

THE IMPACTS OF ELECTRONIC MONITORING ON WORKER MENTAL HEALTH

Key Points

- **Two out of three** workers in the U.S. experience electronic monitoring.¹
- Electronic monitoring is consistently linked to **increased stress, anxiety, and depression**.
- There is a **lack of comprehensive regulation** and protection for California workers regarding monitoring.
- Policymakers should consider **requiring impact assessments, banning continuous monitoring, protecting worker privacy, and restricting unnecessary data collection**.

Background

Workplace electronic monitoring, also referred to as digital surveillance, is defined as “an employer’s use of electronic devices to collect, analyze, and report employees’ actions.”² With rapid advancements in artificial intelligence, electronic monitoring is becoming increasingly widespread.

- A 2024 nationwide survey found that over 68% of U.S. workers experienced some form of electronic monitoring.¹

In practice, electronic monitoring may look like collecting data from barcode scanners to determine how much time warehouse workers spend on a task or tracking keystrokes and capturing screenshots of websites accessed on an executive's computer. While these tools may seem like an easy way to ensure that employees stay on task, they are often highly inaccurate and foster unsafe working conditions.³

The Impacts of Electronic Monitoring

A growing body of evidence shows clear associations between electronic monitoring and decreased psychological well-being.^{4 5}

- Among workers who are electronically monitored, 56% report feeling stressed at work, compared with 40% of workers who are not monitored.⁶
- 37% of U.S. workers can point to workplace surveillance as a factor behind worsened mental health.⁷
- When workers experience high levels of electronic monitoring, they experience increased levels of anxiety and depression.^{4 5}

When workers experience negative mental health outcomes, workplaces also suffer.

Monitoring is not felt equally.

While workers of diverse backgrounds experience electronic monitoring, Black and Hispanic workers experience higher levels of electronic monitoring compared to their white counterparts.¹ This heightened exposure may worsen existing mental health inequities.^{8 9}

Despite its common use, electronic monitoring has not been found to improve worker performance.¹⁰

- Worker anxiety leads to more errors and lower job satisfaction.¹¹
- Poor mental health can increase burnout and the risk of occupational hazards.¹²
- Workers experiencing depression miss around 25 more days of work/year than their non-depressed peers.¹³
- Worker mental health challenges cost employers roughly \$15,000 per worker annually.¹³

Thus, regulating electronic monitoring is critical to the health of California workers and workplaces.

Additionally, with the current rise in negative mental health outcomes among Californians^{14 15} and the shortage of behavioral health practitioners,¹⁶ it is crucial to mitigate the psychological harms of electronic monitoring through policy action. Without intervention, not only will workers and employers be burdened, but also California's behavioral health system.

- Around 6.5 million adults in California experience a mental illness.¹⁶
- Over 9 million Californians live in an area where there is an inadequate number of mental health professionals.¹⁷
- California only has around 60% of the behavioral health providers needed to meet the population's demand.¹⁸

Recommendations for Policy Actions

California is widely regarded as a leader in data privacy protections. However, the state still lacks comprehensive regulations for electronic monitoring technology for all California workers.

Current Legislation in California:

- *California Consumer Privacy Act (CCPA)*. The CCPA provides California workers with some protections regarding electronic monitoring.
 - Under the CCPA, large employers must...
 - Inform workers when personal data is collected
 - Allow workers to access, correct, and delete the data
 - Permit workers to opt out of data disclosure with third parties and restrict the use of workers' sensitive information¹⁹
 - Individuals are only covered by this law if their employer meets certain conditions related to profit status, size, and revenue.¹⁹
- *Assembly Bill 701*. AB 701, commonly known as the Warehouse Quotas Law, requires employers in the warehouse industry to...
 - Inform workers about any quotas used to evaluate workers
 - Ensure quotas do not interfere with necessary breaks and health and safety requirements²⁰
 - These protections are limited to workers at large warehouse distribution centers. Thus, individuals who work for smaller employers, such as centers with fewer than 100 employees, lack coverage.²⁰

Examples of Other Legislation in the U.S:

- *Advanced Notice Laws*. Multiple states, including New York and Connecticut, have laws requiring employers to inform workers of electronic monitoring before any exposure.²¹
- *Biometric Data Laws*. States like Washington and Illinois have laws regulating the collection of workers' biometric data, such as fingerprints and retina scans.²¹

Conclusion

Despite some existing protections, employers can still implement surveillance technology without being held accountable for its full psychological effects on workers. Strong legislation that respects workers' rights to privacy and dignity is needed to shield workers from harm. While other approaches to regulation, such as union bargaining, are effective, broader legislation is needed to ensure every worker in California is protected.

*Results from a national survey show that **a majority of U.S. workers support legislation that regulates electronic monitoring.***¹

Key Considerations for Policymakers

- **Require employers to conduct worker-inclusive impact assessments** that examine mental health outcomes before and after the implementation of electronic surveillance technology.¹ Impact assessments are the first step toward protecting workers from serious psychological harm, especially as new technologies emerge.²²
- **Ban continuous monitoring.** Negative mental health outcomes are strongly linked to non-stop tracking and should be prohibited from use to safeguard worker mental health.²³ Rather, data should only be collected during times when it is essential for work processes or legal requirements.
- **Protect workers' reasonable expectation of privacy.** Policymakers should ensure that workers' reasonable expectations of privacy are honored by limiting employers' ability to electronically monitor workers in personal spaces, such as workers' vehicles and homes.
- **Eliminate unnecessary data collection.** To mitigate the overall harm associated with electronic monitoring, legislation should limit data collection to what is strictly necessary for core business processes, legal compliance, and worker health and safety.

Electronic monitoring in the workplace is widespread, yet it remains largely unregulated in California. Its adverse impacts on worker mental health demand urgent attention from policymakers. By limiting the application of electronic monitoring in the workplace and mandating the full consideration of its effects, policymakers can prevent mental health harms and protect all workers' right to a healthy and dignified environment.

The California Labor Lab, funded by NIOSH and established in 2021, is a Center of Excellence for Total Worker Health®. Its mission is to extend the pursuit of health and safety for workers in traditional employment to those in a wide range of alternative working arrangements in partnership with affected communities.

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Endnotes

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