

### III. A UNION VIEWPOINT

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Over the last 15 years, many developments in office technology have affected labor-management relations. There are sleeker, more powerful machines; advanced software; and jobs have been redefined as technology blurs old distinctions. Although terms like "artificial intelligence" make you think of futurist science fiction, I'm reminded more of tales from the past.

Remember the Sorcerer's Apprentice? The poor fellow ordered the magic broom to get to work fetching water, but he didn't know the magic word that would make it stop. Awaiting further instructions, the broom fetched and fetched. The Apprentice was soon up to his neck in a technology gone wild. Individual computer monitoring is a technology gone wild, threatening commonly held social goals, a strategy serving only the narrowest of short-term management interests.

In presenting labor's view, I want to talk about what's new about computer monitoring and what's old; why it has evolved and what's wrong with it; and how it's being challenged today and how it may be challenged in the near future.

#### **Management Control**

Some say there's no call to draw so much attention to computer monitoring, since management has always monitored workers with or without computers. There's truth in that. American management has a history of relying on control as the primary management tool. With the rise of industry in the late 19th century, management wrested control of the work process from the shop floor.

"Scientific management" was developed here and has remained popular for nearly a century. Work was broken down into its smallest possible components, taking particular care to separate manual from mental tasks, with hierarchies of supervisors overseeing the work process. Though we may laugh at the

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excesses of Frederick Winslow Taylor today (Taylor himself admitted that he had recurring nightmares that he had to work in the system he created), scientific management is still the underlying management theory. The growing intensity of international competition over the last 15 years and the perception of declining U.S. productivity have resulted in a reinforcement of that approach.

In response to foreign competition—from countries such as Japan and Sweden's more productive workers, to countries such as Korea, Mexico, and China with their low-wage workers—U.S. management has chosen to reduce labor costs. We see this across the board. For example: What's known as the "contingent" work force has skyrocketed here. These are the part-time, temporary, and contracted workers who typically earn less, enjoy few benefits, and have no job security. They now make up more than a quarter of the work force. More part-time jobs than full-time jobs are being created every year.

Wages are falling for all workers. Ten percent of collective bargaining agreements now contain two tiers for wages. The percentage of workers covered by pensions has been declining steadily. Today 37 million workers are not covered by health insurance.

Workers are being trained to change their expectations of job security, to free management of responsibility. A management strategy characterized by this lack of commitment to and faith in the work force requires a supervision style based on control and fear. Surveillance and control take the place of supervision, commitment, and training. Monitoring is the logical extension of these changes in the economy.

### **What Is Monitoring?**

Monitoring isn't simply the benign use of computers to collect data. It is different in three important ways: (1) it monitors not just the work, but the worker; (2) it measures work in real time; and (3) it is constant. It effectively provides a permanent time study not only to gather data, but also to pace and discipline the work force. The scope for this is quite broad.

Truckdrivers are an example. What job gives you more independence and freedom from supervision than long haul truckers? I have a vision of a trucker barrelling across Wyoming completely independent. Well, completely independent until

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the trucker pulls into a barn in Denver and a little computer tape is removed from the engine. The tape tells a supervisor how many stops the driver made, what the average gas mileage was, where the stops took place, and a whole range of other data.

Or consider airline reservation clerks. When you called United to make your reservation for this conference, the reservation agent was timed on the exact seconds she took per caller, the number and length of her breaks, and the time between calls. As an executive from another company put it, "I count everything that moves." This represents a fundamental shift from relying on a worker's individual professionalism to relying on electronic control.

In a study for the Office of Technology Assessment, Dr. Michael Smith finds: "Electronic monitoring may create adverse working conditions such as paced work, lack of involvement, reduced task variety and clarity, reduced peer social support, reduced supervisory support, fear of job loss, routinized work activity, and lack of control over tasks." If that's too much to remember, I can summarize it in a word: fear.

Mary Williams is a case in point. In a famous case, Mary Williams was disciplined by United Airlines for comments she made to a co-worker. She was very courteous to an obnoxious customer and handled him well—management had no quarrel with her there. But after this three-minute call which was monitored, she turned to a co-worker and made a disparaging remark about the customer. Management, listening in to this discussion among co-workers, put her on probation for her remark, then sent her to the company psychiatrist when she complained. Ultimately she was fired.

Or take the case of Toni Watson. Toni works for another airline which strictly enforces a 12-minute limit on bathroom breaks. When Toni went over by 2 minutes, she was disciplined. The pressure on her job finally put her out of work with a nervous disorder. A data processor in New York told me that her screen periodically flashed, "You're not working as fast as the person next to you." Others are bitter that their work speed and productivity are publicly posted daily or hourly. I've never heard workers say that they appreciated this "feedback," though I have heard management representatives claim it. The workers we hear from feel humiliated, harassed, and under the gun.

Office workers object to monitoring for several reasons. They don't always know if they are being monitored. They don't know

how the information is used. And basic rights are compromised—the “right-to-know,” privacy, due process, health, and dignity. A recent survey by the Massachusetts Coalition on New Office Technology collected responses from over 700 union and nonunion monitored office workers. Here are a few of their findings:

1. Sixty two percent of respondents were not informed they would be monitored prior to hiring.
2. Three fourths feel they are being spied on.
3. Almost two thirds say that monitoring production standards doesn't take unexpected problems into account.
4. Three fourths say that monitoring lowers morale.
5. Eighty percent say monitoring makes their job more stressful.

This survey shows deep alienation from the process. And these feelings are substantiated by study after study.

Why does management pursue such a negative strategy? As workers, we hear two arguments supporting monitoring: (1) that monitoring may have some bad effects but is necessary to increase productivity, and (2) that it provides the only fair measure for performance.

It is true that under certain limited circumstances you can increase output if you squeeze people. That's not a story of computers, it's a story of speedup. But dozens of studies show that stress stimulates productivity up to a point, then causes it to fall off rapidly. There is a hidden long-term cost of the quality of service, morale, and health of the work force. This hidden price ironically destroys the competitiveness that monitoring is supposed to provide.

The other argument is fairness. As a leading maker of monitoring software programs says, “Monitoring helps employees. It's the only way we can get everything on the permanent record.” To workers, that sounds frightening. Because electronic surveillance and similar techniques are deemed irrefutable, they supposedly tell what people really do. But they give a skewed understanding of the nature of work. They don't measure the quality of service. They generally don't take into account any unusual situation. And they focus on output—very short-term output—at the expense of everything else.

The further problem with this argument is what it says about the nature of supervision. Monitoring is the ultimate expression of lack of trust. Supervisors don't trust their workers to do their

jobs. Workers don't trust their supervisors to be fair. Upper-level management doesn't trust lower-level management to handle basic supervision. Office workers don't like monitoring. That's why unions call for an end to individual monitoring and safeguards against abuses.

### **Labor-Management Issues**

The labor-management issues we are concerned about include:

*Privacy.* Is it an invasion of privacy to fire Mary Williams for her private conversations, or to discipline Toni Watson for her bathroom breaks? Should management be constrained from making public displays of average work times? Should subliminal suggestion be outlawed?

*Right to Know.* Are job applicants told how they will be monitored and observed, and how that data will be used? What information is collected on an individual, and who has access to it? Shouldn't workers have access to all this information?

*Due Process.* This includes whether workers have the right to challenge actions taken against them based on computer monitoring.

*Fairness of Standards.* In drawing up standards for performance, how are the quality of service, machine malfunctions, and variability of tasks to be handled? How can workers respond to a supposed inviolability of monitoring?

Finally, we believe monitoring is counterproductive—that it does not achieve its stated goals of increased productivity and fairness. On that basis, unions challenge the practice entirely. It is important to note that what we consider the abuses of monitoring are rare in Europe, either because they are prohibited by contract or law, or alien to the labor-management culture.

### **Arbitration Cases**

Arbitration cases involving monitoring are being decided primarily on due process issues, not on the merits of the broader issues involved, that is, did the employer follow due process in discipline as established in the contract. For example, in a case involving Western Union and the United Telegraph Workers concerning a personal call between co-workers, the arbitrator found that the monitoring system was a reasonable basis for

discipline, consistent with published employee guidelines, and that there was sufficient cause for the discipline imposed. A case involving Southwest Airlines and the Machinists on bathroom breaks was decided in the union's favor not because using the computer to monitor bathroom breaks was improper but because progressive discipline had not been used.

These cases often don't capture how intensely workers feel about these grievances. In a case involving the Rubber Workers, for example, the workers were highly offended by monitoring of bathroom breaks.

### **Union Response**

The narrow decisions on monitoring reflect the infancy of the issue. Most contracts do not have language defining or restricting the use of monitoring. The public debate is not as volatile as that on other workplace privacy issues, such as drug testing and polygraphs. Unions are responding by working to create restraints through contract language, legislation, and public opinion. For instance, at Ohio Bell in Cleveland the union has won language preventing secret monitoring. Although management may collect individual data on customer service reps, it has agreed that it will use the data only in the aggregate.

Legislation has been filed in several states. A monitoring bill was passed in California prohibiting workplace use of subliminal suggestion on computers, but was ultimately vetoed by the governor. State level "beep" bills, such as the one in New York, and a federal beep bill would require companies monitoring employees working on phones to indicate when surveillance occurs by signaling with a beep. A comprehensive bill on electronic monitoring in Massachusetts would establish protections to prevent abuses of privacy and civil liberties and would require the right to know, due process, and fairness.

### **Polygraph and Drug Testing**

Our experience with polygraph and drug testing may indicate the future with monitoring. Union attempts to deal with polygraph and drug testing through contract language have been more or less successful. Polygraphs have been a problem for a long time and will finally be prohibited through national legislation this year.

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Drug testing is a more recent and explosive phenomenon. But public education about problems with drug testing—the fallibility of the tests, the invasion of privacy, the ineffectiveness of the tactic—pave the way for public support for restrictions in the future.

### Conclusion

From labor's view monitoring is business as usual with a vengeance. It is as old as labor and capital and as new as microchips and artificial intelligence. It takes management-by-control and pushes it to the microsecond. It's *The Sorcerer's Apprentice* in the 21st century. Monitoring is bad working conditions, bad management, and bad labor relations. We will do all we can to ban its abuses and help management see the error of its ways.

## IV. A MANAGEMENT VIEWPOINT

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As if in anticipation of this afternoon's discussion, Arbitrator Russell A. Smith wrote the following in one of his published decisions:

Modern electronics has produced a variety of possibilities which, if used to the fullest extent, could disclose, surreptitiously, an employee's every move and every conversation while in the plant. . . . Some of these developments in employee surveillance might well raise the important question whether there is not, indeed, a "right of privacy" which employees may invoke to protect some, at least, aspects of their industrial life.<sup>1</sup>

Interestingly, Arbitrator Smith wrote these words in 1965, 23 years ago, in an award sustaining the suspension of a telephone operator based on information obtained through telephone surveillance.

Five years later Academy members heard Arbitrator Hugo Black discuss what he called "explosive advances in the technology of surveillance" and the sudden increase in the concern

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<sup>1</sup>*Michigan Bell Tel. Co.*, 45 LA 689, 695 (Smith, 1965).