**The Ethics of Workforce Surveillance**

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**Introduction**

Workforce surveillance is not a new concept, and most companies use employee monitoring systems to prevent illegal activities in the workplace. Human management's efficiency would help organizations drive their workforce while increasing efficiency and productivity. Managers use their gut feelings to evaluate performance while motivating employees to gain the maximum benefits. With the pandemic hit in 2020, it wasn't accessible to assess the performance of employees as most organizations allow working from home or minimizing the workforce in the work facility. It was difficult for managers to monitor employee performance, and the demand for remote surveillance solutions has increased gradually. While some companies use AI-based surveillance software to monitor employees' time consumption for different applications, others use surveillance cameras to capture videos (Koptelov, 2022).

Employee performance monitoring AI-based software measures how efficient the employee is and suggests ways to improve performance. These tools also give productivity scores and allow employers to track what their employees are doing and how long they take to complete work. That way, managers can identify the best-performing employees worth retaining (Heaven, 2020).

Although surveillance data helps to analyze employees' productivity, well-being and behavior, there are many ethical concerns related to monitoring performance based on surveillance data. Koptelov(2022) mentioned in his article Barclays used workplace surveillance software to measure employee productivity without their knowledge and ended up facing a billion-dollar fine for breaching privacy laws.

**Performance evaluation of the workforce surveillance**

The major ethical issue arises of workforce surveillance when employers use this AI technology to evaluate employee performance. Is it ethical to spy on employees because they work for you, or is it increase employee productivity? Companies who use workforce surveillance to monitor employee performance believe in the panopticon concept used to design prisons to monitor prisoners. This is a critical ethical concern as workforce surveillance can undermine employee trust and damage morale. There is a substantial phycological impact of monitoring which leads to constant stress and weakens the power of employees who can be fired at any time. Monitoring also creates a massive power imbalance between the workforce and the management (Heaven, 2020). When employees constantly feel like they are being watched, there is a mental issue, leading to fear and less productivity.

Amazon uses ML-powered cameras to monitor delivery drivers driving behaviors, such as using a phone while driving or yawning. Amazon saw the benefit of using surveillance technology to monitor drivers, which decreased road accidents and distracted driving (Koptelov, 2022). To use these technologies, drivers need to consent, and whoever would not agree with that will lose their job. Is it morally acceptable to lose the job because they opt out of the consent to protect their privacy? High-level monitoring leads to less job satisfaction and lowers intrinsic motivation or other related attitudes. Also, when companies monitor every move of the employees, weakened ethical behavior directs to disengagement. Disengage workers are less effective, focusing on mere compliance rather than searching for the right thing. Hurley & Filabi (2019) said sometimes employees miss the forest for trees. The other concern is how surveillance data is protected or used or who has access to these data.

**Ethical Relativism**

**Utilitarian view**

The act of a utilitarian perspective, using surveillance data for evaluation is good if the results increase the happiness of most affected employees. According to the theory, productivity monitoring is helpful if the employees and the company's benefits are greater than the cost, including resources, time, and mental health. The action is not acceptable if the harm is more significant than the benefits employers and employees get from AI-based evaluation. Evaluating benefits and damage in cases like this is not easy because many facts must be considered, including employees' feelings about the new monitoring systems and their productivity. The effect of surveillance monitoring on productivity depends on the organization type; for example, in a warehouse, all the employees physically appear in the facility. In this case, monitoring will increase productivity and minimize unnecessary behaviors and disturbances. In an organization such as software development, monitoring employees may increase employees' stress, damaging their critical thinking and innovative ideas. As a result, competent employees will leave the company, and the quality of the products and services will decrease.

As we discussed before, it is questionable whether it increases the happiness of the most affected parties in both cases. If productivity is increased, that will increase the satisfaction of employers, and the employees will get more opportunities because of the company's outstanding performance. This situation drives happiness to both parties, and workforce surveillance would be the new standard for the workers.

Also, the AI-based surveillance technologies analyze these data and provide suggestions to improve productivity and efficiency. This is an excellent opportunity for the workforce to enhance their performance without management involvement and force them to be high performers. If this is the case and employees do not care about monitoring, the utilitarian would accept workforce surveillance for performance evaluation.

On the other hand, performance-based surveillance systems mean poor human management and violate workers' privacy. If many employees feel wrong about the monitoring, that will damage most happiness, and a utilitarian perspective would reject using surveillance for evaluating performance.

**Deontological view**

Research by Yeng et al. (2021) mentioned in a deontological perspective, everyone is expected to fulfill their respective duties irrespective of the outcomes. People must fulfill their responsibilities and obligations in the given situation. So in good ethical behavior, employees must accept workforce surveillance as a method of productivity increase and perform their duties to benefit the organization and individuals.

Employees consent to digital monitoring when they accept employment, and the organization provides information about how employees are expected to act and actions to be followed. Employees need to read and understand the agreement to the conditions upon employment. They must admit that they work under surveillance and performance evaluation based on AI-driven monitoring systems. Also, ML algorithms should be transparent to employees about data collection, storage, and analysis and who has access to data, and how these data can be used to benefit the organization and the employees. In a deontological view, workforce surveillance is ethical, and it requires workers to perform their given duties in the rightfully specified manner, irrespective of the unintended consequence (Yeng et al., 2021).

**Code of conduct**

According to Anderson(1992) quality of life of the affected party is essential and has to protect human rights and individuals' right to autonomy. Workforce surveillance may not allow employees to practice their freedom at the workplace, violating individuals' privacy. Performance evaluation using AI technology may harm employees' quality of life and ruin their morale. Employers should ensure that using these technologies does not harm or threaten employees' health, privacy, and safety. The organization must avoid negative consequences, and employees must be comfortable with surveillance data collection and analysis to benefit the company and individuals. AI systems should be transparent to everyone affected, including data collection, sharing, storing, and analysis.

Workplace surveillance does not go beyond what is reasonable and appropriate and avoids harm as much as possible. The responsible parties should carefully consider the potential for damage and ensure that the identified impact is ethically justifiable.

Data analysts should follow organization data protection policies and best practices to avoid unintentional damage to individuals and the company. The data scientists should take action for any systems risk that can harm individuals to reduce the potential harm.

Surveillance cameras can only be used for a legitimate purpose, and they must be visible to employees or inform about hidden cameras to employees. The recording should comply with federal and state wiretap and recording laws. The recording and evaluation process should be clear to all affected employees and get consent before using them as the data subject.

The data scientist should ensure the algorithms are fair and thoroughly tested before use for evaluation and avoid discriminations that can violate the code of conduct. The objective of surveillance monitoring is to increase productivity and efficiency and recognize the idea of sociotechnical systems. Humanity cannot be forsaken for the goal of revenue generation; therefore, the fairness and equality of the results are essential.

One of the critical arguments against workforce surveillance is limiting creativity and innovation, which can lead to losing competent employees and loss of productivity in the long run. Employers and data analysts must credit workers for innovations, creative ideas, exceptional work, or protecting their work. That will help employees eliminate the fear of monitoring and motivate them for more inventions.

Data analysts must understand the rights and responsibilities associated with collecting and using personal information to protect privacy. The monitoring data should only use for legitimate analysis and should not violate the rights of individuals or groups. They require to take precautions to prevent unauthorized data collection (For example, do not collect data when there is a reasonable expectation of privacy), ensure data accuracy, and protect data from unauthorized access or disclosure. The organization should establish transparent policies and allow employees to understand data collection, usage, the process of performance evaluation, review, correct inaccuracies, and delete data after use. The retention and removal periods for collected data should be clearly explained, implemented, and communicated to employees.

**The morality of workforce surveillance for performance evaluation**

In concluding the above analysis, I believe the AI-based performance evaluation depends on the organization and work environment. From a utilitarian perspective, it is ethical to use surveillance for performance evaluation if it improves the organization's and individual's productivity, and most affected parties agree to monitor (happiness of most). From a deontological view, employees consent upon employment agreement to use surveillance, and employees should perform their duties irrespective of unintentional consequences. I firmly believe the utilitarian view of workforce surveillance and surveillance is only acceptable when it can bring happiness to employees. Otherwise, that can ruin employee morale and motivation to work, resulting in losing talented employees.

A professional code of conduct is essential when working with surveillance data to ensure ethical principles have been practiced. The data collection and usage contribute to employees' well-being, acknowledging that all affected employees are stakeholders of data analysis. The algorithms used for surveillance data analysis should be fair, prevent discrimination, and avoid any harm to individuals. The evaluation process should encourage employees to new ideas and inventions while protecting their privacy.

**Ethical analysis**

With the pandemic hit, millions of people started working at home, and workforce surveillance became the new norm to monitor employee performance. This goes beyond the appropriate level of monitoring, and managers use surveillance software to track employees. The demand for surveillance software increased rapidly, and organizations started performance evaluations using AI algorithms. This software analyzes employee productivity and provides productivity scores to managers, and suggests to employees how to increase their productivity.

Is it ethical to spy on employees because they pay them? An organization cannot spy on employees for its benefit. Why does a company needs management if they rely on technology to evaluate performances? Isn't it saying lack of leadership or lack of trust?

These systems are indeed used with the employees' consent. Still, most employees agree to digital monitoring because they may be unaware of the consequences or want to secure their job. As a universal rule, we have to perform our duties under digital monitoring because we agreed to do so. AI systems aim to increase productivity and benefit both individuals and organizations. Do we need to follow the universal rule if surveillance monitoring harms employees' mental health, creativity, or right to autonomy? As we discussed before, the Amazon ML system for tracking drivers would be very stressful for drivers and can harm the driver's mental health. Monitoring employees can also lead to mere compliance than doing the right thing. Forcing compliance or consequence-based job performance will not create a creative workforce, and in the long run, the company will lose skilled employees.

Workforce surveillance is not constantly harming or leading to disengagement. It also helps companies create a better team, identify weaknesses, and guide them to higher performance. These interventions only provide good results if companies get the proper ethics. Employees should be comfortable with performance-based work surveillance, and they must understand the monitoring process and how their data can be used. The surveillance systems should influence, not coercion, which means it is an intervention to refuse or ignore and must not carry out as a threat of punishment (e.g., losing the job) or force (Hurley & Filabi, 2019). Coercion creates fear and reduces individual acts of conscience, independent judgment, and creativity. From a utilitarian perspective, coercion is unethical, and influence increases employees' happiness.

The practice of a professional code of conduct would help to influence affected employees. When employees feel that they are being treated fairly, they are more likely to focus on the organization's and individuals' values and goals. The fairness of algorithms can influence employees about the benefits they can achieve by using monitoring systems. By managing obstacles to ethical culture, employers can increase effectiveness without ruining employee trust through unethical surveillance. Leaders and data scientists should be accountable for the new environment they create and build the right balance between confidence and control.

If the algorithm is transparent, fair, monitored within limits, and does not put unnecessary pressure on workers, surveillance systems would be ethical and benefit the organization. Many ML systems are still far from accuracy and fairness; in that case, if employers use monitoring systems for performance evaluation would be unethical. Job satisfaction is crucial for organizational performance (Kalischko, 2021). If an untrustworthy surveillance system monitors employees, that will decrease job satisfaction. Moreover, monitoring would positively affect job satisfaction if employees get positive feedback about the monitoring system. As long as performance-based AI surveillance systems are designed and used in an ethically sound way, they increase job satisfaction and the organization's productivity.

Although we live in a new era of the information world, the civilization is still not ready for workforce surveillance as the algorithms are far from fair and accurate. I believe there should be an interaction between management and employees to build trust. Managers can evaluate employees based on performance and their gut feeling about the future benefits they can bring to the company. This way, employees are more involved in inventions and new ideas; they are self-motivated or motivated by managers to get the best out of them. Is it necessary to monitor employees' every step to increase productivity? What matters most is how they performed, how much revenue they brought, or how efficiently they did their job. I think workforce surveillance is a terrible approach to employee performance tracking that makes employees uncomfortable and does not try to get the best out of them.

**Conclusion**

Fairness, equality, and job satisfaction are the key determinant of the success of organizations and individuals. New AI technologies enable more varied and pervasive monitoring and surveillance practices in the workplace. Monitoring and surveillance tools collect new aspects of data that didn't track before new technologies came to play. When algorithms accurately analyze data and provide fair, nondiscrimination, and effective results while protecting employees' privacy, AI systems can bring human management to the next level to increase productivity.

Yet the problems arise when surveillance systems harm employees and ruin their morale and trust. These systems track employees' sensitive data, such as stress levels or smoking habits, leading to negative consequences. Data collection of employees should be limited, appropriate, and protect privacy. The growing quantification of work activities affects the work quality and drives the workforce to achieve the competitive benchmarks to get a higher score for evaluations. Also, workers may hide from cameras when they do other work or pretend as working for mere compliance.

To build employees' trust in surveillance monitoring, organizations need to practice surveillance laws and ethics while following a professional code of conduct. As long as the data analysis is under federal and company laws and ethically acceptable way while protecting employees' privacy, employees can be influenced to benefit from the new technologies. Still, the world is not ready for AI-based performance evaluations as the algorithms are still in the early stages to trust, resulting in unfair and inaccurate outcomes.

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