

Testimony of Nate Cloutier

Before the Joint Standing Committee on Labor and Housing  
April 4, 2023

**In Opposition to LD 949, "*An Act to Protect Workers from Employer Surveillance*"**

Senator Tipping, Representative Roeder, and distinguished members of the Committee on Labor and Housing: My name is Nate Cloutier, and I am here today on behalf of HospitalityMaine representing more than 1,200 restaurant and lodging operators of all sizes across the state. HospitalityMaine opposes LD 949, "*An Act to Protect Workers from Employer Surveillance.*"

LD 949 would prohibit employer surveillance unless the surveillance is *strictly necessary* for employee health and safety or the security of the employer. It would also require employers to provide (upon request) data collected on an employee, and to notify employees in advance of any employer surveillance. Finally, it would give an employee a private right of action. This bill seems to be a solution in search of a problem and would create numerous potential unintended consequences.

Most restaurant and lodging establishments have camera monitoring systems in place to protect their workplace, employees, and customers. These cameras aren't necessarily used to track "employer surveillance" as it's defined in the bill, which means, "the use of trackers, cameras, task software or other monitoring systems that track the productivity and keystrokes of employees." They have worked well to date to protect employees in instances of physical altercations, theft, and more. Businesses also appreciate being able to coordinate with law enforcement and share security materials whenever the need arises. For example, when an unruly customer verbally assaulted an employee in an isolated area of the business, the surveillance system caught what actually occurred. Without it, this would have otherwise been a he-said-she-said scenario where the end result may have been different. Camera surveillance also serves as a legitimate accountability tool to ensure employees are fulfilling their job functions.

Video monitoring has come a long way since closed circuit surveillance on VHS tapes and has proven to be a security measure that benefits many. In today's society it's a general understanding that we will be recorded all throughout our day without malicious intent. While I am reading this, I am on camera, and you are too, and I likely passed 30 or more cameras on my way to work this morning. LD 949 appears to target remote workers, however as written it will essentially start all employers at ground zero, who will have to defend that their surveillance is "strictly necessary." What if an employee disagrees with this? Well, it makes employers liable to legal action should they not notify employees of the surveillance in a timely manner or should data shared with the employee be inadequate as outlined in section 6 of the bill. I would also ask you to also consider, how would businesses' insurance policies be impacted if they were forced to remove their surveillance system?

Please vote ought not to pass on LD 949. Employers need the necessary tools at their disposal to keep their employees and businesses safe. Thank you for your attention and the opportunity to provide comment. I would be happy to answer any questions.