June 15, 2023

Filed Electronically: regulations.gov
Docket ID: OSTP-TECH-2023-0004

RE: United Steelworkers comments on OSTP's RFI on Automated Worker Surveillance and Management (OSTP-TECH-2023-0004).

To Whom It May Concern:

I write to you on behalf of the United Steelworkers Union (USW or Steelworkers). Our union is the largest industrial union in North America, representing 850,000 workers in steel, aluminum, and other metals; paper; rubber; glass; cement; mining; chemicals; refining; energy; utilities; healthcare; education; service; and other sectors. We appreciate the opportunity to provide comments to the Executive Office of the President's Office of Science and Technology Policy (OSTP) on the prevalence and impact of automated worker surveillance and management.

Automated worker surveillance and the implementation of new technology is occurring in USW workplaces across industries. In many locations, USW members and their employers are learning together as the technology often does not function as intended or there are unanticipated capabilities. Technology has been implemented in many workplaces where the company has decided to continue to have humans duplicate the work of the technology. Our members cite lack of worker input, lack of communication or transparency from the employer, management turnover, inadequate training, and inadequate regulations as key problems with the adoption of technology in our workplaces.

USW local unions have a variety of experiences as far as the implementation of new technology goes. Ideally, when employers are implementing new technology, they would:

- Consult with local unions at the very early stages of considering new technology;

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

Legislative and Policy Department, 1155 Connecticut Ave, N.W. 5th Floor, Washington, D.C. 20036

202-778-4384 • 202-293-5308 (Fax) • www.usw.org

UNION USW LABEL
3657

- Collectively bargain over the implementation of that technology, including recordkeeping and data retention, lookback timelines, whether data can be used for discipline, and other details;
- Conduct a full assessment of the health and safety hazards of new technologies with the union and implement appropriate training and hazard controls;
- Ensure that the implementation of the technology does not result in layoffs; and
- Commit to a plan to train and upskill the existing workforce to implement and maintain any agreed-upon technology using existing union employees rather than outside contractors.

The ideal conditions for implementation of technology do not always occur in USW-represented workplaces. Currently, collective bargaining is the most impactful way to prevent economic or physical harm to workers due to surveillance or other technology in the workplace. However, we urge this administration to advance public policy to prevent job loss, unreasonable discipline, and injury to workers from these types of technology. We also support policy to protect workers' privacy and prevent employer surveillance of workers when they are "off-the-clock".

Our members have cited numerous examples of automated systems to monitor, manage, and evaluate workers in USW-represented workplaces. Here are a few examples:

- In a USW-represented hospital, employee ID badges are on a tracking system that monitors when employees enter and exit patient rooms. The hospital management uses the badge trackers to monitor who is responding to call lights, when a call light is answered, when a nursing assistant enters a patient room, and how long they stay in the room. The employer will use data from the ID badge system to follow-up and confirm or refute an employee's claims about where they were working at any given time.

- Multiple USW-represented healthcare facilities utilize medication dispensers to track when medication is pulled for a patient and which employee is pulling the medication. The medication dispenser data monitors the actions of workers for purposes of discipline when medications dispensed are delayed or inaccurate.

- At a USW-represented manufacturing facility, the company installed a set of cameras with artificial intelligence to review products at various stages as part

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

Legislative and Policy Department, 1155 Connecticut Ave, N.W. 5th Floor, Washington, D.C. 20036

202-778-4384 • 202-293-5308 (Fax) • www.usw.org

UNION USW LABEL
3657

of the quality assurance process. If the cameras spot an irregularity, they stop the production line so it can be inspected for compliance. To date, this has not been used for discipline at this location when products do not meet quality standards.

- An emergency medical services (EMS) company uses a system that automatically dispatches the ambulances. The system "learns" response times continuously by logging entry and exit times for workers at a hospital or a geofenced area. The system routinely misjudges traffic, and predictions for call times can be erroneous due to complicated medical situations once the EMS technicians arrive on the scene. This creates a backlog of calls. Workers can be disciplined for excessive call times.

- USW members who work for utility companies are routinely monitored by systems installed in the trucks that they drive to customers' locations or other work sites. This technology monitors their location via GPS. It also watches the workers as they drive and will record and/or send an alert if both hands are not on the wheel and their eyes are not facing forward. This data is collected by the multiple employers who use these types of technology. This data is often used for discipline if calls take too long, if workers stop their trucks at a location other than their call, and if the system records many instances of "distracted driving".

Conclusion

Technology to monitor workers is becoming more common in USW-represented workplaces. Collective bargaining between a union and the employer is currently the most effective way to address workplace-specific implications of these technologies and ensure that workers' rights are protected. However, advancing public policy could help. We urge the administration to ensure that workers are not harmed in the implementation of new technology across industries.

Sincerely,

Anna Fendley
Director of Regulatory and State Policy

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

Legislative and Policy Department, 1155 Connecticut Ave, N.W. 5th Floor, Washington, D.C. 20036

202-778-4384 • 202-293-5308 (Fax) • www.usw.org

UNION USW LABEL
3657