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Testimony of Representative Amy Roeder Presenting

LD 61, An Act to Regulate Employer Surveillance to Protect Workers

Before the Joint Standing Committee on Labor

Good morning Senator Tipping, and fellow members of the Joint Standing Committee on Labor. My name is Amy Roeder, and I represent House District 23, which includes a portion of the great City of Bangor.

Today, I present to you **LD 61, An Act to Regulate Employer Surveillance to Protect Workers**.

This bill specifies that an employer may use surveillance only if the employer lets the employee know before beginning surveillance. It prohibits an employer from using audiovisual monitoring in an employee's residence or personal vehicle or on the employee's property and allows an employee to decline install data collection or transmission application use on their personal electronic devices for the purposes of employer surveillance. Additionally, the bill requires employers to tell prospective employees about their use of surveillance tools. Finally, the bill creates a private right of action for employees aggrieved by a violation by an employer.

What is employer surveillance?

Employer surveillance is the monitoring of employees and collection of employee data, in hopes of influencing and managing employee behavior. Employer surveillance can include the use of security cameras, phone recording, mouse tracking, remote desktop control, monitoring internet activity, mobile device tracking and more.

Some of these tools and tactics are even more advanced, using predictive analytics to help determine what the employee will do in the future, whether it's asking for a raise or deciding to leave their job.

Now, we are seeing evidence that the use of employer surveillance isn't actually working out too well. In an article published by the BBC, it was found that surveillance can lead to stress, cause employees to quit and even make workers do their job worse, deliberately.

Sage Journals published a study that found that U.S. employees who were monitored by their employers "...took more unapproved breaks, intentionally worked more slowly and stole more office equipment than their un-monitored peers."

If employer benefits are minimal, why subject workers to practices that damage workplace culture and enhance negative workplace behavior?

Special circumstances

I understand the use of surveillance tools to oversee work is necessary under certain circumstances.

When I originally submitted this bill in the 131st Legislature, AAA contacted me about their safety program for fleet drivers. They use a monitoring system in their AAA-owned tow trucks that records video and audio and also provides location for dispatch. The video recording helps me to identify liability for damage complaints of towed vehicles, investigate crash causation of any tow truck that has an accident and it also provides safety reminders to the drivers. The vehicle location surveillance allows AAA to route the nearest available truck to people who need help. Additionally, those people can use the feature to view the truck enroute.

Think about the monitoring of your internet use by corporations hoping to sell you goods and services, watching your every click in hopes that they will learn more about you and your spending behavior. How does that make you feel?

With an increase in technology comes a responsibility to protect those who may be vulnerable to their power.

Thank you for your consideration, and I look forward to your discussion at the work session.