

Manufacturers Association of Maine

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4 April 2023

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Senator Tipping, Representative Roeder and honorable members of the Joint Standing Committee on Labor and Housing, we offer this testimony in opposition to LD 949, *An Act to Protect Workers from Employer Surveillance*.

The Manufacturers Association of Maine (MAME) is a non-partisan 501(c)6 non-profit grounded in service to its membership, providing a network of resources designed to support the strategic business growth needs of Maine manufacturing entrepreneurs. Maine's manufacturing businesses are diverse, employing almost 60,000 individuals in military and defense, aerospace, metal fabrication, paper, boat building, semi-conductor, wood products, aquaculture and biotech, medical device, composites, and bioplastics, as well as the food and beverage industries. These businesses represent almost 10% of Maine's annual GDP and 14.5% of all the wages paid in the state on a weekly basis. MAME's mission is to help manufacturing grow and succeed and supports Maine's development of future manufacturing assets through a variety of programs.

Employee monitoring or surveillance is becoming more common in the workplace. With many businesses going remote during the pandemic, the use of employee surveillance technologies has rapidly increased. However, Maine manufacturers have been using monitoring technologies in the workplace for years.

MAME_LD 949 testimony

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Employers use it to investigate allegations of harassment, resolve disputes between employees, recover misplaced or stolen property, ensure the security of customer property and perhaps most importantly, for improving operational competitiveness through quality and productivity gains. As drafted, LD 949 would prohibit Maine businesses from being able to use monitoring technologies for those reasons.

The definition of employer surveillance contained in LD 949 is overbroad and does not limit the use of surveillance methods to those which are covert. Most employers have policies which notify employees that they are not entitled to privacy as it relates to the use of employer-provided or supported digital resources or while in an employer's work environment (except in locations where privacy is expected). This bill seems to limit surveillance completely, regardless of whether it is covert or overt, and in most cases even if notice is given except in very limited circumstances.

Because the draft language ONLY allows for the use of surveillance methods to *ensure employee health and safety or the security of employer data*, employers would not be allowed to use monitoring systems for continuous improvement of their operations, quality improvement and/or loss prevention, the security of customer property or many of the other reasons manufacturers currently use surveillance software and equipment.

Additionally, sections 6 and 7 present significant administrative burden at a time when businesses are already struggling to find the workforce needed to effectively run their operations.

We appreciate that the sponsor is trying to address workplace privacy with this proposal, but employers need to be able to protect their businesses and employees from potential legal action and employee surveillance is one way of doing so. This bill just goes too far, and we ask that you vote Ought Not To Pass.

