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Testimony of Representative Amy Roeder Presenting
LD 949, An Act to Protect Workers from Employer Surveillance
Before the Joint Standing Committee on Labor and Housing

Good afternoon Senator Tipping, and fellow members of the Joint Standing Committee on Labor and Housing. My name is Amy Roeder, and I represent House District 23 which includes a portion of Bangor. Today, I present to you **LD 949, An Act to Protect Workers from Employer Surveillance**.

In this era of digitalization, we have tools at our disposal to help boost our productivity and have found ways to access extensive information on any topic we wish to research with the click of a button. Since the beginning of the pandemic, employers have been searching for ways to stay in business and keep their employees on their payroll. According to a 2020 [report](#) from Maine Department of Labor, nearly 27% of businesses in Maine reported that they increased telework during the pandemic.

Along with this increase in remote telework, there have been increased attempts from employers who are hoping to keep tabs on their workers. While employee accountability is important, and necessary, the level in which employers are monitoring their employees is unnecessary.

Some surveillance programs record keystrokes, track computer activity by taking screenshots, record phone calls or meetings and access employees' webcams. Other programs take surveillance even further by remotely accessing workers' systems altogether.

According to a [study](#) conducted in 2021, surveilling employees often has negative consequences including making employees more likely to break rules. Employees in the U.S. who were under surveillance took more unapproved breaks, intentionally worked more slowly and stole more office equipment than their un-monitored peers. According to an [article](#) written by J.S. Nelson, a legal scholar specializing in business ethics:

“...oversurveillance typically drives out an organization’s best employees, and it creates discriminatory patterns that fall hardest on women, minorities and those of different sexual orientations. The people who bring the most care, diversity, and varied thought perspective to a team are being driven out first and fastest. Diversity on a team is proven to be profitable; you can put a dollar amount on that. And at the

same time, you can put a dollar amount on the cost to a company of people leaving—at a minimum between 90-200% of a person's salary.”

Under federal law, surveillance of employees is legal. While employers must disclose to employees that they will be surveilled, they do not have to disclose how they are being monitored.

This bill prohibits employer surveillance unless the surveillance is strictly necessary for employee health and safety or the security of the employer, with certain limitations. It requires employers to provide, upon a verifiable request by an employee, data collected on the employee and certain information regarding that data. It specifies that an employer must provide notice to its employees prior to beginning employer surveillance. It provides that an employee has a private right of action.

AAA reached out to me to let me know about their safety program for fleet drivers. They use a monitoring system in their AAA-owned tow trucks that records video/audio and also provides location for our dispatch. The video helps us identify liability for damage complaints of towed vehicles, investigate crash causation if they are involved in a crash and it also provides safety reminders to the drivers. The vehicle location allows for them to route the nearest available truck to their members and also allows their members to view the truck enroute. I offer this information to you so that, when discussing this bill, you can consider the exclusion of technology employed for the purpose of dispatch, insurance or in the normal course of business are exempt from the statute.

Thank you for your consideration. I'm happy to answer any questions you may have.