Workplace Surveillance

Cypurr Collective
12/10/22
Exp. 12/23
Brooklyn Public Library Privacy Week

Who are we?

We are the…

The Cypurr Collective: A group of folks that organize cybersecurity workshops and socials, looking to spread knowledge and talk about privacy rights!

Who are you?

(share the following in the chat if you want!)

Name

Pronouns (i.e. he/him, she/her, they/them, ze/zer, etc)

In a few words, what brings you here today?

A few rules for this workshop …

- **Share the space**- Step Up Step Back: Ask a question, give a comment, leave room for others to speak

- **Stack**- We will try our best to answer question in the chat in the order they were submitted.

- **Saf(er) Space**- We DO NOT tolerate language or behavior purposefully meant to demean or harm folks based on their identities

- **Photo/Video**- Please no recording without asking!

Agenda

- **Context**- What is worker surveillance, motivations, how did we get here,defining terms

- **Examples**- Surveillance tools and how they work

- **Rights and Laws**- Overview of worker protections in NYS

- **What Can You Do?** Harm reduction approach

- **Q&A-** Time for questions and comments

Context

What is worker surveillance?

- The ability of business managers/owners to account for the behaviors of their employees through a variety of means

- The technology, behaviors, and culture that allows for the above


First timeclock circa 1888

Historical Context

- Has occurred throughout worker history (i.e. timeclock, micro-managing)

- Prevalent/developed in blue-collar and low-income labor, normalized broadly

- Metrics justified as "scientific" in 19th century
  - Works to define essential and unessential labor
  - ID inherently "good" or "bad" workers
    - Roots in race science and slavery

- Ex. Taylorism
  - early 20th century management philosophy which used scientific methodology to measure and increase efficiency of workers

Motivations for worker surveillance

Implemented for boss control over workers. Typical motivations:
- Reduce wage %
  - Increase productivity
  - Reduce billable hours
- Reduce damages/loss %
- Prevent worker retaliation (i.e. strike)
- Justify worker discipline

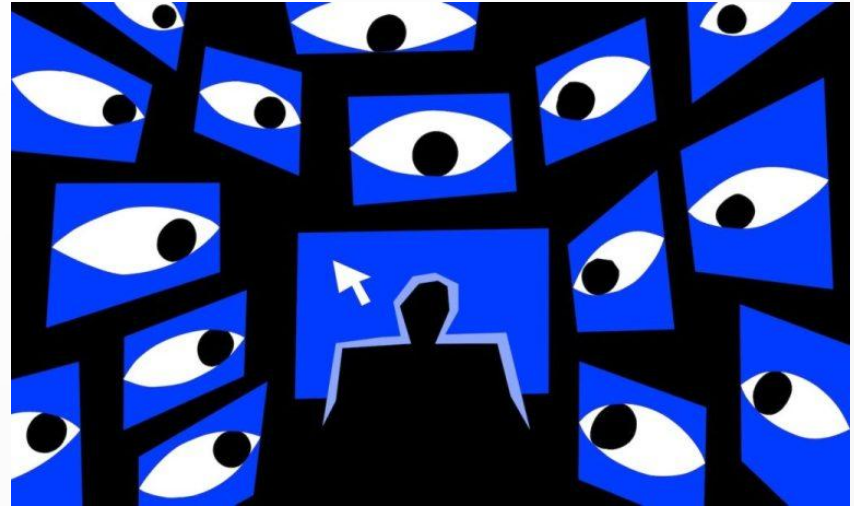Note tools themselves may have another purpose, e.g. CCTV for security.

Value
Workers
Produce
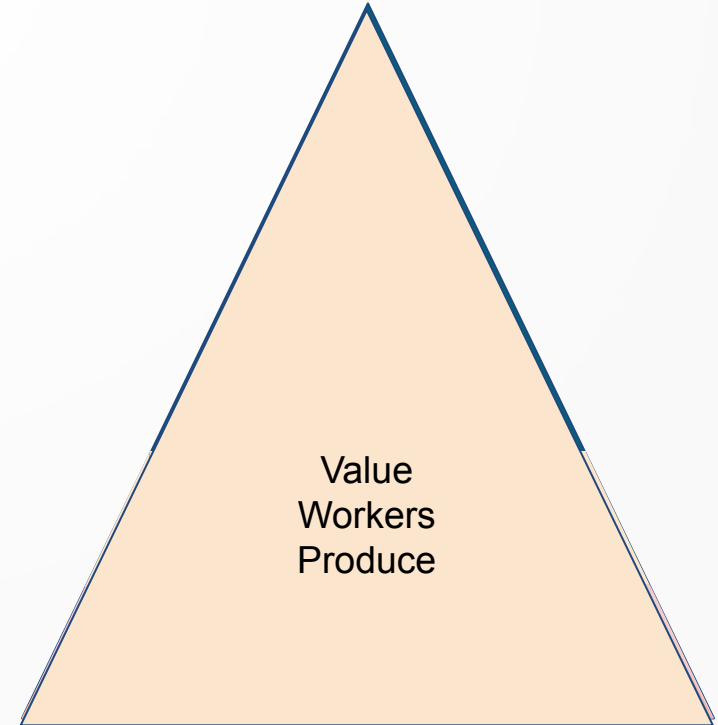
Context

Modern Worker Surveillance

- "Bossware" and AI are two digital means used (both in and outside working context) to monitor employees

- Growing, highly funded, and largely unregulated industry

- Can be utilized without employee's knowledge

Context

Modern Worker Surveillance

- Very present in low-wage industries (i.e. delivery workers, factory workers, warehouse workers)

- Similar surveillance technology used in:
  - Schools
  - Police/Military contexts
  - Financial Institutions

1:https://digital.com/6-in-10-employers-require-monitoring-software-for-remote-workers/

Context

Prevalence

60% of employers and growing since COVID-19 [1]
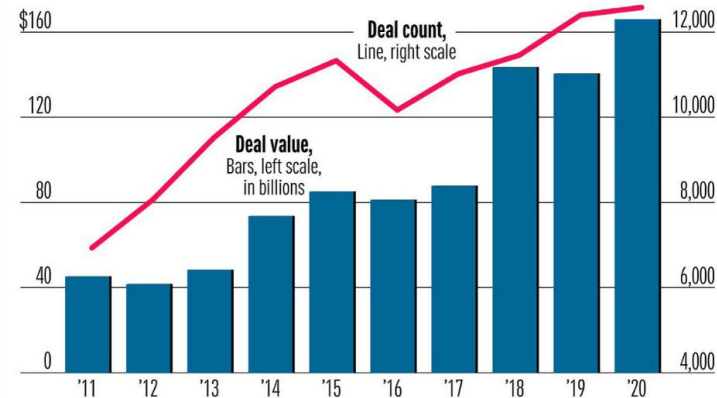
CareerBuilder Survey[2]

70% of employers use social media to screen candidates during the hiring process.

Nearly half of employers check up on current employees on social media.

34% of employers have reprimanded or even fired an employee based on content found online.

More Venturing, More Capital
Venture capital investments and number of deals set a record in 2020 despite the pandemic, and are on pace to exceed that this year

Deal count, Line, right scale
Deal value, Bars, left scale, in billions

Sources: PitchBook, National Venture Capital Association

1:https://digital.com/6-in-10-employers-require-monitoring-software-for-remote-workers/
2.https://www.prnewswire.com/news-releases/more-than-half-of-employers-have-found-content-on-social-media-that-caused-them-not-to-hire-a-candidate-according-to-recent-careerbuilder-survey-300694437.html

Societal Impacts

Little Tech is Coming for Workers [1]
- Coworker.org
- Erode Labor Standards
- Increase of Discrimination
- Increase in non-consensual data extraction
- Decrease in Worker autonomy and voice

"Depersonalization and dehumanization.

That's what technology has meant to me when I've had to interact with it in the workplace and when trying to get benefits (e.g., unemployment)."

— Former call center worker and Uber and Lyft driver who was unemployed during much of the pandemic, Atlanta, GA.

1. https://home.coworker.org/wp-content/uploads/2021/11/Little-Tech-Is-Coming-for-Workers.pdf

Workplace impacts

- Higher worker turnover
- Increase risk of worker injury [1]
- Workers *more* likely to break rules [2]
- Gaming the metrics
  - Tech is cheatable, I.e. Mouse Jiggler
- Wage theft
- More stress [3]
- Biased/opaque use of data
  - In disciplinary action
  - In performance evaluations
  - With holding benefits

1: https://www.wired.com/story/amazons-worker-injury-problem/
2: https://hbr.org/2022/06/monitoring-employees-makes-them-more-likely-to-break-rules
3:https://www.theguardian.com/technology/2022/apr/27/remote-work-software-home-surveillance-computer-monitoring-pandemic

Example #1 - Remote workers

- Remote work tools (MS Teams, Slack, Google)
    - Employer can monitor all activity, even "private" messages [1]
    - Monitor mouse-wiggles as "productivity"
- Many on-device "bossware" are invisible, able to record all device usage, e.g. InterGaurd [2]
    - Can even turn on webcam or monitor GPS
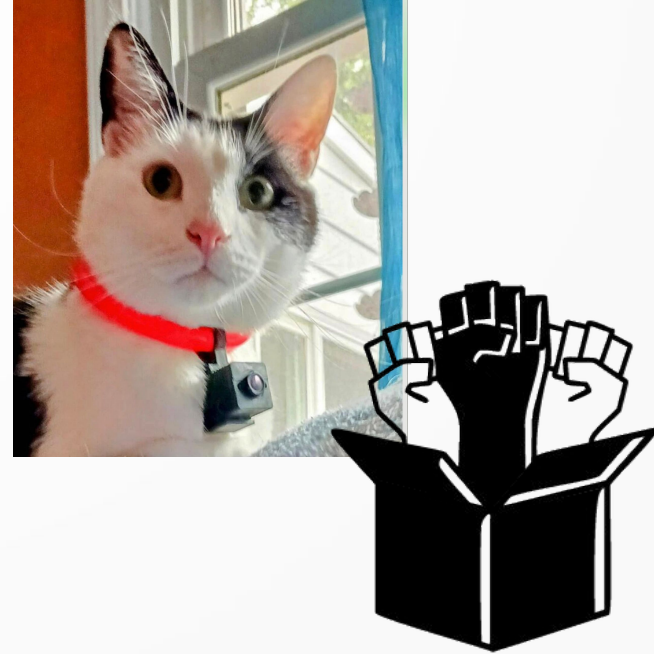- E.g. Vice President Carol Kraemer (NYT) [3]

1: https://www.nytimes.com/wirecutter/blog/how-your-boss-can-spy-on-you/
2: https://www.eff.org/deeplinks/2020/06/inside-invasive-secretive-bossware-tracking-workers
3: https://www.nytimes.com/interactive/2022/08/14/business/worker-productivity-tracking.html

Example #2: Factory workers

- Worn devices
  - e.g. smartwatch for meatpackers [1]
- Handheld scanners
- Cameras (/w AI)
- Location tracking
  - E.g. Amazon, "top offenders" each shift written up [2]
- Inhuman/algorithmic standards for productivity
- "Predictive" models to assess risk of worker turnover/organizing

1:https://www.vice.com/en/article/g5vk5q/big-meat-companies-want-to-use-smartwatches-to-track-workers-every-move
2:https://www.vice.com/en/article/5dgn73/internal-documents-show-amazons-dystopian-system-for-tracking-workers-every-minute-of-their-shifts

Future of worker Surveillance

- Augmented Reality
- Virtual reality ("metaverse")
- Algorithmic productivity measures

Overview of NYS legal protections

Senate Bill S2628

- Requires prior written notice upon hiring to all employees, informing them of the types of electronic monitoring which may occur

- Employers shall also post the notice of electronic monitoring

- Does not cover monitoring of volume of email/phone calls/text messages

https://www.nysenate.gov/legislation/bills/2021/S2628

NYS Potential Bill

Warehouse Worker Protection Bill (SB8922)

- Requires employers to offer a written description of quotas used in evaluation
- Requires a system for workers to report workplace hazards.
- Already passed Assembly/Senate in June, waiting on Governor

Overview of legal protections#2

Other Examples

- San Francisco, CA & San Jose, CA
    - Online privacy and previous work history

- Seattle, WA
    - Video Surveillance

- Atlanta, GA
    - Biometrics, personal data

- Illinois
    - Biometric Information and Privacy Act

https://www.getkisi.com/blog/state-employee-privacy-surveillance

Potential Federal Bills

Algorithmic Accountability Act

(HR 6580)

First major bill that would require businesses to conduct impact assessments on algorithms, and submit to FTC.

National Biometric Information Privacy Act

(S 4400)

This bill would have been the first of its kind to regulate biometric information—including worker biometric data—on a national scale.

Federal protections for organizing

National Labor Relations Act

- Right for 2 or more employees to act collectively to improve workplace issues
- Workers who aren't covered:
  - Public sector
  - Supervisors
  - Contractors
  - Domestic workers
  - agriculture/railway/airline workers
  - Persons employed by parents or spouse.

What you can do (Harm Reduction)

- Establish secure lines of communications with trusted coworkers
  - Not in the workplace, not on work devices
- Keep personal log of issues
- Identify surveillance blindspots, and use sparingly
- Bring issues to a union representative (if available)
  - Otherwise, contact a union organizer

Resources

- National Legal Advocacy Network (https://www.n-lan.org/)
- Electronic Frontier Foundation (https://www.eff.org)
- Coworker.org
  - Little Tech is Coming For Workers
  - Bossware and Employment Tech Database
- Books
  - The Poverty of Privacy Rights – Khiara Bridges
  - Automating Inequality – Virginia Eubanks
  - Dark Matters: On the Surveillance of Blackness – Simone Brown
  - Breaking Things at Work – Gavin Mueller

Q/A Time!

THANK YOU!!