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Testimony of Mike Roland, Bureau of Labor Standards Maine Department of Labor

Neither For nor Against LD 949

**To the Joint Standing Committee on Labor and Housing
Public Hearing, April 4, 2023**

Good afternoon, Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing. I'm Mike Roland, Director of the Bureau of Labor Standards at the Maine Department of Labor. I'm here today to testify in neither for nor against LD 949 An Act to Protect Workers from Employer Surveillance.

This bill would prohibit certain types of surveillance of employees by an employer that is not necessary under the terms identified in the bill. We understand the valid concerns addressed in the bill, but believe it is far too broad and inclusive in its concept of surveillance to be either reasonable or workable. Indeed, it seems possible that some fairly common and widely accepted tools of management, such as standard methods of determining an employee's productivity, could be seriously compromised.

Also, the definition of surveillance itself and other subsections of the proposed statute contain terms (trackers, task software, least invasive, authorized agents, automated decision system) that are unfamiliar to the Department and would need to be defined somehow.

That said, we believe that certain subsections appear to have merit and might be considered separately. Specifically,

- subsection 5 regarding employee personal devices,
 - the notification requirements in subsections 7 and 8,
 - and possibly subsection 4 regarding monitoring of employee's personal property,
- would add reasonable protections not clearly included in existing statutes.

Provisions for enforcement of this section are not specified in the bill. Were enforcement authority given to the Department, we believe that for the above reasons and others, the difficulties involved would be quite considerable and would certainly require additional staff.

Thank you for your time and attention. I would be happy to answer any questions you may have now or at a future work session.

The Maine Department of Labor is committed to serving Maine workers and businesses by helping employers recruit and train a talented workforce, providing workers with skills needed to compete in our economy, assisting individuals when jobs are lost, aiding people with disabilities reach career goals, ensuring safe and fair workplaces for people on the job and providing research and analysis of employment data to support job growth.