

## Member's Quarterly

## Spring 2025 Edition

### Feature

# AI Surveillance in the Workplace

*Big brother is watching*

As organizations start to implement AI and algorithmic tools to monitor employee behaviour and performance, there are signs that employees are not only resisting these approaches, but some are in active rebellion. A study by Cornell University has found that these tools may be decreasing productivity and leading to more people quitting their jobs. This AI monitoring which often tracks things such as keystroke movement and time spent online to gauge worker activity is facing real pushback from employees.

One of the lead researchers in the Cornell study said that they found evidence across the board that algorithmic surveillance was leading participants "to perceive they had less autonomy and to engage in more resistant behaviours, such as complaining more, performing worse and intending to quit." Most likely the only positive sign in their research was that when participants were told that an AI tool would be used to provide developmental feedback, they resisted less.

In Canada, similar concerns are being raised by a number of groups ranging from labour unions to privacy experts. It may not be that surprising. Who wants technology in their workplace that constantly tracks your every movement, including time spent in the washroom? Other programs take unsuspecting screen shots of your computer without telling you and there are even some monitoring systems that detect your mood during your shift.

Even some legal experts are wading into this debate with a warning that Canada's laws regarding the use of AI technology aren't keeping up. They note that while electronic monitoring is a reality for most workers, there are few protections about abuse or invasion of privacy. That raises the ire of the Canadian Labour Congress which claims to represent more than 3 million workers across Canada. They are pushing the federal government for legislative action to protect employees and are encouraging their affiliated unions to make it a bargaining demand during the next round of negotiations.

We don't even know how widespread the practice is since there is little data documenting AI employee surveillance in Canada. However, at first glance, it seems like a lot. In 2022, Abacus Data surveyed 1,500 employees and 500 supervisors who work remotely for the Future Skills Centre. The Future Skills Centre is an independent body dedicated to helping Canadians gain the skills they need to thrive in a changing labour market.

What this research found was that seventy percent of respondents reported that some or all aspects of their work were being digitally monitored. About a third of employees said they experienced at least one instance of location tracking, webcam or video recording, keystroke monitoring, screen grabs or employer use of biometric information. The report went on to say that this was happening without any real framework to govern or monitor these practices. "There is a patchwork of laws governing workplace privacy which currently provides considerable leeway for employers to monitor employees."

On the positive side, many AI experts and organizations endorse the move to AI monitoring in the workplace. They note that AI tools can help individuals navigate workplaces that are being dramatically changed by new technology. The benefits include helping people find jobs and opportunities more quickly,



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get career advice and access online training programs. It also speeds up the hiring process and gives applicants instant feedback about how to improve their applications and resumes.

Moving forward, Canadian legislators are working hard to create new rules and regulations about AI tracking and monitoring. Bill C-27 is a landmark piece of legislation that underscores the importance of responsible AI and data use. By focusing on transparency, fairness and accountability, it sets a framework for ethical AI deployment while paving the way for further advancements in regulation. This includes tools and programs that impact recruitment and hiring as well as remuneration, promotions and training or apprenticeships. They worry that AI systems could perpetuate bias and discrimination in hiring and are trying to work with AI developers and users to ensure that this doesn't happen.

Also on the legislative side, in 2022, the province of Ontario began requiring employers with 25 or more employees to have a written policy that describes any process of electronic monitoring and provides restrictions on how that information can be used. However, there is the feeling that neither the federal or Ontario legislation seem to go far enough according to those watching this situation unfold. They are calling for more protections for workers including being notified before they are subjected to AI monitoring at work.

This is an ongoing issue that we will all need to note and monitor going forward- another example of AI influencing our society and the way we work in today's workplace, no matter where that actual place of work exists.

*Members Quarterly Staff Writer*