

TESTIMONY OF MEAGAN SWAY, ESQ.

Ought to Pass - LD 949

An Act to Protect Workers from Employer Surveillance

JOINT STANDING COMMITTEE ON
LABOR AND HOUSING

April 4, 2023

Senator Tipping, Representative Roeder, and distinguished members of the Joint Standing Committee on Labor and Housing, greetings. My name is Meagan Sway, and I am the Policy Director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 949.

New technologies have given employers unprecedented abilities to monitor and watch their workers. While some employers might have a legitimate interest in monitoring work to ensure efficiency and productivity, electronic surveillance often goes well beyond proper management concerns and becomes a tool for spying on employees in furtherance of no legitimate business interest. In some cases, employers have even demanded that workers turn over the passwords to their personal social media accounts. Another company installed software on their employees' computers that takes a screenshot of the desktop every ten minutes to monitor their employees' activities.

This bill proposes a fair and reasonable solution to this worsening problem. If enacted, LD 949 would prohibit employer surveillance unless the surveillance is strictly necessary for employee health and safety or the security of the employer, with certain limitations. It would require employers to provide, upon a verifiable request by an employee, data collected on the employee and certain information regarding that data. It would also require employers to provide notice to their employees prior to beginning employer surveillance. Crucially, it provides that an enforcement mechanism: a private right of action.

Much of our waking life is spent at work. That is why it is especially important for the legislature to do all it can to ensure that our workplaces do not become dystopian and unduly invasive. This bill is a necessary step in that direction.

We urge you to vote *ought to pass*.