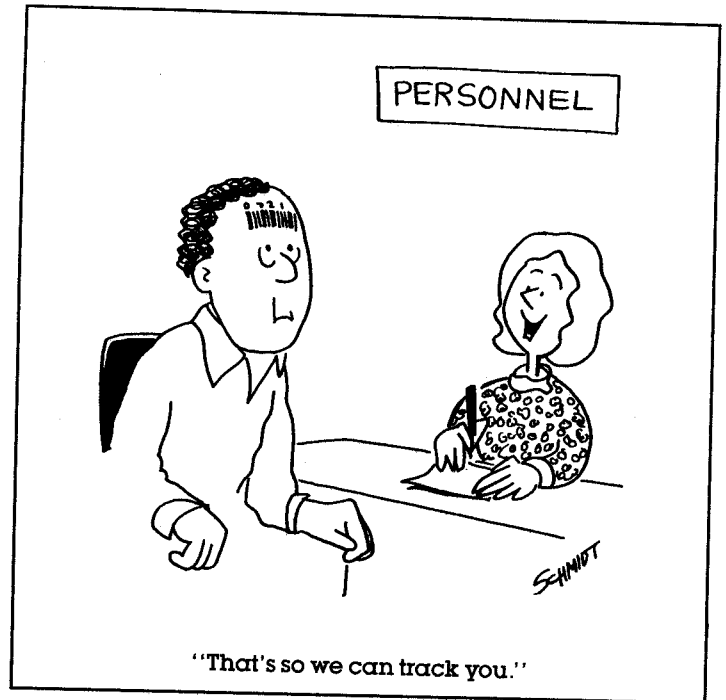
# What is Electronic Monitoring?

Electronic monitoring refers to the use of computerized or electronic systems to keep track of an employee's work performance and activities. There are three main forms of electronic monitoring:

**COMPUTER MONITORING:** The computer counts the number of keystrokes, error rate, time it takes to complete each task, time between each task, and time away from the machine. Supervisors receive printouts of statistics.

**SERVICE OBSERVATION:** Supervisors listen in on phone conversations between an employee and a customer. New technology makes it possible to listen in without being detected.

**TELEPHONE CALL ACCOUNTING:** Employers receive computer printouts of the time, length and destination of local and long distance phone numbers dialed from each extension in the system.



## Who is Monitored at Work?

Researchers don't know for sure how many workers are monitored (do you know for sure if or how you are monitored at your job?!), but projections are probably higher than you think. The U.S. Department of Labor estimates that two-thirds of all VDT users may be subject to some form of electronic monitoring on their job.

**Computer monitoring** is most common in jobs where large amounts of information are being processed: industries like insurance, banking and financial services, and data processing. Data entry jobs in the public and private sector are also likely to involve computer monitoring. Other examples include field technicians who use a hand-held computer to complete a job and cashiers whose speed is tracked through check out scanners.

**Service observation** is most common where jobs involve constant phone use, such as customer service jobs in telephone companies, utilities, insurance, airline reservations, and the IRS. Even case workers, such as in the Social Security Administration, are subject to service observation. Often, computer monitoring is used at the same time.

**Telephone call accounting** can be used in any company which has a centralized phone system. The U.S. Office of Technology Assessment reports that call accounting systems are among the fastest growing markets in the telecommunications industry.

# Is electronic monitoring legal?

Yes. There are no laws which restrict electronic monitoring in the workplace. Even federal laws which make wiretapping illegal exempt employers who secretly monitor work activities. **But when use of electronic monitoring goes beyond supervision, does it violate an individual's basic civil rights?**

Consider the *true* cases described below:

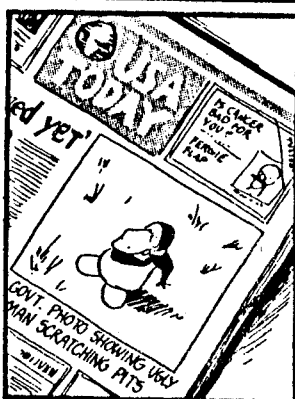
**CASE 1:** A data entry operator discovers several months into her job that computer monitoring is being used to keep track of her work -- including bathroom time. She had never even heard of computer monitoring before. Didn't she have a right to know when she was hired that monitoring was taking place?

**CASE 2:** An operator was suspended for cutting off a customer. However, the disciplinary action wasn't taken until two months after the service observation had taken place. She couldn't remember what happened on that day well enough to defend herself. Was her right to due process violated?

**CASE 3:** A customer service rep turned to talk with her coworker between calls and criticized a supervisor during the conversation. The headsets around her neck have a mouthpiece which picks up employees' conversations, even when there is no customer on the line. Another supervisor listened in. The service rep was suspended for three days. Was her right to privacy violated?

Bloom County

By Berke Breathed



**CASE 4:** A newspaper uses telephone call accounting to keep track of every time the union phone number is dialed from each employee's extension. Are employees' rights to privacy and freedom of speech being violated?

**CASE 5:** A supervisor conducts secret service observation on a call where the customer discusses confidential health information. Is that a violation of the customer's right to privacy?

# How do employees feel about monitoring?

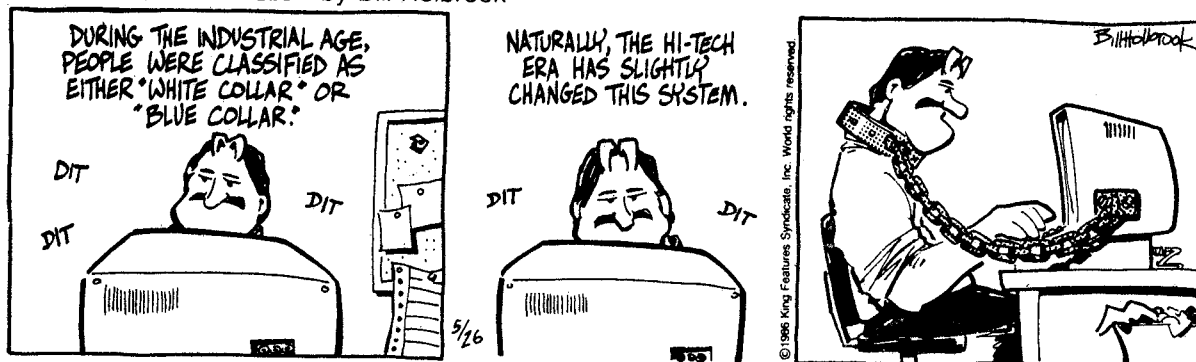
Employee attitudes towards electronic monitoring depend on **HOW** the practice is used. When the information collected is used to assist in training and to give employees direct feedback about their work, electronic monitoring can have a positive impact. But when the practice starts feeling more like spy-tech rather than hi-tech, the result is:

**STRESS** Monitoring is a very stressful practice .... beginning with the feeling that you're being watched every moment of the day.

**POOR JOB QUALITY** Monitoring is also stressful when it goes hand in hand with changes in working conditions that create an office factory -- conditions such as strict production quotas, machine pacing and pay according to piece rates (i.e. keystrokes per hour). Employee's worst fears about computers have come true: you feel like an extension of the machine rather than like the machine is a tool that helps you do your job better.

**LOSS OF HUMAN DIGNITY** At the heart of employee concerns is a question of human dignity: how would you feel if even your trips to the bathroom were being timed?

## ON THE FASTRACK by Bill Holbrook



## Does electronic monitoring improve service for the customer?

Employers insist monitoring is needed to increase productivity and improve the quality of service. But it may have the opposite effect. Employees report that the stress and demoralization resulting from monitoring hurts productivity. And they feel that good, caring service is no longer valued. What matters is numbers, numbers, numbers.

## Like it or not, don't employers have a right to determine how they'll supervise employees?

Yes, within the agreements established by a union contract (where employees have that protection). And electronic monitoring can be a legitimate tool for supervision. **But employers do not have a right to practice employee surveillance. That is an abuse of monitoring.** We don't leave our basic civil rights behind when we walk through the company door.

# How can abuses be stopped?

In Massachusetts, the Coalition on New Office Technology (CNOT) -- a coalition of over 40 unions, women's and community organizations -- has filed legislation aimed at preventing abuses of electronic monitoring. Following is a summary of the major provisions of the bill. **Use this summary to help you talk to coworkers and your elected officials about the proposed legislation.**

## RIGHT TO KNOW

Employees should be given prior written notification of: ● what kinds of monitoring are used ● what information is collected ● how is the information used ● to what extent are monitoring statistics the basis for performance evaluation and disciplinary action.

This provision is basic: employees have a right to know if and how monitoring is being used.

The employer should notify the employee and the customer, with a beep or other signal, at the time that service observation is taking place.

This protects the privacy of both employee and customer as well as reducing employee stress.

## RIGHT TO PRIVACY

Monitoring can only be used to collect information which is relevant to work performance.

Certain personal information is not your employer's business.

Access to statistics collected through monitoring about each individual employee should be restricted.

Not just anyone should be able to review your work records. This also means statistics on each individual should not be posted publicly.

## RIGHT TO DUE PROCESS

The bill guarantees that an individual has access to records or statistics collected about him/herself through monitoring.

If any action is to be taken based on monitoring, the records collected must be shown to an employee soon enough so that he/she can remember what took place at the time.

Without these two guarantees, how could you defend yourself against a charge based on monitoring records?

Prior notification should include how frequently each employee can expect to be monitored.

This is aimed at preventing frequent monitoring of certain individuals as a form of discrimination or harassment.

## RIGHT TO HUMAN DIGNITY

Monitoring cannot be the exclusive basis for performance evaluation or disciplinary action.

The principle: there is a human side to the job which the computer cannot see.

**Overall, there are two important facts to remember about the proposed legislation:**

- This bill does not prohibit electronic monitoring when it is used fairly and as a tool for supervision. It is aimed at preventing abuses of the practice.
- This bill is not about telling managers how to manage. It is about appropriate uses of new computer technology. With computers collecting all sorts of information about our lives, it is time to establish public policy guidelines which protect basic individual rights.

# What can you do to help?

- Join our **legislative alert network** by sending in the form below or signing up with your union steward. We'll let you know when we need phone calls and letters to your legislators.
- Ask your **friends and coworkers** to join the network. Call 617-536-TECH or use the form below to order free **fact sheets to hand out**. Or check with your union steward or other participating organization.
- **TELL US YOUR STORIES.** Are you monitored at your job? Has the practice been used unfairly? Were you informed when you were hired that monitoring was used? Call the Coalition office at 617-536-TECH and tell us your story.
- Invite a representative from the Coalition on New Office Technology to give an **educational presentation** to members of your union or organization -- the Executive Board, stewards, or whatever appropriate group.

**FOR MORE INFORMATION CALL 617-536-TECH**

or write to the  
Massachusetts Coalition on New Office Technology  
241 St. Botolph Street  
Boston, MA 02115



Name \_\_\_\_\_ Union/Organization \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Day Phone \_\_\_\_\_ Evening Phone \_\_\_\_\_

\_\_\_ YES, please let me know when to call or write my legislator in support of the electronic monitoring legislation.

\_\_\_ YES, I would like extra fact sheets to distribute to my friends and coworkers.

Return to the Coalition on New Office Technology, 241 St. Botolph Street, Boston, MA 02115