About the project

This project explores the impacts and implications of the growing electronic surveillance of workers, mediated through rapid developments in digital technology and further accelerated by the pandemic and shift to remote work. These developments in workplace surveillance give rise to potential privacy and security concerns and raise pressing questions regarding data protection, rights, power and inequities.

With estimates that up to one quarter of work hours could be remote even after the pandemic ends, the tension between the rights of workers and concerns of employers in ensuring a safe and productive workforce are only set to grow. Through a scoping review of academic and grey literature, news media reports, and a separate examination of legal statutes, the project aims to:

- examine the current state of knowledge on electronic workplace surveillance in Canada, building on earlier workplace surveillance literature;
- investigate the impacts and implications of workplace surveillance technologies, remotely and on site;
- identify knowledge gaps and implications for policies and practices that could support workers and employers in responding to the challenges of workplace surveillance; and
- share and mobilize findings with cross-sectoral stakeholders and the public.

Key findings

- Digital workplace surveillance and automated productivity tracking tools have been a growing trend even before the pandemic, particularly among workforces known to often be low wage and racialized, such as Amazon warehouse and delivery employees, call centre workers and drivers.

- Digital employee monitoring accelerated significantly during the COVID-19 pandemic, alongside the rise in remote work. Companies offering workplace surveillance technologies experienced a sustained surge in demand from employers through the pandemic. Almost two thirds of literature reviewed mentioned remote work in their discussion of worker surveillance, nearly all of which was published after the onset of the pandemic in 2020.

- Three types of digital workplace surveillance tools were identified:
  1. digital tracking of behaviours through webcam surveillance, desktop activity monitoring, keystroke logging, location tracking and the use of emerging technologies such as facial recognition and artificial intelligence tools analyzing data, including eye movements, facial muscles and tone of voice;
  2. digital measurements of performance in which surveillance technologies, including those mentioned above, deliver an amalgamated “productivity score” that evaluates the employee’s quality of work in relation to others or benchmarks;
  3. health-related monitoring tools that track employees’ compliance with COVID-19 safety measures, such as physical distancing and temperature monitoring, which may include monitoring of personal characteristics such as biometrics.
Employers can be motivated to use surveillance technologies to minimize the risks of legal liability or harm, such as from employee misconduct; to seek to protect confidential information and assets from theft or security breaches; and to try and enhance productivity and maintain quality of work.

Greater levels of perceived surveillance are correlated with higher negative attitudes towards surveillance among employees. Monitoring tools perceived as excessive are associated with higher employee turnover and absenteeism, weakened morale, reduced trust in management and poorer relations between employees and employers. Employees who feel they have a greater degree of control over the information collected about them and are presented with clear and logical reasoning for surveillance are more likely to trust employers and experience less stress.

There are significant research gaps on the digital surveillance of workers in Canada. There is a lack of literature concerning:

1. impacts of surveillance on vulnerable and marginalized communities in Canada and ways to develop more equitable employee monitoring policies; and

2. cybersecurity risks posed by digital surveillance and data collection, including risks and potential safeguards for employees’ sensitive information on personal devices and networks used in remote work.

Policy implications

The findings of this project point to the following recommendations for policy-makers:

- Canada’s current legal framework with respect to workplace surveillance provides employers with considerable latitude to surveil employees, so long as the surveillance is linked appropriately to employers’ interests. New and emerging surveillance technologies that are increasingly automated—quantifying employees’ activities or personal qualities and expanding the depth and breadth of data collection—are challenging what is considered appropriate.

- Employers need guidance to develop policies on the deployment and use of digital employee surveillance, both in person and remotely. These policies should be supported by best practices that protect employee privacy rights, safeguard data security and foster trust. Best practices should uphold principles of transparency, clarity, inclusion, reasonable work expectations, security, equitable treatment and a minimalist approach to employee surveillance, where the least intrusive methods that fulfil the employer’s legitimate purposes are used.

- Greater enforcement measures may improve employer compliance with legal protections for employees, including the need to obtain meaningful and informed consent and reasonable limits on surveillance.

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FURTHER INFORMATION

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