

Response to workplace surveillance using digital technologies.

Public Workers Solidarity Foundation, Korean Progressive Network Jinbonet Korean Confederation of Trade Unions, Federation of Korean Trade Unions, Institute for Digital Rights, Institute for Workers Rights, Gabjil119, Minbyun-Lawyers for Democratic Society Digital Rights Committee. December 9, 2021

Algorithmic worker surveillance

Aida Ponce Del Castillo
European Trade Union Institute
Brussels, Belgium

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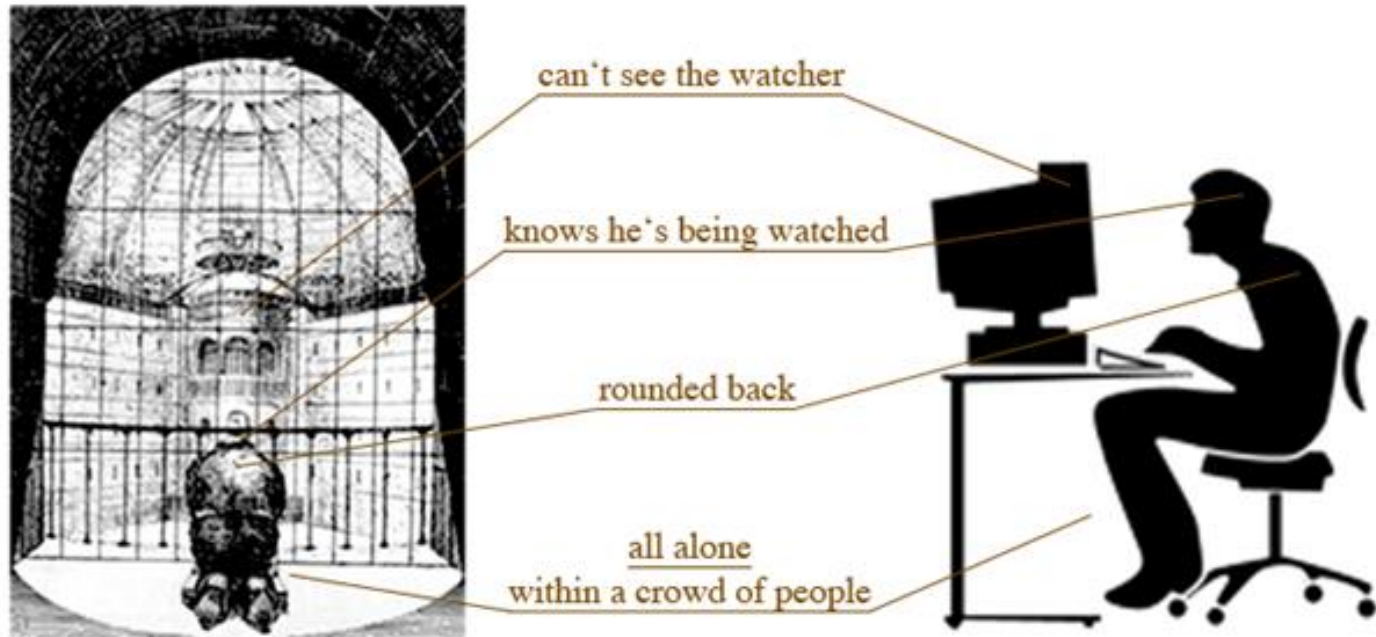
1. Background: what is surveillance
2. The trend of People Analytics
3. 2020, the birth of algorithmic surveillance: from People Analytics to Algorithmic surveillance
4. Research findings : 2 surveys
5. Conclusions





Background: what is worker surveillance?

The Prisoner and the Free



Today, worker surveillance functions according to principles that are similar to Jeremy Bentham's Panopticon, a prison system that made it possible to observe inmates from a centrally positioned guard.



Surveillance technology has long been only available to states, but we see now that it is increasingly used in the workplace and combined with algorithms it is more powerful



The trend of People Analytics










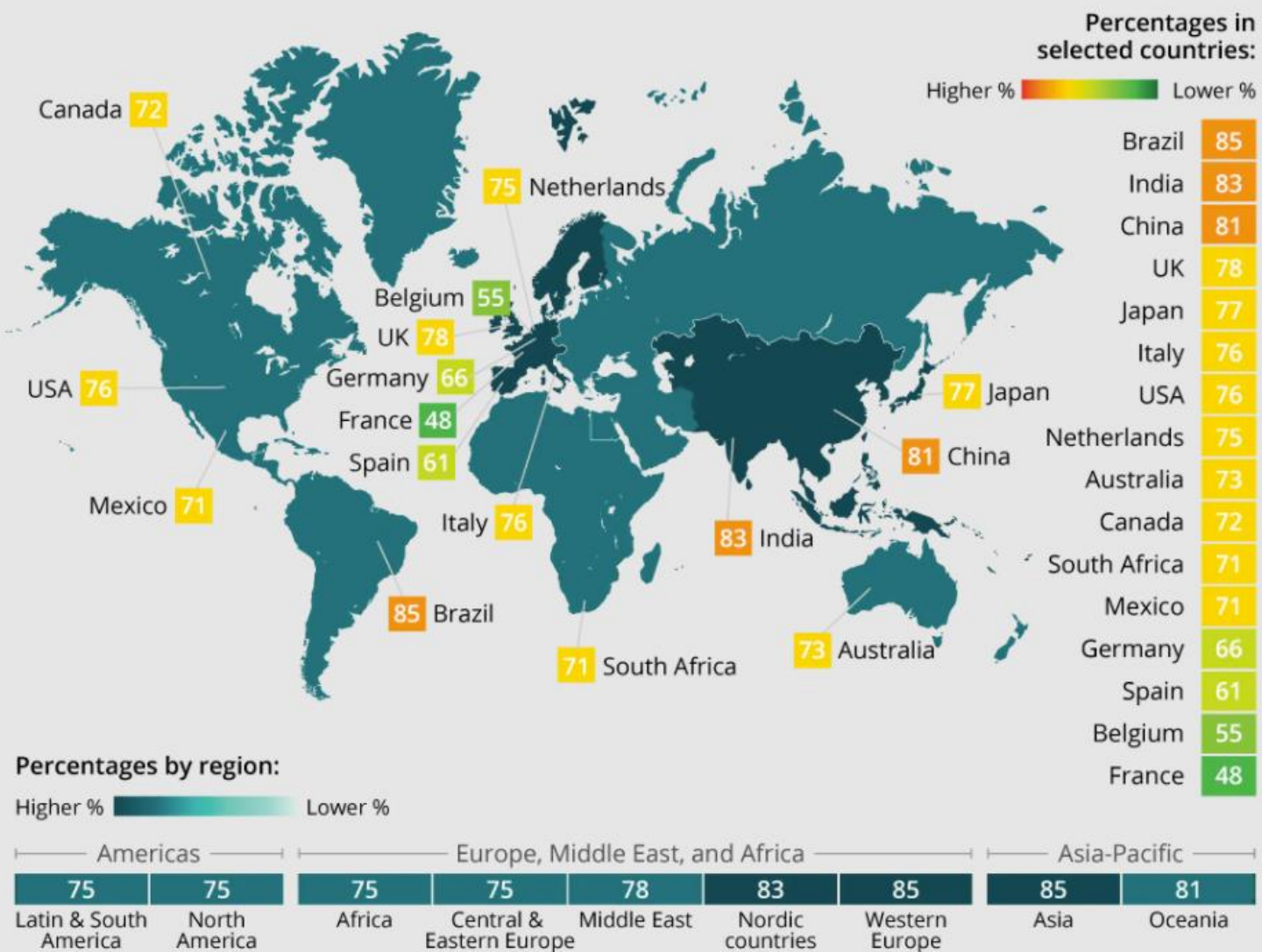
		2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
		Revolution/ evolution	Leap ahead	Resetting horizons	Engaging the 21st-century workforce	Leading in the new world of work	The new organization: Different by design	Rewriting the rules for the digital age	The rise of the social enterprise	Leading the social enterprise: Reinvent with a human focus	The social enterprise at work: Paradox as a path forward
	Diversity and inclusion	Diversity and inclusion: Driving business performance		Global diversity dividend	From diversity to inclusion			Diversity and inclusion: The reality gap	Citizenship and social impact		Belonging: From comfort to connection to contribution
	Culture, engagement, experience			Branding the workplace/ Organization acceleration	The overwhelmed employee	Culture: The naked organization	Shape culture: Drive strategy/ Engagement: Always on/Crafting employee experience	The employee experience	Well-being: A strategy and a responsibility/Hyper- connected workplace	Employee experience to human experience	Designing work for well-being: Living and performing at your best
	Talent	Talent in the upturn		Aging workforce/ Leading talent from BRIC	Talent acquisition revisited/Beyond retention	Workforce on demand		Talent acquisition: Cognitive recruiter	The longevity dividend	Accessing talent/ talent mobility	The post-generational workforce: From millennials to perennials
	Future of work	Contingent workforce	#Social #Mobile @Work	Open talent economy/ Workplaces of the future		Simplification of Work/ Machines as talent	The gig economy/ Org design: Rise of teams	Future of work/ Org of the future	Workforce ecosystem/ AI, robotics, automation	From jobs to superjobs/ Alternative workforce/ Org performance	Superteams: Putting AI in the group
	Learning/careers	Ladder to lattice		War to develop talent	Corporate learning redefined/ Quest for workforce capability	Learning and development: Into the spotlight	Learning: Employees take charge	Careers and learning: Real time, all the time	From careers to experiences	Learning in the flow of life	Knowledge management: Creating context for a connected world Beyond reskilling: Investing in resilience for uncertain futures
	Performance management and rewards			Performance management puzzle	Performance management is broken	Performance management: Secret ingredient		Performance management: Winning hand	New rewards: Personalized, agile, and holistic	Rewards: Closing the gap	The compensation conundrum: Principles for a more human approach
	People analytics	Workforce analytics	Seeing around corners/ People risk	Thinking like an economist	Talent analytics in practice	HR and people analytics/ People data everywhere	People analytics: Gaining speed	People analytics: Recalculating the route	People data: How far is too far?		measuring workforce strategies: New questions for better results
	Leadership	Next-generation leaders/ Collective leadership/ Leading in a regulated world	Fast track to the top/ Growth is job #1/ Operation globalization	Leadership next	Leaders at all levels	Leadership: A perennial issue	Leadership awakened	Leadership disrupted	The symphonic C-suite	Leadership for the 21st century	Ethics and the future of work: From "could we" to "how should we"
	Evolving HR	HR in the cloud/ COOs for HR / Employer health care reform / Emerging markets	Clouds in the forecast	Transforming HR/Boards changing the HR game	Reskilled HR team/ Global and local HR/ Race to cloud	Reinventing HR	HR: New mandate/ Digital HR: revolution	Digital HR		HR cloud: A launch pad	A memo to HR: Expand focus and extend influence

Figure 1. People analytics: Percentage of respondents rating this trend “important” or “very important”



Deloitte University Press | dupress.deloitte.com

Increasing adoption of People Analytics, a data driven method to manage employees better and have more data about what people are doing that could put at the services of (strategic) decisions in an organization.

(Cherry 2017; Sahoo 2019; Wharton University online course)

Traditional examples of People Analytics are seen in HR and recruitment, calls centres, software engineers, banking sector, etc.

Other sectors: It is not about PA in HR data only.

Enhanced data analytics: When data, analytics and AI are put together, they connect everything for powerful decision-making in an organization but also it has become key in revealing other dimensions to look at.



PRODUCT CLAIMS

- 360° relevance in Ecommerce...
- A desktop and mobile time tr...
- ActivTrak is a cloud-native Sa...
- Aware is the only comprehen...
- DeskSight.AI is an employee ...
- Employee management platf...
- Employee Monitoring & Insider Threat Detection
- Employee Monitoring Made S... Record, Review, Alert and Blo...
- From AI-powered search to A...
- Know everything that happen...
- The Leading Employee Engag...
- Total control over employee'...
- Understand Behavior, Impro... Visier People is a complete a... solution designed to answer t... pressing questions you have ... your workforce
- Work Examiner offers a wide

- There are “basic” tools to monitor workers: call log monitoring, email, chat messengers, GPS location, images, video and audio files, recorded contacts, browsing history, bookmarks, social media apps, etc.
- We now see the arrival of **advanced analytics** (biometrics, ML, semantic analysis, sentiment analysis, Emotion Sensing Technology, etc.), that monitor and measure **biology, behaviour** and **emotions**.



**2020, the birth of algorithmic surveillance:
from People Analytics to Algorithmic surveillance**

(1) Algorithm surveillance is diverse:

- software companies & startups

(People Analytics, AI driven solutions, Emotion-Sensing Technology etc.)

- big tech

- online platforms

(3) They present a wide range of promises and features that elevate the expectation of the company to observe, know and manage almost everything.

Two concerns:

(1) Scraping mechanisms of worker's data:

- what and how workers might do or not
- how workers might feel
- how happy or healthy workers are
- how attentive they are
- analysis, interpretation
- linkages of patterns

(Hao 2021; Heaven 2020; Migliano 2020; Whelan 2018))

(1a) Use of the technology

- reliability and validity tests
- accuracy and bias (implicit and explicit)
- fairness and privacy assessment
- transparency and accountability (Trade secret)

(Richardson et al 2019)

- Questioning the “tech neutrality” argument.

XM QUALTRICS

“Turn billions of employee data points into actions”

Aware

“What if you could automatically measure the voice of the employee, getting an authentic reflection of how your workforce feels?”

Clever Control

“How to Identify Slackers without Being Noticed”

Coveo

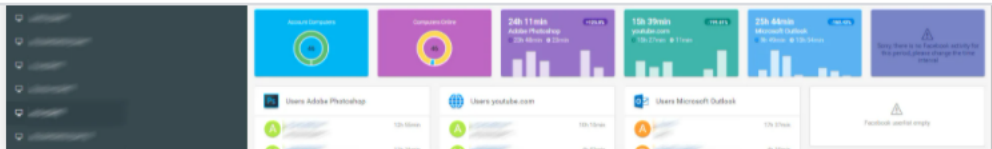
“Through content suggestions, curate information based on an employee’s profile and those of similar users. Tailor content”

What if you could automatically measure the voice of the employee, getting an authentic reflection of how your workforce feels?

With Spotlight, you can...

- Strengthen organizational insights with information regarding the topics and themes your employees *aren't* telling you about on surveys
- Get a day-to-day pulse on your entire organization

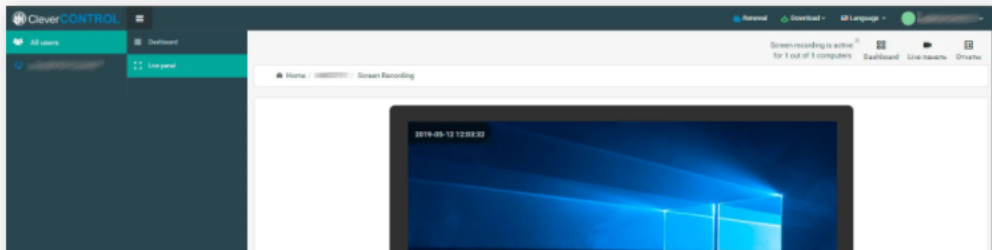
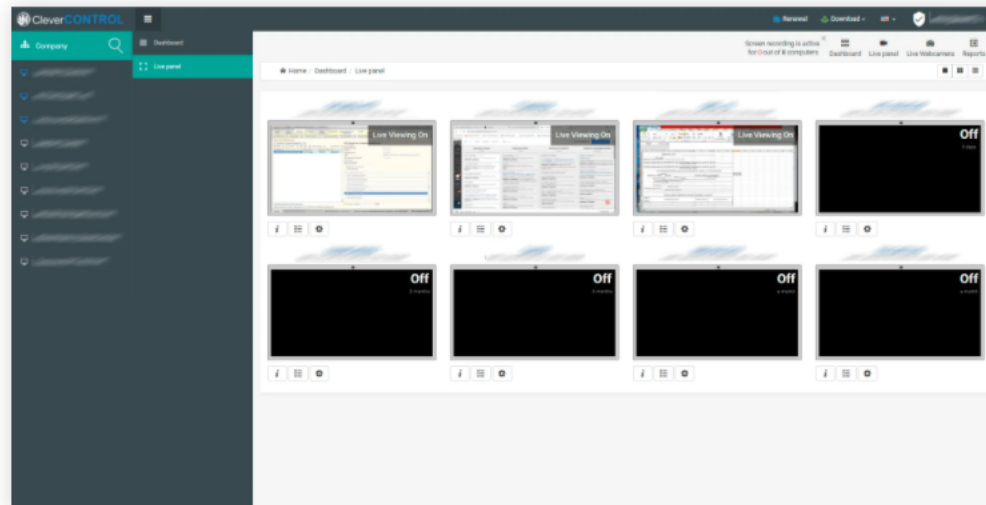




remotely monitor your staff from anywhere.

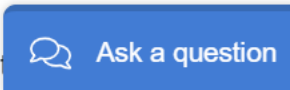
Real-time Live Monitoring

Watch the computer screens of your employees remotely in real time. CleverControl allows you to view simultaneously (on the same screen) from 1 to 16 of your employees' computers.



Screen Recording

Screen recording, as the name suggests, is a ¹...



Snapshots
Mic Sound recordings
Webcam Video

Monitor Social Activity

Facebook Activity
LinkedIn Activity

Monitor Internet Messenger's Activity

Skype

How can this feature be useful?

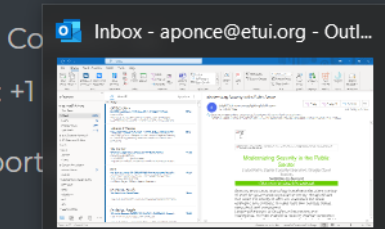
Regular employe monitoring can be difficult and time consuming. Sometimes you have to look through a lot of documents, data and surveillance camera recordings to see if somebody was late to the office in the morning or from lunch break or spend all working day doing who knows what. And sometimes you might not be in the office to do that.

With CleverControl all recorded data is collected in your secured account, so you can access all of it whenever you want to. And even if you have to take a business trip or a vacation you account will be available to you wherever you are, 24/7 so you can check up on your employees.

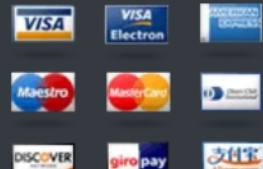
Sign up

Disclaimer

You are hereby informed that by using software like CleverControl monitoring software on computers or other devices that you are not properly authorized to use is considered to be a breach of US federal and state laws. Authorization implies that you have to only install such monitoring software on devices that you rightfully own or with rightful owner's permission and you also must properly inform all users of the device on which you install such software that they are subjected to monitoring. Failing to comply with the above mentioned conditions can result in law violation and may lead to monetary and criminal penalties. You should consult with your law advisor about legality of using CleverControl software in your jurisdiction before downloading and using it. CleverControl software is only intended for the purposes of employee monitoring. It cannot be employed to monitor a person without his/her knowledge and permission.



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CleverCONTROL Smart Employee Monitoring

HOME FEATURES SUPPORT COMPANY PRICING CONTACT ENGLISH LOG IN SIGN UP

FEATURES

CleverControl the easiest solution for improving your business processes

Let CleverControl take care of the tedious task of controlling your employees. The program will do everything from pointing out constant latecomers to detecting possible saboteurs among your staff.

CleverControl is equipped with a full set of features that allow you to get detailed reports on your employees' activity throughout the day. This includes recording of all offline actions, like running applications, taking screenshots, and saving all pressed keys as well as complete and thorough reporting on Internet activity: URLs, search enquiries, chats and instant messengers.

Apart from that CleverControl has a few features that any user, especially a business owner, will find very useful: printer and removable flash drives monitoring and recording from webcam and microphone.

Just go through a very easy and quick sign up and installation process and start getting information from your employees' computers straight away.

[Sign up](#)

1 [Ask a question](#)

- Remote Monitoring
 - Remote monitoring via secure web account
 - Real-time Live Monitoring
- Internet usage Monitor
 - Website Activity
 - Application Activity
 - Search Engines activity monitoring
- Recording Features
 - Keylogger
 - Screenshots
 - Removable storage devices (USB, HDD, SD) Monitoring
 - Control over Printing
- Video and Audio Control
 - Snapshots
 - Mic Sound recordings
 - Webcam Video
- Monitor Social Activity
 - Facebook Activity
 - LinkedIn Activity

Podio interface showing a 'Start Timer' button and an 'Assignees' section.

Tracking time is as simple as clicking on the stopwatch from the task pane in Podio. There's no need to switch apps or install software, so your team can focus on work instead of on timesheets.

START A FREE TRIAL →

Do you know what your employees are doing at work?

Not only will Time Doctor tell you how long your employees are working on a particular task, it will also tell you what they are doing while they're working. Time Doctor tracks which websites and applications employees use during the workday.

START A FREE TRIAL →

Web & App Usage dashboard showing a table of application usage.

Website / Application	Total Time	Visual Bar
Microsoft Word	1h 37m	[Long green bar]
Login Window	46m	[Medium green bar]
Preview	43m	[Medium green bar]
Time Doctor	27m	[Short green bar]

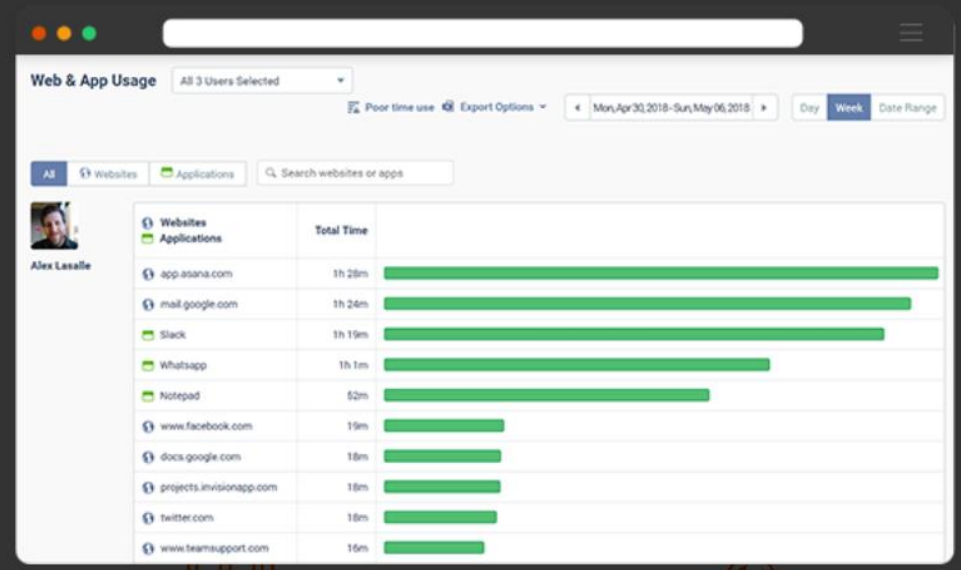
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Web & App Usage

Try it Out >

Web & App Usage
See which websites and apps are being used >



Integrations
Integrates with all leading project management tools >

Time Use Alerts
Alerts remind you to stay off Facebook or other timewasters >

Off Track Reminders
Nudges when visiting non-work related sites

Attendance Tracking
Track attendance and get alerts for employees who are late

Track Breaks
Track breaks and time spent away from the computer

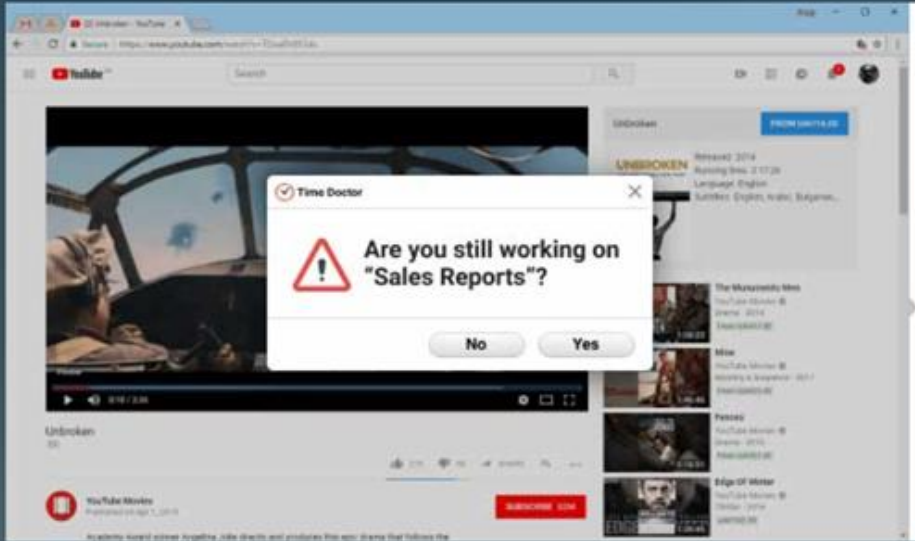
[Get Free Account](#)

(2) Automated “decision”-making:

Workers are subjected to automated “decisions”.
The outcome is given greater weight than respecting the workers’ needs and rights.

The replacement of subjective decision and of middle management by algorithms.

(Cherry 2017)




Pop-up alerts employees when they go off task

Time tracking **instantly improves** employee's focus and productivity.

As soon as Time Doctor is installed, they log in on time and stay off Facebook - you don't need to say a word.

- Pop-ups alert employees when they stray into time-wasting websites.
- Daily time reports show employees their metrics for the day so they can self-correct.
- Dashboards show supervisors at a glance who's a superstar and who's slacking off.

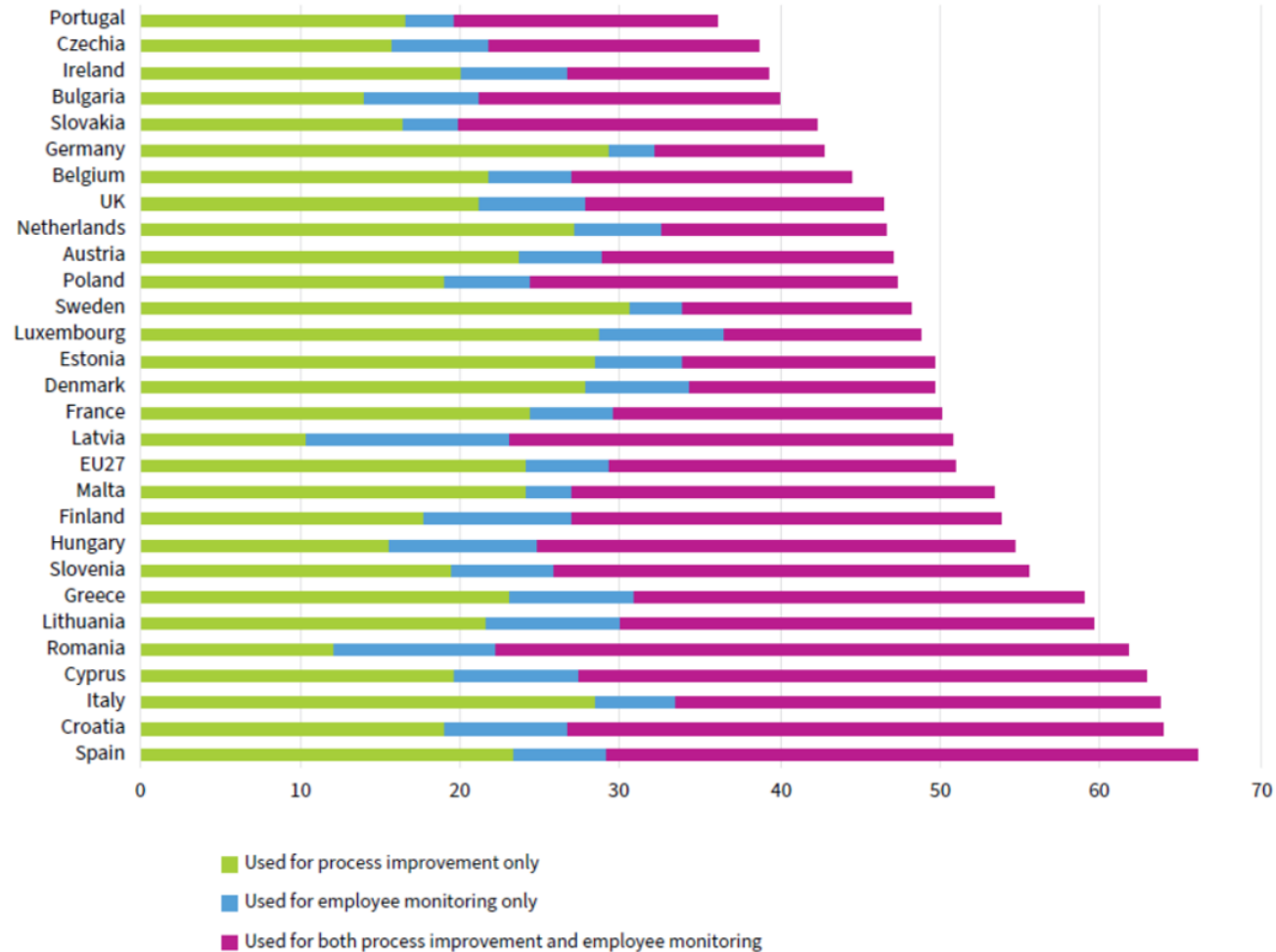


Algorithmic worker surveillance: It is similar to switching from radar, which scans the surface of the sea, to a sonar, which can build a 3D image of everything that is happening under the surface. It is not anymore passively scanning but ‘scraping’ the intimate life of workers, actively building an image and then making decisions.



Findings from two surveys:

Figure 1: Use of data analytics for process improvement and/or monitoring employee performance, EU27 and the UK (%)



Source: ECS 2019 management questionnaire (Eurofound, 2020a)

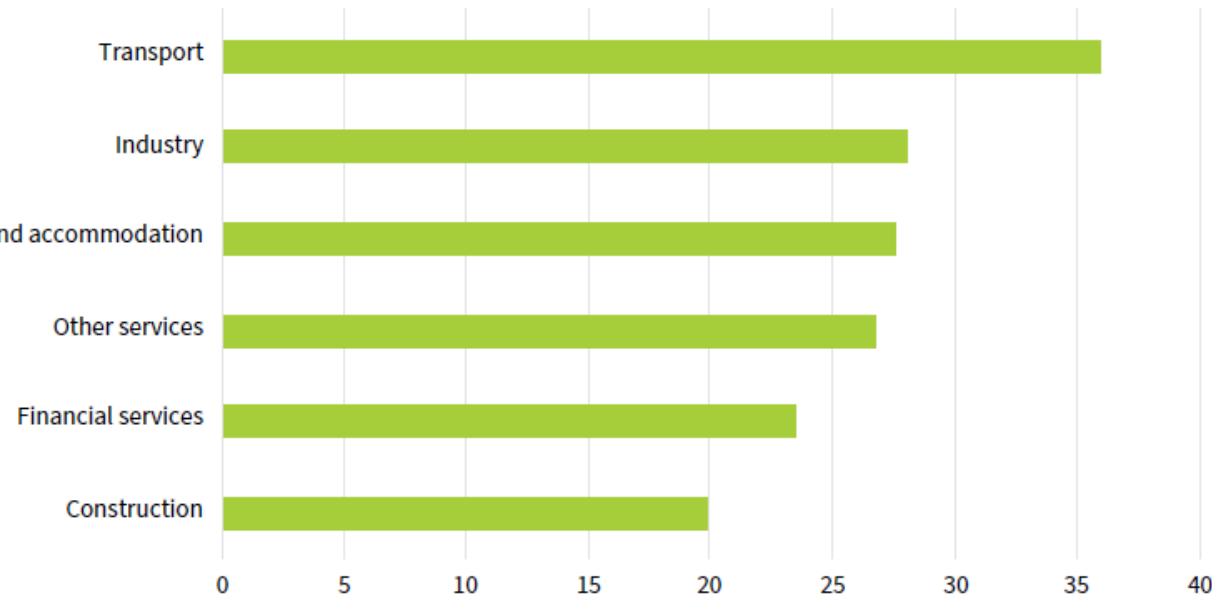
Employers were asked about the use of data analytics for process improvement and/or monitoring employee performance.

The use of data analytics is also indicative of the use of algorithms to not only monitor but also assess employee performance.

Conclusion: *“Technological advances have certainly expanded employee monitoring and surveillance capabilities”* (Eurofound 2020).

Workplace surveillance is used in **all sectors** of the economy.

Figure 2: Use of data analytics to monitor employee performance by broad sector, EU27 and the UK (%)



Source: ECS 2019 management questionnaire (Eurofound, 2020a)

National legislation on workplace surveillance varies:

It is sometimes allowed only to ensure worker safety, sometimes only in extraordinary circumstances, sometimes if justified by the nature of the professional activity. Some national legislations state that worker monitoring must be proportionate and necessary to safeguard the employer's legitimate interest but without prejudice to the rights and freedoms of the worker.

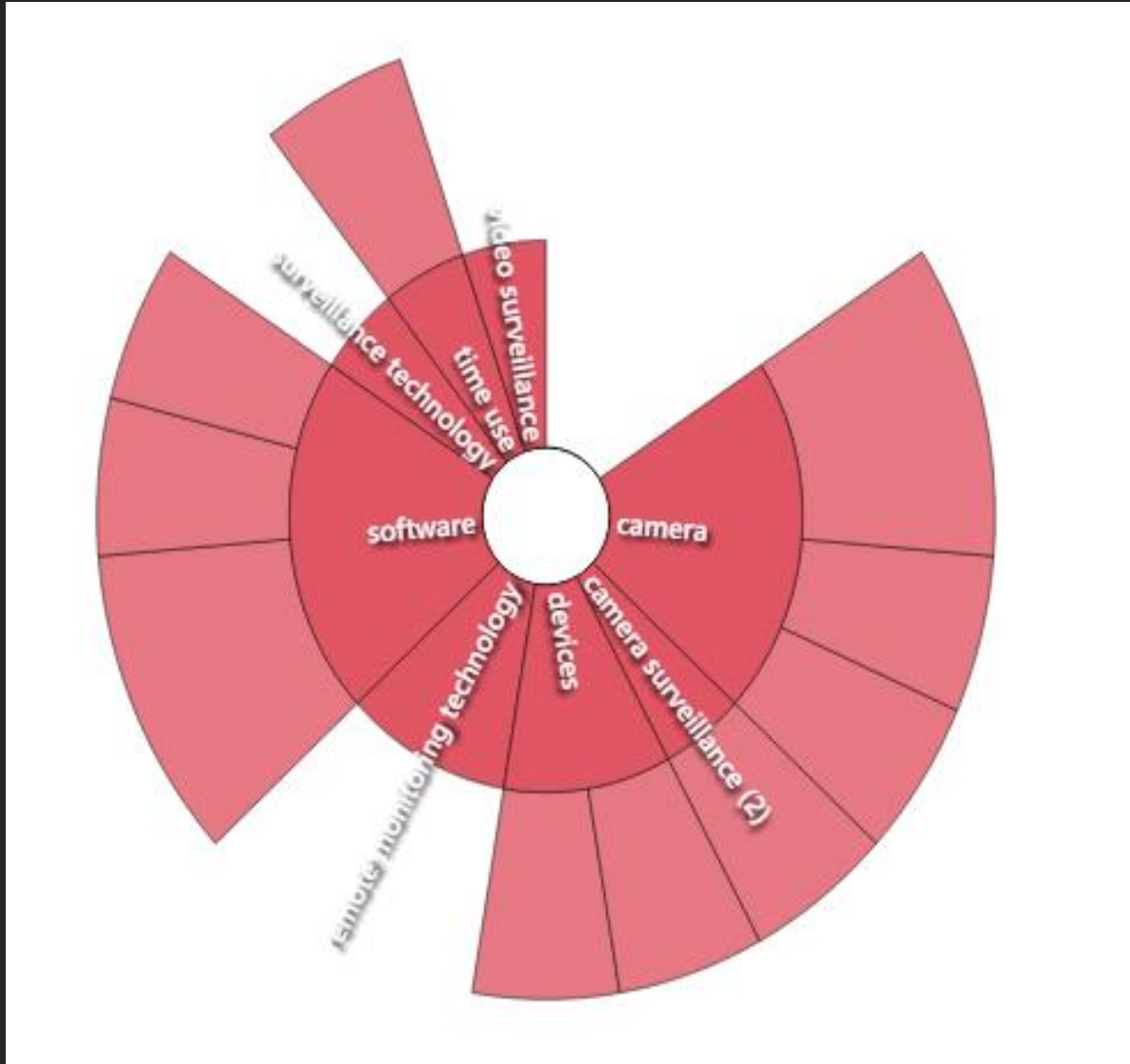
Importantly, most legislative frameworks **pre-dates GDPR**.

All of this existed before but has been exacerbated by the **COVID crisis**.

Aida Ponce Del Castillo © etui (2021)

etui.

ETUC survey on new technologies allowing more surveillance at work



Follow up through conversations with several trade union policy advisors (full time employed by a trade union to look at policy) and worker representatives working in a given company and who represent other employees.

Austria
Belgium
Italy
Germany
Norway
Spain
UK
Association of Nordic Engineers
Uni-Europa
IndutriAll

ETUI Education training courses
2019: Artificial intelligence
2021: “AI and data”

ETUC survey on new technologies allowing more surveillance at work. Perceptions:

Austria: “It still very difficult to get information about the new AI-system and the ways in which personal data is treated”.

Norway: “complex picture of the ways in which the different systems impact on various aspects of the working environment”

“This can be sources to stress and feelings of employer having excessive control of work performance”.

“Employees perceive digital systems that provide opportunities for direct and detailed monitoring and surveillance of individuals as more uncomfortable than traditional systems for monitoring of entry and exit, time use and productivity”

UK: “workers are both unaware of the kinds of new remote monitoring technology which could be introduced by employers and find it deeply uncomfortable.

“The polling also found that around half (48%) of workers said that they thought that introducing monitoring software would damage their relationship with their manager- this rose to 62% among younger workers”

Trade union initiatives at the European level

ETUC/Business Europe : Social Partner Framework Agreement on Digitalisation, 2020.

IndustriAll: Artificial Intelligence: Humans must stay in command, 2019.

UniEuropa:

ICTS Position on Artificial Intelligence, 2019.

A workers' perspective on Artificial Intelligence (AI) and surveillance, 2021.

National trade union initiatives

COUNTRY	UNION	RESOURCES	COLLECTIVE BARGAINING	LITIGATION
Austria	GPA	Advisory Board for Work and Technology	Data protection framework agreement	
France	UGICT-CGT	Intelligence Artificielle & Algorithme		
	CFE-CGC	Charte éthique et numérique RH		
Germany	DGB	DGB Concept Paper; Artificial Intelligence (AI) for Good Work		Works Council of a logistics company brought a lawsuit against the employer who did not respect co-determination rules about the use of use of cameras
	Ver.di	Ethical guidelines for the development and use of Artificial Intelligence (AI)		
Spain	CCOO	Guía de negociación colectiva sobre digitalización de CCOO	XXIV Convenio colectivo sectorial de la banca (Art 80 "Derechos digitales" incluye el "Derecho ante la IA").	
	UGT	Guía para comprender el nuevo capitalismo de los datos 2020		Lawsuit against Amazon on worker data protection AEPD
Sweden	Kommunal	Study: Who is worried about new technology? 2020	Swedish unions can use the provisions of sector-level agreements to maintain collective bargaining and collective agreements	
UK	TUC	Task force 'AI in the workplace' Intrusive technology at work on the rise during coronavirus' 2020		
	PROSPECT	Survey on remote working: how workers feel about monitoring and surveillance technology Data Protection Impact Assessments: a union guide		

A dark, blue-toned photograph of a business meeting. Several people in professional attire are silhouetted against a bright background. Overlaid on the image is a network diagram consisting of white lines, circles, and hexagons. Some nodes in the network are connected to rectangular boxes containing percentage values: 35%, 70%, 45%, 65%, and 0.01%. The text 'Conclusions and actions to take forward' is written in a bold, orange font across the middle of the image.

Conclusions and actions to take forward

1. **Algorithmic surveillance** has reached a tipping point: 2020 marks the beginning of a new era.
2. AI in the workplace is **re-contextualising** the life of workers in their many dimensions – as humans beings, not workers.
3. **Consequences and risks go beyond the labour aspects**: discovering behaviour and health issues, hampering emotions, intimacy, dignity, autonomy, limiting freedom and fundamental rights. De-humanizing labour.
4. When implementing AI-systems there is need to include not only ethics and regulation, but also the **worker factor /agency into the equation.**

Questions that workers and their representatives can raise:


- How is worker data used and analysed? We need to better understand the use of algorithms within the workforce.
- How to analyse the risk of algorithmic surveillance? What framework?
- Worker monitoring is regulated in national legislation and data protection authorities have recently published recommendations. Does national legislation need to be updated? Should some practices be banned (biometrics)?
- The EU Commission will come up with legislation on AI this spring. Can we expect something on algorithms at the workplace?



Thank you

Aida Ponce Del Castillo
aponce@etui.org

 @APonceETUI

 aidaponcedelcastillo