

# Big Brother Boss is watching: how your employer can spy on you when you work from home

Surveillance software and AI are being increasingly used by Irish employers to check if staff are working or shirking from home. Kim Bielenberg asks if firms are being transparent about the technology's use

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Up to a third of the labour force spends at least part of the week working from home, latest census figures show. But how do employers know whether their staff are working, or lolling about watching Netflix and swapping jokes on WhatsApp?

Welcome to the world of bossware, spying via computer on what you are doing and whether you are working or shirking.

It may be reading your Instagram posts or watching you order a Billy bookcase from Ikea when you are supposed to be poring over Excel spreadsheets.

The growth in working from home, accelerated by the pandemic, has caused a corresponding boom in the use of software detecting what exactly you are doing.

Veriato is an example of a programme run by some employers in Ireland, and a total of 20,000 companies around the world. Its parent company's European data centre is based in Dublin.

The software provides a dashboard showing each employee and it categorises their working time as "productive", "unproductive", "neutral" or "idle" in a colour-coded graph.

It might record the employees who are checking pornographic sites or posting angry messages on social media.

Screenshots are recorded, so employers can see exactly what staff are doing online.

According to Veriato's website, the remote monitoring software also acts as a digital surveillance camera by recording the user's screen.

Email and instant messaging apps such as WhatsApp can be checked, and the software can even monitor language through artificial intelligence.

Veriato is just one of a number of monitoring methods used by Irish companies.

One data privacy analyst described it as the digital version of a man with a clipboard standing behind you at your desk in your living room.

Despite this boom in bossware, a surprising number of employees seem unaware whether they are being tracked online, even though employers are required to be transparent about this form of surveillance.

Research by the University of Limerick on behalf of the Financial Services Union recently showed that more than half of financial services workers surveyed did not know if their office or home computer was monitored.

Almost a quarter of respondents reported that their employer had increased data collection on them since they started home working.

Two-thirds of respondents felt surveillance was demoralising and indicated that it increased their levels of stress. More than half felt that it was a violation of privacy.

So are employers transparent enough about keeping such a close eye on what staff are doing and using monitoring software?

Elizabeth Harz, chief executive of Awareness Technologies, the company behind Veriato, tells the *Independent*: “50pc of the time employers talk about it and 50pc they don’t.

“All companies mention in a contract or employees’ handbook that they may use monitoring software — and we encourage them to be upfront about it.”



Elizabeth Harz, chief executive of Awareness Technologies, the company behind Veriato Harz says that Veriato does not activate webcams or record video of people working in their homes, because that would be “too invasive”. She says that the software does not record phone calls.

The software's analysis of employee email may give rise to privacy concerns, however.

Harz says the software uses AI to analyse the tone of emails and that alerts may be issued if the language becomes angrier.

A recent report by Deloitte on monitoring software suggested that some organisations are using webcams to monitor worker attentiveness through biometric data analysis of eye movements, body shifts and facial expressions.

This technology supposedly determines if workers are paying attention to their tasks or video calls.

The problem for an increasing number of home workers under surveillance through monitoring software is that the computer may in effect become their boss rather than an actual human.

Laura Bambrick, head of social policy and employment affairs at the Irish Congress of Trade Unions, says: "Artificial intelligence and the increased use of surveillance of workers through technology is a growing concern for trade unions in Ireland and across the developed world."

The problem is that AI is being increasingly used in all phases of the workplace, from recruitment to monitoring performance to giving out bonuses and selecting candidates for redundancy.

Bambrick says: "A lot of these programs are running behind the scenes and the worker may not even be aware they are being monitored."

This type of technology may be becoming ubiquitous in many workplaces, but according to Bambrick, in many situations a company might not have a human looking at what is behind the data.

A typical worker might normally have been productive, but if the algorithm shows that they have not reached their targets in the past four months, they could become a target in the next round of redundancies.

Bambrick says if a human was involved, they might know that the employee had suffered a bereavement, or might be adjusting after maternity leave.

Of course, many employers have always used a form of surveillance to keep tabs on staff. Clocking in and off is nothing new.

Peter Cosgrove, a human resources consultant, says: "Employers have already been doing a lot of checks, but it is more barbaric if you are working from home and they check if you are going on a toilet break."

Just as bosses will always come up with ways to spy on staff, their employees will also find ways to evade their snooping or game the system.

If a company measures your keyboard activity while you are supposed to be working at home, you can always buy a gadget known as a "mouse jiggler". This moves their cursor around the screen.

You might be down the road taking your cat to the grooming parlour, or off playing a game of postprandial pitch and putt, but your boss thinks you are diligently attending to your duties.

As a result of this type of digital dosing, companies may be trying to enforce rules where staff have to work two or three days a week in the office.

The *Financial Times* reported last month that the financial service firm EY has started monitoring British employees' office attendance, with swipe card entry data being circulated at senior levels of the company as some staff flout its hybrid working guidelines.

Some EY partners have been shown anonymised "turnstile access" data in recent weeks showing how frequently staff are in the office.

But for the moment, many employers focus on keeping control by gathering granular data about staff's activities.

Even this may be open to manipulation by staff through a phenomenon known as "coffee badging". This is where staff arrive punctually at the office using their swipe cards, have a coffee and perhaps a free breakfast, and then head home.

Using swipe card entries to enforce attendance rules may also be fraught with legal difficulties, says employment lawyer Linda Hynes, a partner with Lewis Silkin.



Legal warning: Linda Hynes says employers must tell staff they are using their swipe card information for attendance purposes

"It depends what employers are using [the data] for," she says. "Some employers are using it to gauge numbers, for example to see how many people come in on a Tuesday. That is less likely to lead to [data protection] issues, particularly if it is anonymised. The key risk for employers is if you are using this information for disciplinary purposes."

At a minimum, she says employers have to make it clear in advance to their staff that they are using the swipe card information for attendance purposes.

In July last year, the technology magazine *Wired* carried an extensive report on the rise of bossware. It reported that survey of 1,250 US employers found that 60pc used work monitoring software, and the vast majority of these had used the findings to fire staff.

The report highlighted a surge since 2021 in monitoring software that uses location tracking (up 45pc), video/camera monitoring (up 42pc), document scanning (up 26pc), and attendance tracking (up 20pc).

The *Wired* report suggested some monitoring software claimed to be able to assess in advance through AI the risk that an employee might hack systems, unionise or leave the company.

All companies like to keep tabs on staff to a certain extent, but is there a risk that spying on them electronically will undermine trust?

Last year's University of Limerick survey of financial service workers found that a majority felt that surveillance indicated a lack of trust on the part of their employer (60pc) while 63pc felt that the use of surveillance erodes trust.

Daragh O'Brien, chief executive of Castlebridge, a digital strategy consultancy, says: "The more technology you are using to measure employees' [performance], the more you are moving away from the idea that you trust people to do their job. If employees don't feel trusted, they are not going to feel motivated."

O'Brien says computer monitoring of staff falls within the scope of data protection laws and regulation because it involves the processing of personal data.

It is one thing spying on what employees are doing at home on their computers. Employers also have the technology to check the location of their staff through mobile phones and vehicle tracking.

Technological fixes aimed at monitoring what staff are doing online may be growing in popularity, but how effective are they at measuring actual productivity, or is it all just managerial mumbo jumbo?

The monitoring software may measure what seems to be useful activity online, and at other times an employee may seem to be idle.

But they could be working on initiatives while they are away from their screen.

They could be forging relationships within their company or with clients through routine chit chat, or simply pondering new ideas in an offline world.

Bossware may be growing in popularity as staff toil away in their living rooms. It claims to know who has been hard working or shirking, but does it always get it right?

## **The rules on spying on home workers**

When you work from home, your employer should follow certain rules for monitoring what you are doing. This includes telling you about:

- Who is monitoring you
- What they are monitoring
- How they are monitoring you
- When they are monitoring you

Your employer should tell you if they use employee surveillance software, such as tracking your mouse and keyboard activity, email usage, social media, files and applications. This information may be included in a policy provided by your boss.

Source: *[citizensinformation.ie](http://citizensinformation.ie)*