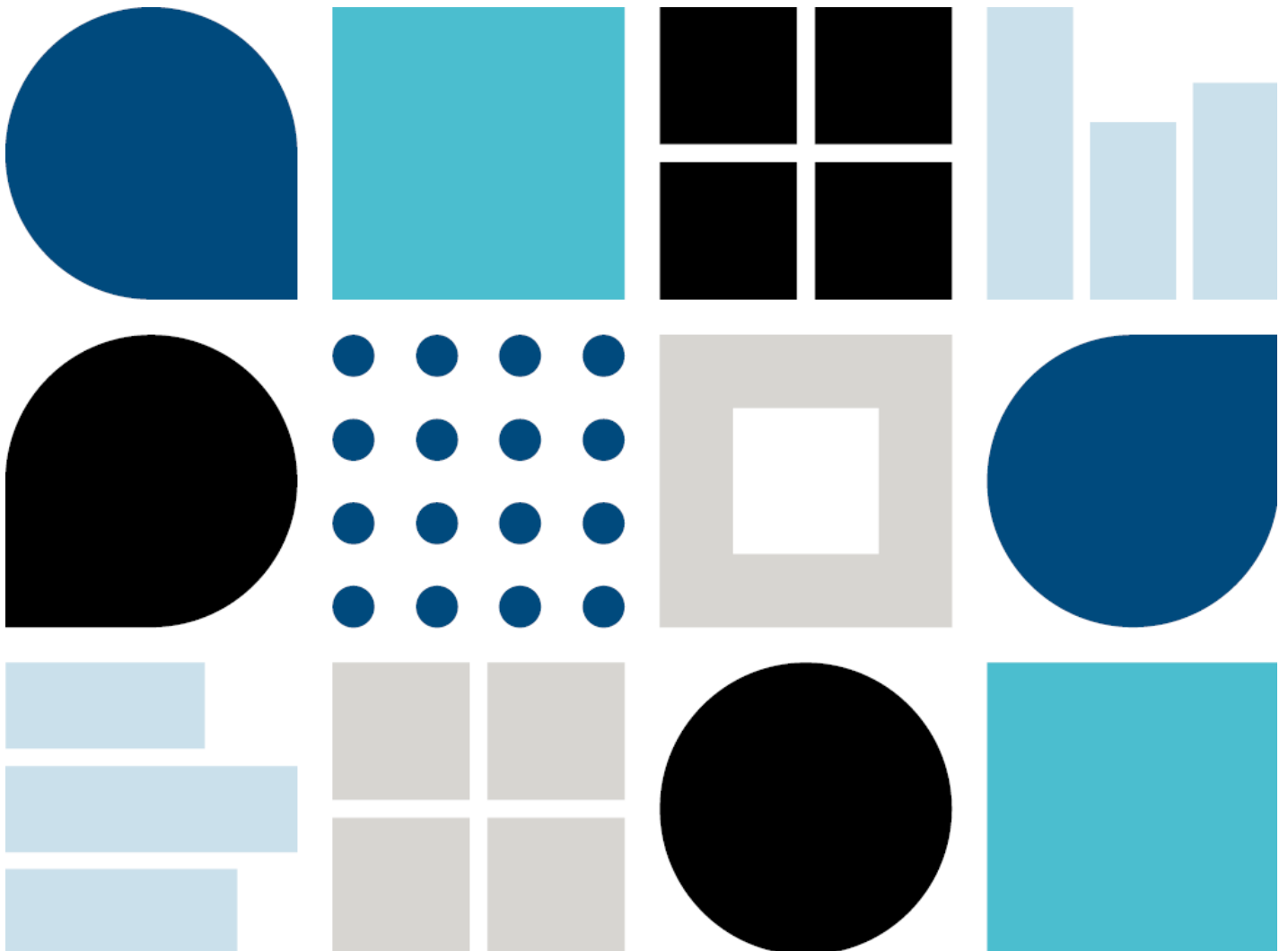


Constant Surveillance at Work

Prevalence and Consequences of Monitoring in Commerce



Constant Surveillance at Work.

This is a report in the report series of the Swedish Commercial Employees' Union for in-depth studies and analyses on the sector, the labor market and society. The reports in this series are independent products from the research group of the Swedish Commercial Employees' Union that are aimed at trade union and political decision makers, researchers, journalists and members who have an interest in thorough studies on the commerce sector and labor market. This report is written by Cecilia Berggren and Jenny Wrangborg, researchers at the Swedish Commercial Employees' Union.

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Abstract

Monitoring in society is increasing. Not least as a consequence of the rapid technology development that makes it possible to collect and register data about our activities and types of behavior in everyday life. In working life as well, new and frequently closer ways of monitoring employees are becoming increasingly common. The increased monitoring makes it more important to ensure that the personal privacy of the employees is protected. Via a member survey to retail sales and warehouse workers, we investigate how common monitoring is within the commerce sector, how monitoring is carried out and how it is perceived by the employees.

In the member survey, we ask about the presence and perception of nine types of monitoring systems or control measures: CCTV, time clocks, physical exit controls, digital logging, individual sales performance monitoring, (stores only), mystery shoppers (stores only), pre-employment checks, alcohol and drug testing as well as GPS monitoring. The study shows that monitoring is very prevalent in stores as well as in warehouses. Among members in stores, 94 per cent reply that at least one of the above measures occurs in the workplace and among members in warehouses, the corresponding number is 97 per cent. On average, the members state that there are three different monitoring systems/control measures in the workplace. At the same time, almost 25 per cent state that there are five or more systems in place. A time clock and CCTV are the two most common measures, both in stores and in warehouses. In warehouses, digital logging in the form of digital picking systems such as for example pick-by-voice is also very common. Many members reply that they do not know whether certain measures occur in the workplace. This is especially true for retail sales employees and the presence of mystery shoppers and individual sales performance monitoring.

The survey indicates that many employers are not following the regulatory frameworks that exist regarding monitoring in the workplace. The employer must for example clearly inform about which type of monitoring and collection of personal data that occurs in the workplace, something that half of the members reply that the employer has not done. The employer must also inform about the purpose of the monitoring and how the data will be used. Nevertheless, only 15 per cent of the members reply that they know for what the collected information may and may not be used. Monitoring may not be used for anything other than the original purpose; for example, surveillance or management of the work of employees in real time via the monitoring systems is not legal. Therefore, it is disquieting that as many as 20 per cent of members in stores and 29 per cent of members in warehouses reply that real-time surveillance occurs in the workplace.

The lack of transparency and the pure misuse of the monitoring systems that occurs in many workplaces in the commerce sector leads to a large share of the members perceiving monitoring as very intrusive. In workplaces where real-time surveillance occurs, as many as 39 per cent of the members both in stores and in warehouses view monitoring as intrusive to a large extent. The corresponding figure in workplaces where no real-time surveillance occurs is five respectively 16 per cent among members in stores and in warehouses. In workplaces where the employer is using monitoring in an excessive way, misuses the systems, or is lacking in providing information, the work environment is influenced negatively to a greater extent than in other workplaces. Monitoring has particularly negative effects on workload and social contact with co-workers. It also influences the trust between management and employees negatively, leads to work that is more directed and less varied and has consequences both on employees' commitment and health.

The conclusion of the report is that there are several problems linked to workplace monitoring that needs to be addressed. Among other things, it is required that the employers follow legislation to a greater extent, that the employees are made more involved before the introduction of a monitoring system and control measures and that these are negotiated with the trade union.

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Chapter 1. Introduction

“It feels like the bosses do not trust that we are doing our job.”

Surveillance and personal privacy are becoming increasingly topical as technological development enables new ways of collecting and registering data. We are surrounded by products – from smart phones to refrigerators – that monitor our habits to simplify our everyday life. It is not only in the private sphere that our activities are mapped and analyzed; large quantities of information are collected and registered at the workplace. Information collected by employers is often meant to increase efficiency and productivity. If used correctly, data collection could lead to improvements such as a reduced workload, better working conditions, and a more secure work environment for the employees. But it can also lead to the opposite.

Today, employers collect data using various types of surveillance systems and control measures. Some are inconspicuous like the use of electronic door locks or tracking the Internet history of employees. Other forms of monitoring are more obvious, such as visible camera systems or bag checks and visual inspections at the end of a shift. The latter are frequently used in retail. In warehouses, digital picking systems are often used to instruct workers on the order of tasks and at the same time register work pace and movements. Intrusive monitoring systems could have a negative effect on the work environment but also violate the personal privacy of the employee. Technological advancements have led to new and more exact forms of monitoring operations, that inevitably also entails extensive mapping of the individual worker’s private data. Smart watches and glasses with integrated GPS and sensors, that track movements and biometric data, are some examples. Large multinationals such as Amazon are at the forefront of innovation in digital surveillance technologies. According to a report by UNI Global Union on the Amazon’s worker surveillance systems—Amazon’s highly invasive, and ultrafast delivery process is hiding harmful effects on its workers (UNI Global Union 2021a). Employees are relentlessly monitored, evaluated, and subjected to high-pressure and grueling conditions.

The effects of monitoring on the health and safety of workers is a core trade union issue that transcends national borders. In May 2022, Amazon workers with support from the German trade union Verdi went on strike at seven warehouses across the country to demand higher wages and better protection of their personal data. The strike came after an international push for greater data transparency. In March 2021, Amazon warehouse workers from Germany, UK, Italy, Poland and Slovakia filed access requests under Article 15 GDPR to find out how the tech giant treats workers’ personal data under the EU’s General Data Protection Regulation (GDPR) (UNI Global Union 2022). At the global level, UNI Global Union – the global union federation for the skills and services sectors –have long been an advocate of ethical data collection and algorithmic management. In 2017, the global union issued principles to govern workplace data and has launched an initiative to curb abuses of management by algorithms through collective bargaining. At the regional level, European trade union federations are calling for the institutions of the European Union to set regulatory limits on deployments of artificial intelligence that restrict human rights (UNI Global Union 2021b). There is a need for a fair and just transition towards a society in which monitoring is used to benefit both companies and employees, where the individual worker is respected and valued. Trade unions must work to shape this transition.

To tackle the implications of surveillance at the workplace, we need sufficient knowledge of what it means for workers in the commerce sector. This report examines a number of questions: What surveillance systems are used and how prevalent are they? How do these systems affect the work environment and the working conditions for the employees? What similarities and differences are there between warehouses and retail on the use of surveillance? Do the employers follow existing legislation and do they involve trade unions and employees in the introduction of new surveillance systems?

We are in the midst of a rapid digital transition with an urgent need to ensure that technology is not used in a way that violates the privacy of the employees or worsens working conditions and the work environment. This exploratory study is a part of this work.

1.1 Method and Materials

The report is based on a poll survey that was carried out during the period May 12 - June 1, 2021, among Swedish Commercial Employees' Union members in stores and warehouses. These two sectors are what is called "the commerce sector" in the report. The poll was sent to 10,000 randomly selected members, of whom 8 708 people were reached by the mailing. Of these, a total of 1 199 people replied to the survey (14 per cent) after two reminders. For the statistical analysis, a weighting has been done on the basis of age and sex to correspond to the population among the members of the Swedish Commercial Employees' Union.

The poll survey has formed the basis of a mapping of different types of monitoring systems and control measures in commerce. Questions have been asked both about digital monitoring systems and other types of monitoring and controls, such as for example alcohol and drug tests. However, the focus has been placed on monitoring that occurs in the workplace itself and not outside it, such as for example the monitoring of the activities of employees on social media. In the poll, we have, as throughout the report, used the concepts of "monitoring" and "control measures" synonymously as well as for the purpose of using terms that are as neutral as possible in order not to influence the replies of the respondents. The concept of "surveillance", which is a more negatively charged concept, has not at all been used in the poll survey. However, it is used in the report when it is about we describe monitoring and controls that in some way are used incorrectly by the employer and thereby becomes pure surveillance of the employees.

The poll survey has also formed the basis of capturing how the employees perceive monitoring in the workplace and if, and in that case how, it influences work and the work environment. Our description of the employees' view of the monitoring is based on a number of free-text questions where the employees themselves have been able to describe which advantages and disadvantages, respectively, they see for each measure. What is described is, however, not a causal relation, whose determination requires more advanced statistical methods. But the free-text replies give a picture of what the employees perceive that the monitoring is used for and what it for example means for the work environment. As is emphasized in Chapter 2, the consequences of the monitoring are tightly bound to how the different control measures are used in the specific workplace. In the quotes that are reproduced in the report, obvious spelling mistakes have been changed and workplaces and employers have been anonymized.

1.2 Outline

In the second chapter of the report, the prevalence of monitoring in commerce is presented, as well as when and how monitoring influences the work environment and risks leading to violations of personal privacy. Chapter 3 describes about what the protection of personal privacy looks like and to what extent the employers in commerce seem to follow the regulatory frameworks. In the fourth chapter of the report, the different control measures, and how they are perceived by the employees, are brought forward. The report ends with a chapter with conclusions.

Chapter 2. Prevalence and Consequences of Monitoring in Working Life

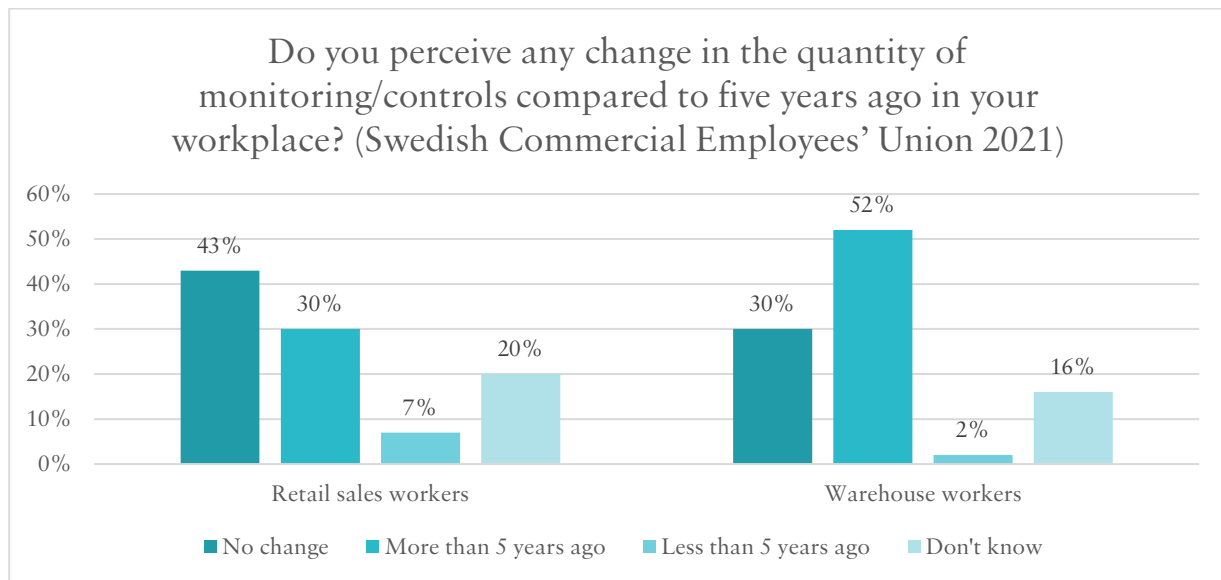
“Deep down nobody likes to be under a lens/observed/time-studied and under constant evaluation. That’s basic psychology.”

The monitoring of workplaces is no new phenomenon. As long as there have been workplaces, there have been people in supervisory positions who monitored that employees have arrived on time, managed their work tasks, and kept up the work pace. Older types of systems that have been used to measure the work performance of employees are, among other things, balances to weigh the production quantity at the end of the day and time clocks to register the exact working hours of employees. Even if time clocks to a large extent remain even today, not least in commerce, technology development implies that the possibilities of surveillance of one’s personnel today are almost limitless.

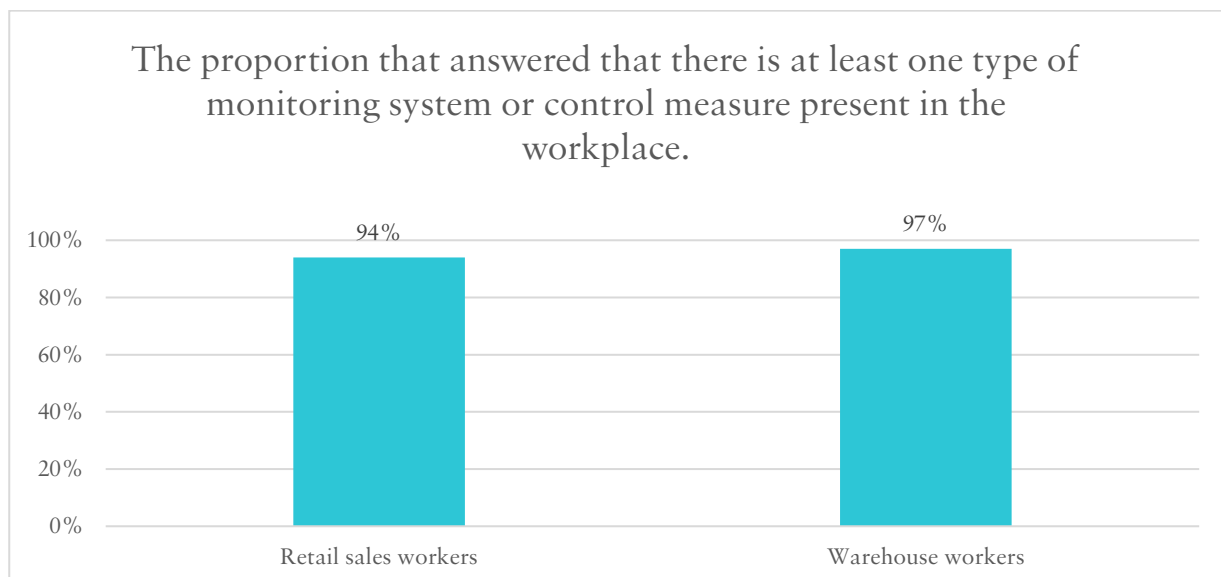
There are great differences between how monitoring systems of earlier times and today’s modern systems manifest themselves. Whereas the systems of that time implied direct monitoring of specific steps during the workday, today’s monitoring is in most cases significantly more far-reaching. Through digital monitoring, surveillance of every movement that an employee makes during a workday, without the employee even being aware of it, is possible for the employer. Today’s technology leads to far more of employees’ work performance being captured by monitoring. Employees’ types of behavior, thoughts and feelings are also exposed to monitoring via for example control of e-mail and activity on social media. Even when monitoring has a clear purpose, such as preventing theft via cameras, there exist technical possibilities to at the same time register so much more: how fast the employee executes certain work steps, the length of breaks and toilet visits, with whom he or she talks during working hours and even what is said (Ravi et al 2020).

There are relatively few studies of the presence of monitoring in working life. But some of those that do exist show that monitoring systems, and not least digital ones, today occur in most workplaces and that the extent is increasing. In a study from 2020 that was done by the European Foundation for the Improvement of Living and Working Conditions, Eurofound, the presence of digital surveillance in different EU countries was investigated. Out of the consulted employers, slightly more than half replied that some type of data collection occurs. Of these, over 50 per cent stated that data collection by means of digital monitoring has increased during the last three years, whereas slightly less than half replied that it had been at the same levels during this time. The survey also showed that the bigger a workplace is, the more common it is that digital monitoring occurs and that the presence of digital monitoring differs greatly between different sectors. According to the study, it is the most common in the transport industry and the least common in the construction industry, whereas the commerce sector falls somewhere in between (Eurofound 2020).

2.1 Presence of Monitoring in Commerce in Sweden



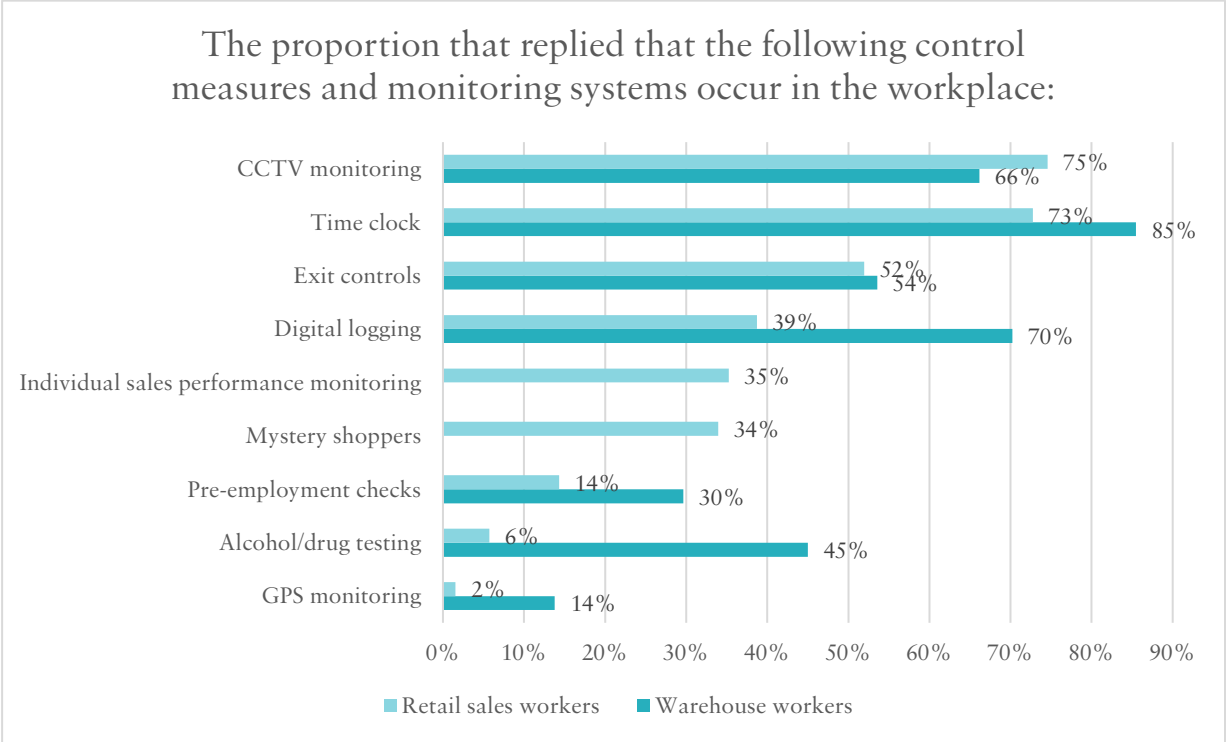
Our poll survey among the members shows that monitoring is increasing also in workplaces within the commerce sector in Sweden. Among those who have worked for five years or more in the same workplace, 30 per cent of the store-employed and 52 per cent of the warehouse-employed members reply that monitoring in the workplace has increased compared to five years ago. Only a small number, seven per cent in stores and two per cent in warehouses, reply that monitoring has decreased during the same time period, whereas 43 per cent in stores and 30 per cent in warehouses state that monitoring remains at the same level as five years ago.



The member survey also shows that monitoring in the workplace is very prevalent in the sector. On average, the members state in the survey that there is a total of three different monitoring systems/control measures in the workplace. At the same time, almost 25 per cent state that there are five or more systems in place. A large majority of the employees, in stores as well as in warehouses, have replied that at least some type of monitoring system or control measure (of those we have asked about) occurs in the workplace: 94 per cent of the store-employed members and 97 per cent of members in warehouses. As in the above-mentioned Eurofound report, it appears that monitoring systems and control measures are most common in larger

workplaces. The difference is above all clear in warehouses where 90 per cent of the members in smaller workplaces and everybody, that is 100 per cent of those who work in bigger warehouses, have replied that monitoring occurs. For stores, the difference is somewhat smaller. There, 93 per cent who work in smaller workplaces respectively 97 per cent who work in bigger workplaces reply that some kind of monitoring occurs.¹ A conclusion that we can draw from the replies is that there has thus occurred more intensive development towards more monitoring and controls in warehouses during the last years. It is reasonable to assume that this development has been the fastest in larger warehouses.

Even when we look at the percentage of members that work in workplaces where there is at least one type of monitoring system or control measure apart from the time clock, the figures become very high. 91 and 92 per cent of members in stores and warehouses, respectively, reply that there is some type of system or measure apart from the time clock.



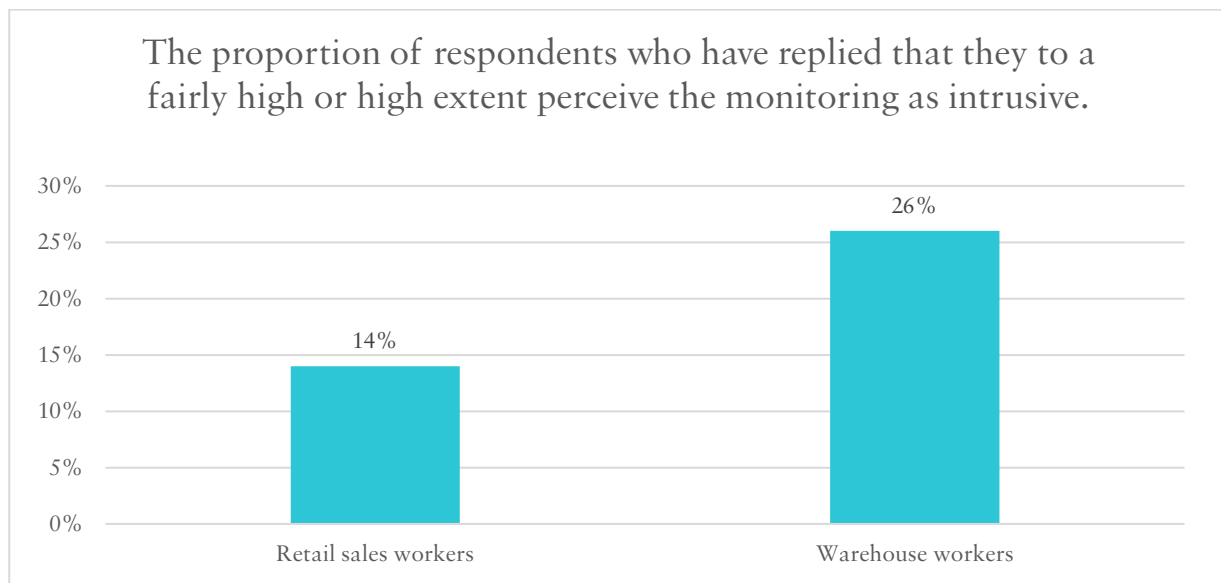
In the chart above, there are listed the monitoring systems and control measures for which we have asked whether they occur in the workplace. The replies show that CCTV is one of the most common monitoring systems in warehouses (66 per cent reply that they exist in the workplace) and the most common in stores (75 per cent). The most common control measure in warehouses is a time clock (85 per cent), something which is also very common in stores (73 per cent). Physical exit controls, that is to say that employees are urged to show the contents in their bag before going home, occur at slightly more than half of the workplaces in both stores and warehouses. Digital logging includes among other things logging of visits to home pages, activity in cash register systems and digital picking systems in warehouses. The latter is very common in warehouses, so it is not surprising that as many as 70 per cent of the members state that digital logging occurs. Even in the stores, digital logging is relatively common; 39 per cent reply that it occurs there.

Two measures that only exist in stores are the individual sales performance monitoring and mystery shoppers. Slightly more than one third of store-employed members reply that it occurs in their workplace. Pre-employment checks, for example credit checks or excerpts from the criminal record, are more common

¹ Smaller workplaces denote those with 1-49 employees and bigger workplaces those with 50 or more employees.

in warehouses (30 per cent) than in stores (14 per cent). The same is also true for alcohol and drug tests that 45 per cent of warehouse-employed members and only six per cent of store-employed members reply occur in the workplace. The least commonly present control measure is GPS monitoring that 14 per cent of warehouse-employed members respectively two per cent of store-employed members state occur in the workplace. Each type of control measure and the members' view of them is described in more detail in Chapter 4.

2.2 When Monitoring Violates the Privacy of Employees

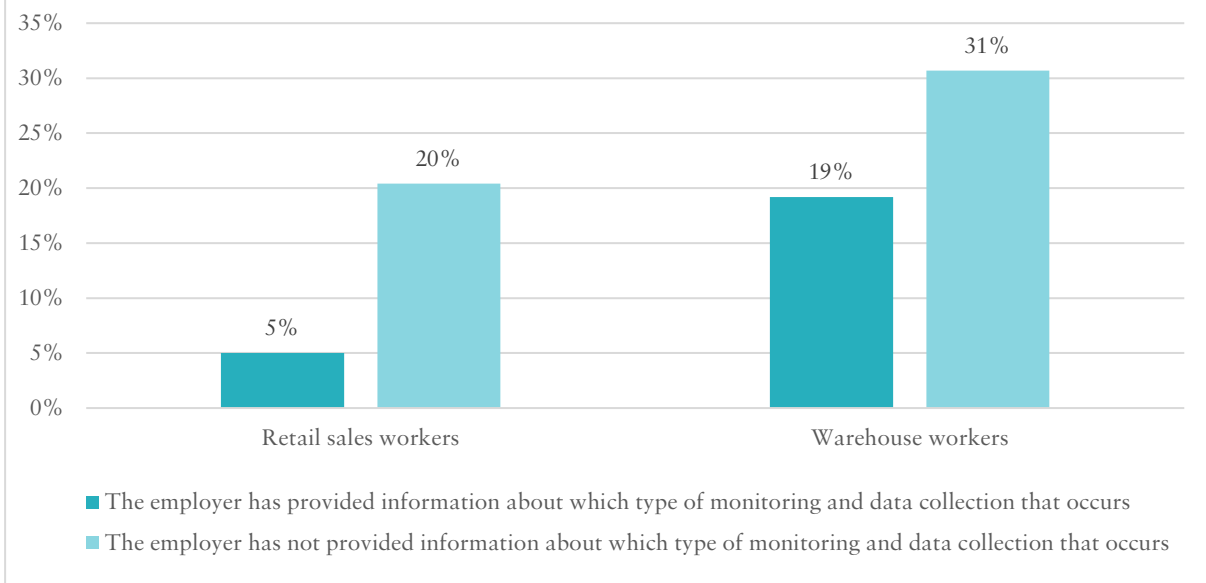


To the question as to whether monitoring is perceived as intrusive, 14 per cent of members in stores and as many as 26 per cent of members in warehouses reply that it is intrusive to a high or fairly high extent. What is it then that makes so many people consider the monitoring to be an invasion of privacy?

Monitoring in the workplace is not a phenomenon that automatically needs to be seen as negative by employees. There are workplaces where monitoring systems are rather seen as something positive. The purpose of the monitoring is fundamental for how it is received by the employees, Ravid et al show (2020) in their research. Monitoring that aims at either developing employees, or monitoring that is introduced for security reasons to among other things protect the employees, tends to be received in a significantly more positive way than monitoring that is used to increase the productivity and performance of employees. Studies show that people who are exposed to the latter kind of surveillance on the whole do not perform better than those who are not exposed. One result can be that employees put more focus on those work steps that under surveillance, at the expense of other work tasks that are not controlled. The type of monitoring that, however, is seen by the employees to be the most intrusive is that which is used for purely authoritarian reasons, where monitoring takes place because it is technically possible rather than that the company has indicated a reasonable explanation for it. There is also a lot of evidence that this type of monitoring is directly counter-productive for the company, since it can lead to negative consequences on productivity. Sometimes, it can even imply that employees attempt to manipulate the results or that one tries to sabotage in other ways (Ravid et al 2020).

Apart from the reason *why* monitoring is introduced, it is also important *how* it is introduced for the way it is going to be received by the employees. In workplaces where management has been clear and transparent about which type of monitoring that occurs and why, research shows that employees generally have a less negative attitude (Ball 2010). This agrees with the results from our own member survey.

The proportion that considers monitoring as intrusive to a fairly high or high extent, broken down by whether the employer has provided information.

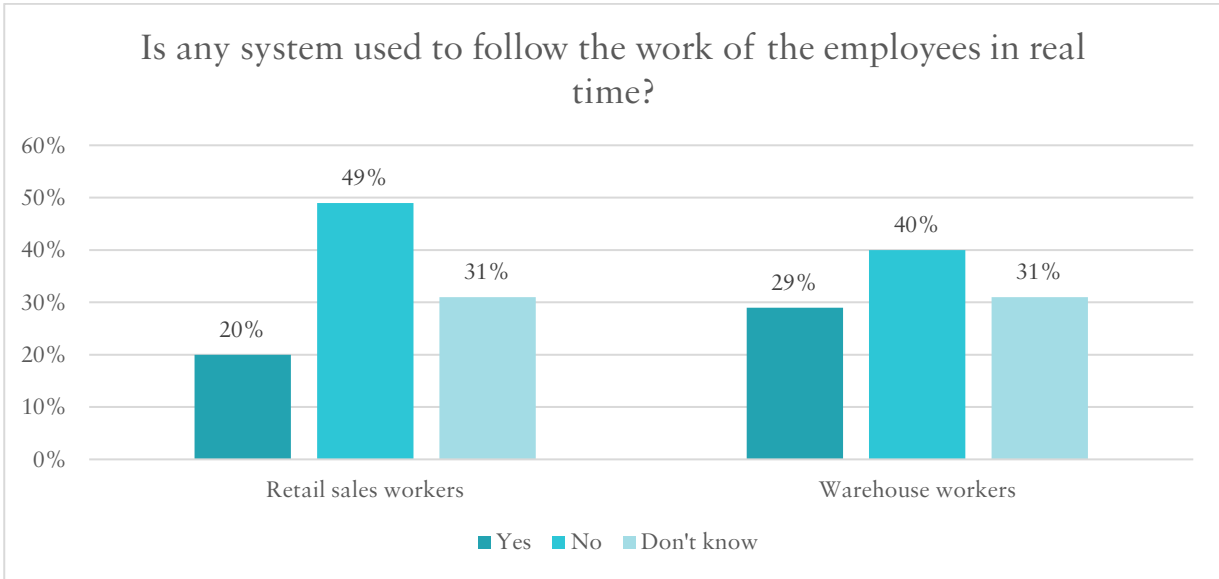


In workplaces where the employer has not provided information about which type of monitoring and data collection that occurs, the members perceive the controls and the monitoring as significantly more intrusive. 20 per cent of the respondents in store workplaces where the employer has not provided information about which type of monitoring and data collection that occurs, the members perceive the monitoring as intrusive to a high or fairly high extent. In store workplaces where the employer has provided information, the corresponding figure is only five per cent.

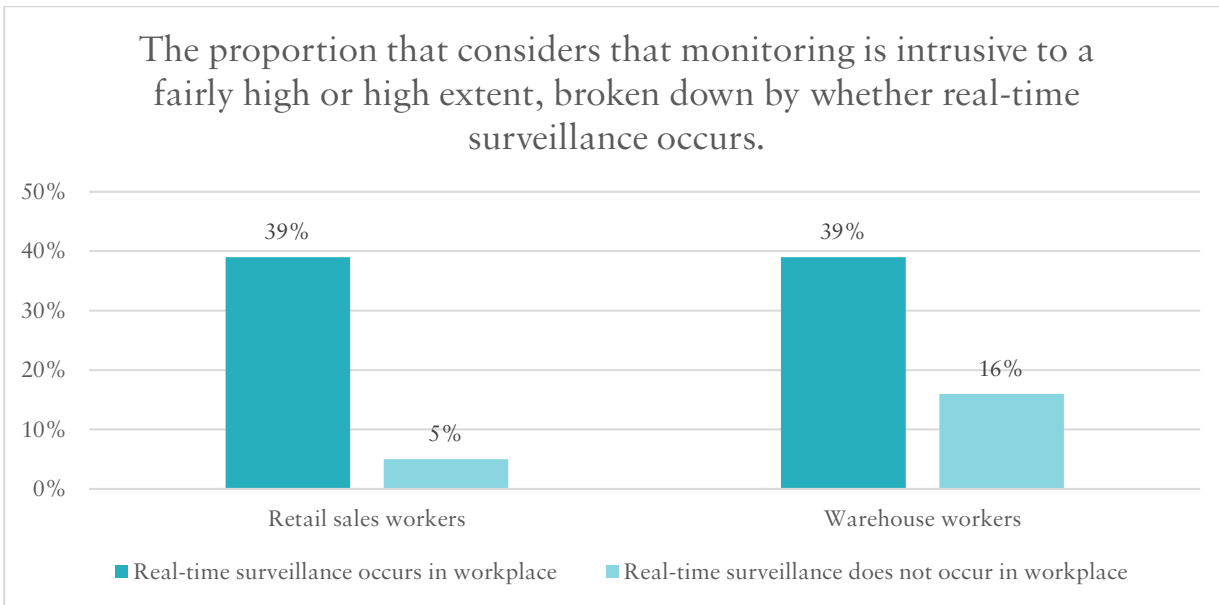
In workplaces in the warehouse sector where the employer has not informed the employees about which type of monitoring and data collection that occurs, as many as 31 per cent consider that the monitoring is intrusive to a fairly high or high extent. The corresponding figure among members in workplaces where the employer has informed about the monitoring is 19 per cent. A similar difference in how intrusive one perceives the monitoring to be is also visible in the replies, between members who know what the collected information may be used for and those who do not know it.

How the employees perceive the monitoring also has to do with how it is carried out. Conflicts in the workplace most often occur when the monitoring is perceived to be unreasonable or unnecessary, implies that detailed information about how the employees use their working hours is collected or when it influences existing work methods as well as the control and independence of employees negatively. Furthermore, constant monitoring is perceived to be more intrusive than one that occurs periodically and at regular intervals.

If the monitoring aims to measure results collectively, it is also considered less trying than if it is about individual measurement. The same is true, if other factors are weighed in to assess the performance of the employees rather than if the assessment only emanates from the data that have been collected via the monitoring. Another important aspect for the monitoring to be considered reasonable is that it is not used for something other than the original purpose. If, for example, there are cameras in the workplace with the purpose of counteracting theft which are in addition used to control in real time the length of breaks or whether employees are talking with each other, then monitoring is going to be perceived as being more negative (Ball 2010).



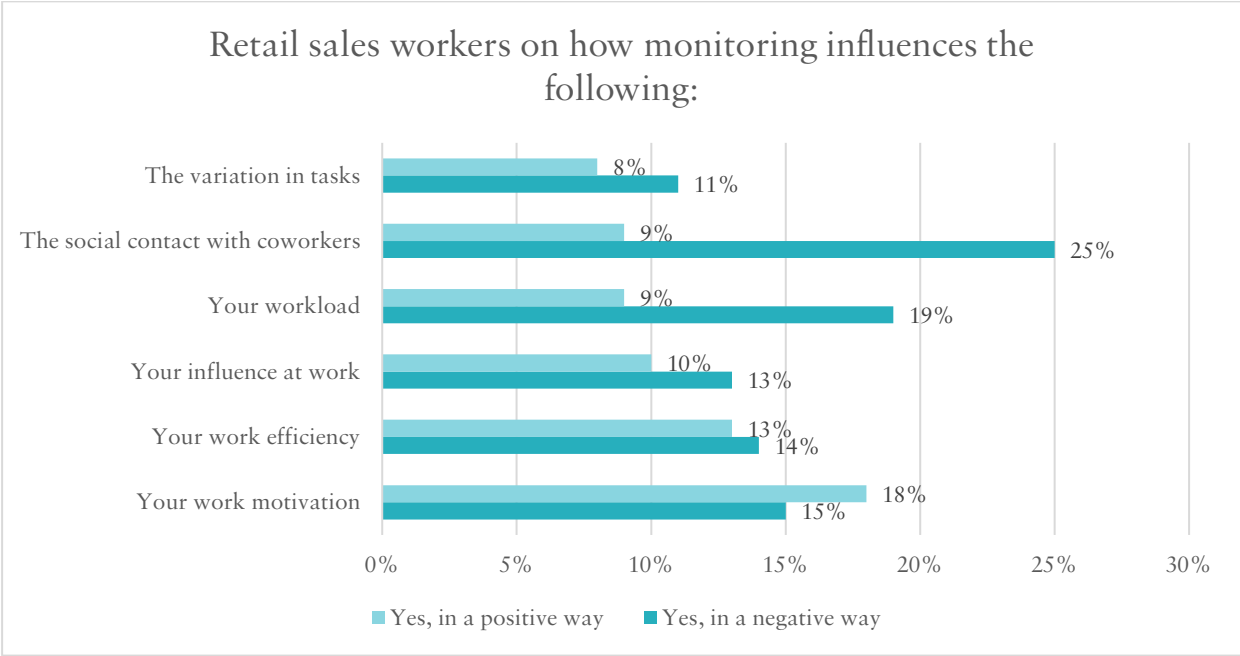
It is, however, clear in the results from the member survey that many employees perceive that their work is being followed in real time. 20 per cent of members in stores and 29 per cent of members in warehouses consider that real-time surveillance is something that occurs in their workplace. Slightly less than a third also reply that they do not know whether any system is used for real-time surveillance. On a follow-up question to those who have replied that real-time surveillance occurs, the majority of the retail sales workers reply that this primarily happens via CCTV. According to the warehouse workers who are subject to real-time surveillance, it is primarily digital picking systems that are used, sometimes in combination with CCTV.



The presence of real-time surveillance influences to a high extent the perception of whether privacy is violated. In workplaces where real-time surveillance occurs, as many as 39 per cent of members say that they consider the monitoring and controls to be intrusive to a fairly high or high extent. The corresponding figure in workplaces where no real-time surveillance occurs is five respectively 16 per cent among members in stores and in warehouses.

2.3 How Monitoring Impacts the Work Environment

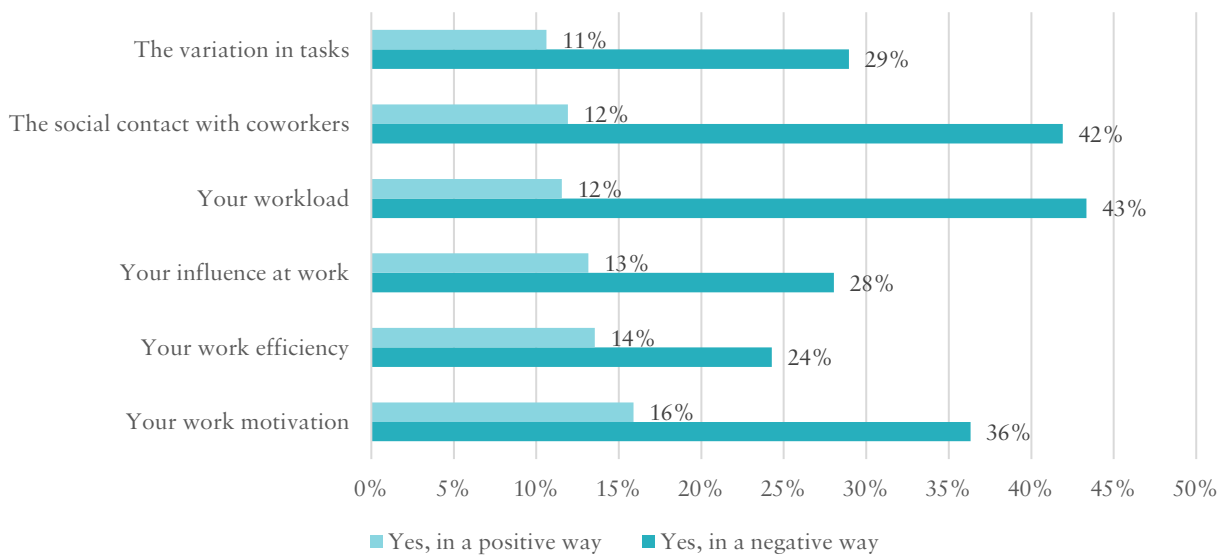
In the same way that we have seen in the section above, it is the character of the monitoring that determines how employees and the work environment are influenced. Therefore, all monitoring does not imply that the work environment is influenced negatively. If it is used in the right way, it can also have positive consequences on the work environment.



The most common reply among retail sales employees about how monitoring influences work is that it does not influence it at all (note that the reply alternative “Does not influence at all” is not included in the chart above). Of those who state that monitoring influences work and the work environment, there are roughly the same number that see positive and negative consequences when it comes to the variation in work tasks, influence over how work is carried out, the possibilities of carrying out work efficiently and the motivation to do a good job. But when it comes to the impact on social contact with co-workers and on the workload, there are significantly more who see a negative impact. 25 per cent are of the opinion that monitoring has a negative impact on social contact with co-workers and 19 per cent that the workload is influenced negatively.

The fact that a big proportion finds that monitoring influences the workload and social contact with co-workers negatively can depend on the fact that monitoring is many times used to control the performance of the employees. Through, among other things, CCTV, mystery shoppers and the individual sales performance monitoring, employers can collect much information about how specific employees perform. This tends to lead to pressure to perform and increase the work pace. As we saw above, every fifth member in stores replies that real-time surveillance occurs in the workplace at the same time that slightly less than a third do not know whether they are subject to surveillance in real time. To be under constant surveillance, or to worry about different systems and control measures being used in this way, can increase the workload and lead to a reluctance to talk with one’s co-workers. All this is described in greater depth in Chapter 4.

Warehouse workers on how monitoring influences the following:



The view of warehouse workers on how monitoring influences the work environment differs a fair amount from that of retail sales employees. Above all, there is a significantly higher proportion that thinks that monitoring has a negative influence on the work environment. As many as 42 per cent state that monitoring has negative consequences for social contact with coworkers and 43 per cent state that the workload is influenced negatively. Among warehouse workers, there is generally a significantly higher fraction that perceives that monitoring has negative consequences on their work and its execution. 29 per cent state that monitoring influences the variation in work tasks negatively, 28 per cent that the influence over how work shall be carried out deteriorates and 24 per cent that the possibilities of carrying out work efficiently is made more difficult. Finally, slightly more than every third respondent, 36 per cent, state that the motivation to do a good job is negatively influenced to a high extent. The proportion that state that monitoring has a positive influence on different aspects in the work environment is roughly as big as among retail sales employees, between 11 and 15 per cent.

The fact that warehouse workers perceive that monitoring influences the work environment negatively to such a high extent can have several explanations. On the one hand, this can depend on the fact that monitoring is in many cases constantly present in the work of the employees through the prevalent presence of digital picking systems that direct and subject to surveillance every executed work step. On the other hand, the results from our survey show that the picking systems, and also CCTV to a certain extent, are in many cases used for surveillance of the employees in real time. As many as three out of ten warehouse workers state that real-time surveillance occurs in their workplace. Many warehouse workplaces have undergone a strong change in the last years, as they are increasingly getting automated and digitalized. This has also implied that the quantity of monitoring has increased, something that most likely has also influenced the work environment in the sector.

What kind of consequences will monitoring then have on the work environment in retail sales and warehouses in the long run? There is a risk that the number of high-stress jobs, which already today are common in the sector, will increase as monitoring is becoming more common. The definition high-stress work comes from the so-called Job Demand-Control-Support model that is very common in work environment research and that is used to graduate how burdensome different jobs are. There, the demands at work, for example in the form of workload, are placed against which resources one has, among other things in the form of control of and influence over the work as well as social support from management and

coworkers. In order to have a good work environment, it is required to have a balance between the demands and the resources. If one for example is faced with high demands at work, high levels of control and social support are also required in order that work does not risk leading to negative stress. In the cases of high-stress jobs, the demands are, however, high at the same time that the level of control and the availability of social support is low. This type of jobs is associated with psychological as well as physical health problems, such as stress-related diseases and muscle-related troubles (Oxenstierna et al 2008, Uppenberg 2019). As we saw in the diagrams above, a negative influence on workload and social contact with coworkers is that which stands out among the replies to the question about the effects of monitoring on the work environment. The fact that the demands, in the form of a high workload, increase at the same time that the possibility of social support decreases, thereby contributes to the fact that high-stress jobs are becoming more common. It is also clear that monitoring, not least among warehouse workers, to a high extent leads to a reduction in the control of and influence over one's own work.

The results from the member survey correspond with research on how monitoring influences workplaces and the work environment. Ball (2010) describes how monitoring has changed from monitoring of the productivity of the work collective to focusing increasingly on the individual. This depends partly on the fact that technology development has enabled monitoring at the individual level and partly on the fact that much organizational culture today has a greater focus on individual measurement and coaching. The fact that individual work performance is measured and registered and even compared among coworkers risks both leading to greater competition between employees and a higher workload, where those who perform the best are rewarded, whereas those who perform the worst are punished or perhaps even fired. Studies also show that this type of monitoring can reduce creativity among the employees, since one is afraid that one's behavior will be assessed and criticized (Ball 2010). Furthermore, monitoring that focuses on measuring the performance of individual employees and where the collected data are used for a disciplining purpose has negative effects on satisfaction and commitment in work. It also leads to negative attitudes towards management and in addition, there is a clear connection between this type of authoritarian surveillance and increased stress and burn-out (Ravid et al 2020).

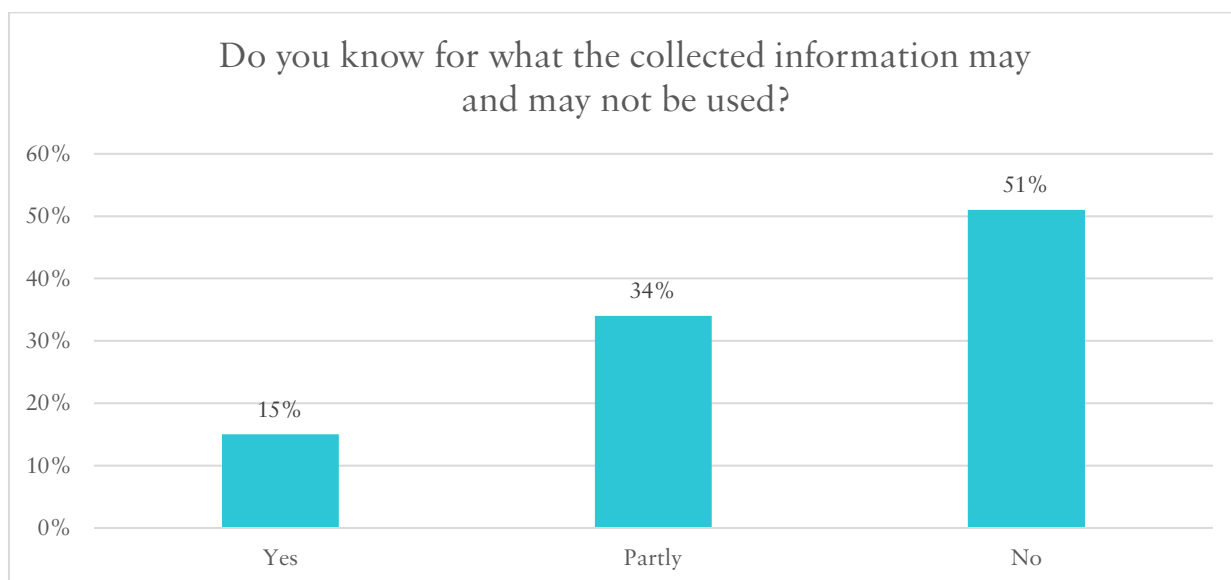
Chapter 3. How Is Privacy Protected in Working Life?

“Management sometimes carry out surveillance of how/where we are working, something that they themselves also have mentioned is illegal.”

In spite of the fact that the issue of privacy protection in working life has been investigated a large number of times, there is in Sweden a lack of comprehensive legislation around personal privacy in working life. The right of the employer to control and monitor the employees is regulated both in labor law, for example through collective agreements and labor legislation, and in laws that touch on personal privacy. If monitoring implies that the employer handles personal data on the employees, the issue is primarily regulated by the General Data Protection Regulation (GDPR), but international law, such as the protection of personal privacy in the European Convention, EU law, Swedish legislation and legal usage, also deals with the issue. In addition, the opinion of the Swedish Authority for Privacy Protection (IMY) is of importance and regarding camera monitoring, the Camera Surveillance Act is also in force.

As regards labor legislation, control measures in working life must follow good practices in the labor market, something that very close and extensive monitoring could breach. The Work Environment Act and the Co-Determination in the Workplace Act (MBL) also have importance. Furthermore, a risk and consequence assessment according to different work environment regulations, for example Systematic Work Environment Management (AFS 2001:1), can be relevant before the introduction of new monitoring systems and control measures.

The introduction of the General Data Protection Regulation in 2018 implied a number of small changes but no comprehensive improvements in the protection of the personal privacy of employees. The fact that the absence of comprehensive legislation makes the regulatory framework around privacy issues in working life difficult to understand and interpret for the individual employee is clear in our survey. Many of the surveyed persons do not know how the collected information may be used and which demands they can place on their employer in relation to monitoring and privacy issues.



In the member survey, only 15 per cent reply that they know for what the collected information from the different control measures may be used. 34 per cent reply that they only know partly, whereas as many as 51 per cent lack knowledge about what the collected information may and may not be used for.

There are several reasons why employees lack knowledge about how information on them may be used. One explanation may be that the issue is touched upon in a number of different laws, where the most comprehensive one, the General Data Protection Regulation, became Swedish law as recently as 2018. Another explanation may be found in the rapid technological development that has meant new opportunities to collect information about employees' types of behavior and performance. Being exposed to measures that can be perceived as intrusive and at the same time not knowing where the boundaries lie for the use of the information being collected can in itself lead to stress around the monitoring. This can then be a contributing reason why many in our survey state that the monitoring is intrusive. There is simply a great uncertainty surrounding for which purposes information on the employees is used.

It is, however, clear that the presence of a trade union branch, particularly in warehouse workplaces, plays a role to whether employees have knowledge about what the collected information may be used for. In warehouse workplaces with a union branch, as many as 45 per cent state that they totally or partially have knowledge about this, compared to 22 per cent in warehouse workplaces without a union branch.

Apart from the fact that knowledge about what personal data of employees may be used for is low, it is also clear that the legislation is not being followed. More about this will be provided in the following paragraph, where the most important legislation will also be covered.

3.1 How Employers Follow Legislation

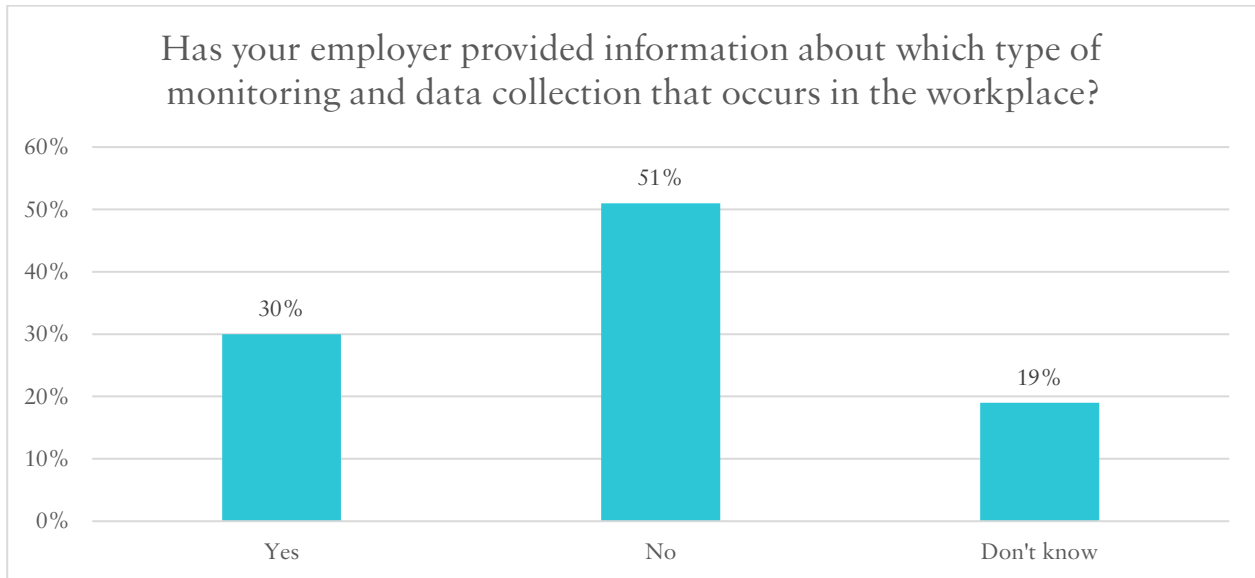
The General Data Protection Regulation (GDPR) is the main law that employers should relate to regarding monitoring in working life. This is because control measures that imply that information that can be coupled to an individual is collected and processed is regarded as personal data. This is valid for what exists on paper in manual registers as well as for what is collected in a totally or partly automated manner by means of computers.

It is the employer who is responsible for showing, and should be able to show, that personal data of the employees is processed in accordance with the law. Here, it is therefore the employer who is the data controller, whereas the trade union can safeguard the interests of the employees and in negotiations assess whether the purpose of the personal data collection is reasonable from a trade union perspective. But regardless of the result of the negotiations with the trade union, the employer is responsible for the law being followed. An MBL negotiation about the introduction of for example camera monitoring can therefore not be seen as common consent for the employees and individuals can always contact IMY, if they consider that the law is not being followed.

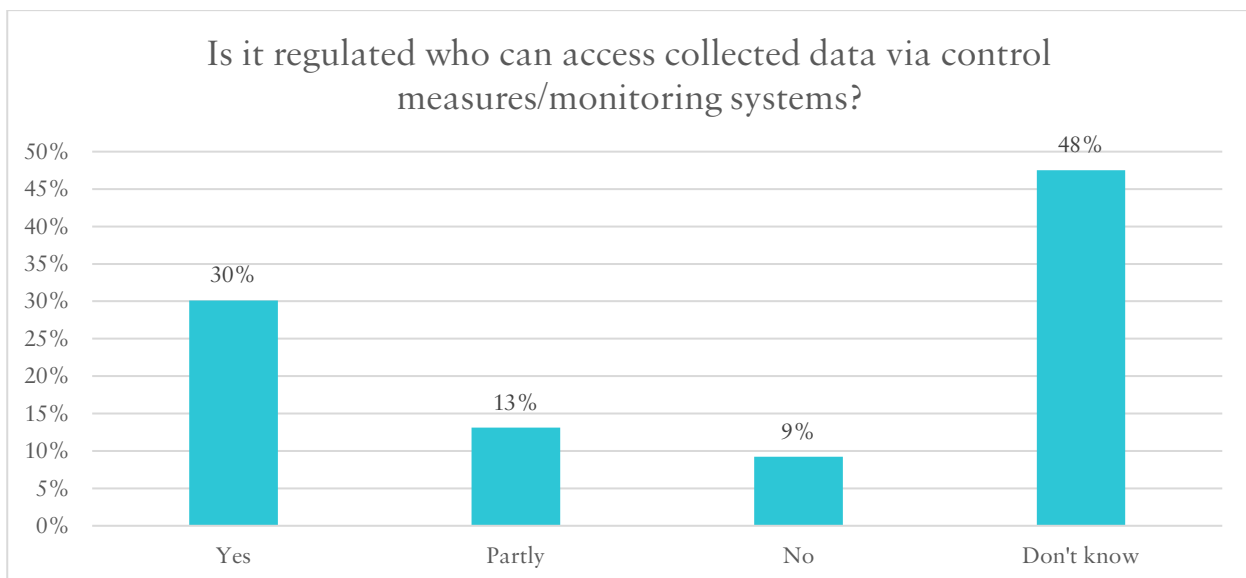
In order for the employer to be allowed to process the personal data of the employees, it is required that the fundamental principles of the General Data Protection Regulation be followed. These imply that collection of personal data may only occur for certain specific, specially stated, and legitimate purposes. For private employers, this almost always implies that a balancing between the interest of the company in introducing the measure and the protection of the personal privacy of the employees must be done before the introduction. An employer may in the normal case not use the consent of the employees as a legal basis for the processing of employees' personal data. This is because an employee is in a position of dependence with respect to the employer and can therefore not provide voluntary consent to the extent that the general data protection regulation stipulates. The balancing of interest that instead becomes valid must be done before the control measure is introduced and should be done in consultation with the trade union under Sections 11 to 14 of MBL.

In order for an employer to be allowed to process personal data, it is also required that sufficient information has been provided to the employees, at the latest in connection with the collection of the

personal data. It must be clear and distinct to the employees that the employer is processing their data, why they are being collected, who has access to the information and how it is used. In addition, the employees have a right to information about which other rights they have according to the General Data Protection Regulation. This can be about the right to get one's data deleted or corrected or the right to obtain a register excerpt that shows which information has been collected.



In spite of this, there are only 30 per cent of the surveyed persons in our study whose employer has provided information about which type of monitoring and data collection that occurs in the workplace. Slightly more than half have not got any information and 19 per cent state that they do not know. This suggests that information to the employees has not been clear and distinct, if the employer has even provided any information to the employees.

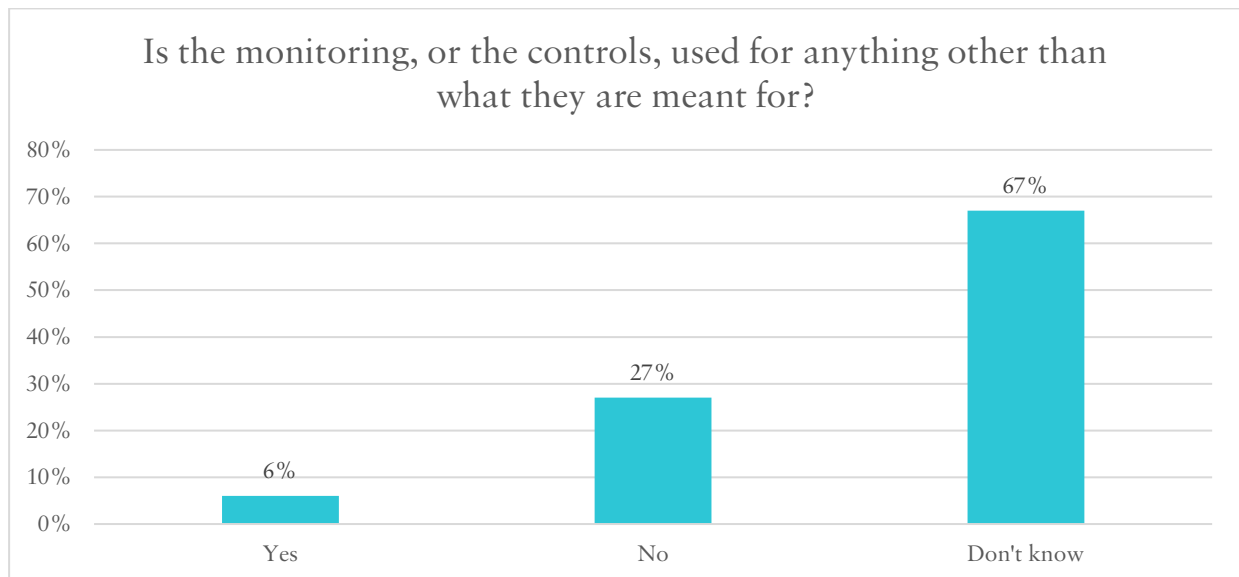


The employer must also see to it that the personal data are correct, have routines for deleting those that are no longer needed and ensure the protection of the collected information so that no unauthorized person has access to it. But employees do not know anything about this, either. They do not know who has access to the data that are collected by means of the control measures. Slightly less than half of all persons surveyed do not know whether it is regulated who can access the information and only 30 per cent reply that such a

regulation is in place. Even for this aspect, it is therefore evident that the law on privacy protection is not respected in many workplaces.

The General Data Protection Regulation also regulates that the collection of personal data may not be more extensive than necessary for the purposes intended. The employer must also be able to show how they respect the General Data Protection Regulation. In short, this implies that the employer shall state exactly which the purposes of the personal data processing are and how they are going to respect them.

The fact that the processing of personal data must have a legitimate purpose implies that the purpose of the control measure must be based on a real problem, threat or risk. This means that a basis is needed which demonstrates the need to process the employees' personal data to come to terms with what is stated. For CCTV as a protection against robberies and threats, it may for example be about crime statistics for the area, or documented thefts and risks. The purpose may not be changed and the personal data processing can therefore not be used for something that is incompatible with what has been stated in the original purpose. Such a so-called shift in purpose is not allowed. CCTV with the purpose of investigating crimes, or information from picking systems in warehouses with the purpose of paying out performance-based wages, shall not be used for anything else but precisely this. It should in addition for example not be used to check working hours or where the employees are located.



Here also, there is a problem with the control measures, since only 27 per cent reply no to the question whether monitoring is used for anything else than what it is meant for. A majority replies that they do not know whether the monitoring is used for other purposes. This, together with the uncertainty surrounding what the information may be used for, can in itself create stress around the suspicion that one is permanently subject to surveillance and evaluation. It also risks leading to distrust between the employees and the employer, since it implies that the employees do not feel secure that the monitoring and the collected information are just used for the original purpose and nothing else.

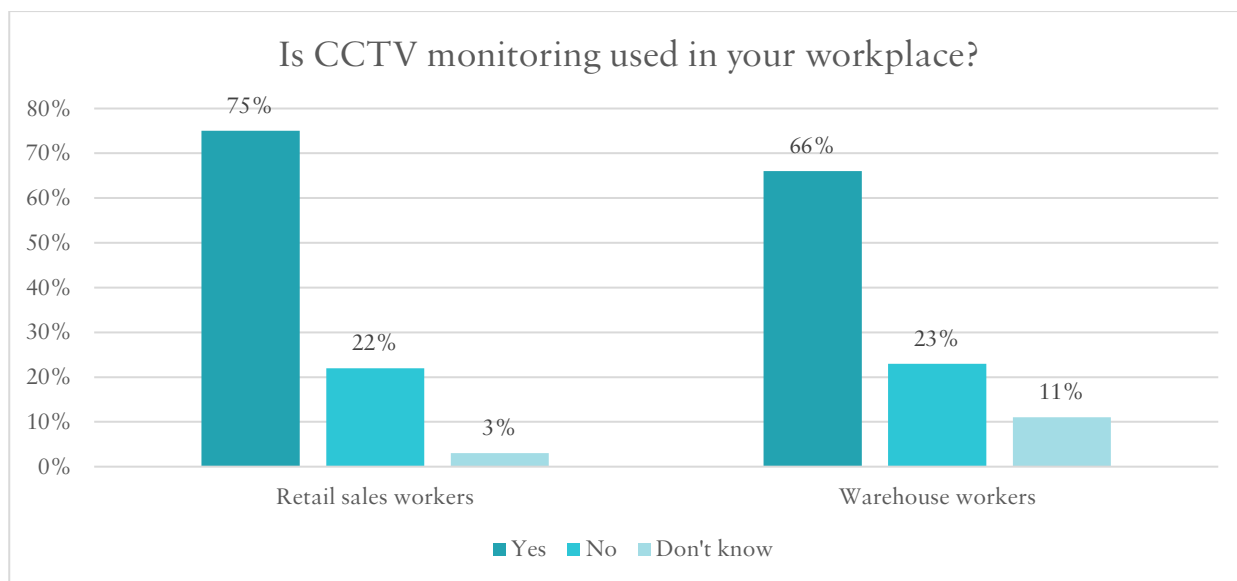
All in all, we can acknowledge that many of the employers do not seem to follow existing legislation. Among other things, there is a lack of regulations of who has access to the collected information. There is also a lack in information on which type of monitoring and data collection that occurs in the workplace. In addition, there is little knowledge among the members about what the collected information may and may not be used for, something that makes it more complicated for individuals to defend their rights as regards for example a shift in purpose and the privacy issue on the whole. As we have seen in Chapter 2, real-time surveillance is also common.

Chapter 4. Types of Monitoring in the Commerce Sector

“We have not been informed about this and the bosses are pleading that it is for surveillance of thefts, in spite of the fact that they use it to control us.”

A variety of surveillance systems and control measures are used in stores and warehouses today. In the sections below, it is described how common they are, how well the laws associated with the monitoring of employees are respected and how the different control measures are perceived by the employees.

4.1 CCTV Monitoring



The technology development of the last decades means that it has become cheaper for employers to make use of CCTV and many of the surveyed members work in workplaces where CCTV occurs. In our survey, 75 per cent of the retail sales workers reply that CCTV is used in their workplace, whereas the same figure for the warehouse workers is 66 per cent. In close competition with the time clock, this is the most common control measure for retail sales workers and the third most common in warehouse workplaces.

When it comes to CCTV in working life, there is, apart from the General Data Protection Regulation, also a special law on camera monitoring. Due to the entry into force of the new Camera Surveillance Act in 2018, only authorities and actors carrying out tasks in the public interest need a permission for CCTV. The fact that authorization was removed, does not, however, mean that it is up to private companies to freely put up cameras. Both the General Data Protection Regulation and the Camera Surveillance Act must be respected and, in the latter, there are among other thing rules about the fact that employers must negotiate with the trade union under Sections 11 to 14 of the Co-Determination Act, before cameras are possibly put up. In addition, other, less intrusive measures should have been considered before CCTV is initiated.

From a work environment perspective, there are both advantages and disadvantages with CCTV. Many respondents in the survey see CCTV as something positive and a security, if something happens in the workplace. At the same time, it is clear that CCTV is also seen as an extensive restriction in personal privacy. Here, it is apparent that the positive sides of CCTV, such as the employees' perceived protection against crime, are valued highly by the members. At the same time, many perceive that the cameras are

misused by the employers for surveillance of the work of the employees and to distribute reprimands. This applies to both stores and warehouses but is especially prominent on the store side.

“The positive thing about camera monitoring is if there would occur some robbery/theft or similar. The negative thing about camera monitoring is that one feels that one is under surveillance by the boss, he uses it to keep track of what we are doing during working hours.”

“The camera should only be there for our safety, but our bosses have several times watched the camera and then called us to tell us/point out to us about something specific.”

The Camera Surveillance Act regulates the obligation to negotiate with the trade union and that the purpose of every single camera shall be justified. In addition, the employer is obliged to inform the employees, and others who risk being captured by the CCTV, that the place is under surveillance by camera. This shall occur by clear signage. The information on the sign shall for example state who operates the monitoring as well as for which purpose. An impact assessment also needs to be done, if it is about new and extensive camera surveillance, where individuals are regularly subject to monitoring. This implies among other things an assessment of whether the measure is necessary and proportionate considering the purpose, which risks are associated with it and how these can be remedied.

In spite of the fact that the employees have a right to information about the fact that their workplace is subject to monitoring by cameras, where the cameras are located and for which purpose they are put up, our survey shows that such information is sometimes lacking.

“It feels stressful for everybody with camera monitoring. We have not received any reasonable reason why we have it.”

“It is clear that it is perceived as if there is lacking trust in the employees. The justification from the company is that they want to overhaul the flow. I would appreciate getting informed about where the cameras are and how they are used.”

CCTV also often implies processing of personal data, something that means that the operator of the CCTV must also respect the rules in the General Data Protection Regulation. GDPR. It is the obligation of the employer to have made the necessary assessments to see to it that the monitoring follows the laws. Here, the earlier discussed fundamental principles for processing of personal data in the General Data Protection Regulation and the existence of a legal basis for the CCTV apply. This implies for the employer that he must make a balancing of interests between the utility of the monitoring and the protection of the privacy of the employees.

As a consequence of the fact that the purpose of CCTV must be specified according to the General Data Protection Regulation, the camera may then not be used for any other than this explicit purpose. It is not permissible to watch the material in a perfunctory way and if the cameras are put up for a security purpose, they may not be used to investigate for example customer flows. Nor is it allowed to use the cameras to investigate how the employees work or receive customers. The use, described in the earlier quote, where the employer uses the cameras to keep track of what the employees are doing in their working hours is therefore not legal.

Apart from the fact that technology development has made CCTV technology cheaper, it also makes it possible for the employers to more simply access the recorded material anytime and anywhere. Several members point out that the boss can be at home and still keep track of how the employees behave in the workplace.

"We have monitoring cameras for our safety (goldsmith shop). Our boss can go in and see them in real-time via her mobile whenever she wants."

"Positive with the risk of theft, negative if the boss sits and checks how we handle ourselves from home when he/she is free (which has happened with our former boss, for example)"

In a sector with many part-time and precarious jobs, where employees are forced to chase extra hours, it can be difficult for individuals to assert their right, which creates an even greater vulnerability when it comes to issues of personal privacy. Here, the cameras risk becoming a means of power for the employer to keep the staff on their toes, drive up the pace of work and, based on CCTV, reprimand those who the employer believes are misbehaving. When asked if the systems are used for anything other than what they are intended for, the members give various examples:

"I feel subject to surveillance because I know that colleagues have been told about an act that has been carried out that the employer has only been able to see via the monitoring cameras."

"To control and spy. Get information to be able to fire employees."

As we saw in Chapter 2, monitoring systems that enable real-time monitoring, as CCTV does, are also perceived to a much greater degree as intrusive compared to systems that lack these capabilities. In addition to the fact that CCTV itself can create anxiety and stress in employees about being constantly observed, it also risks creating a higher work pace where natural breaks disappear, and employees must constantly keep work going to avoid being reprimanded for what the employer sees on their screen.

In addition, CCTV is also perceived to affect the social interaction between the employees in a negative way. This is especially clear in stores. Through the suspicion that the boss, by means of the cameras, can see at any time how employees behave in the workplace, employees feel compelled to communicate less with their co-workers. In commerce, where many jobs belong to the group of high-stress jobs, where the pace of work is high while employees have little opportunity to decide for themselves how the work should be performed, social support can act as a shock absorber against stress reactions. The fact that employees shy away from interacting with their colleagues is thus a work environment problem that risks creating both mental and physical problems.

"You can't relax or talk to your colleagues on a more private level. There is a risk that everything can be taken out of context."

"Always aware that someone is watching me and will question how I execute my work. For example, I always have a plan for what to say when he questions why I've been conversing with colleagues and comes up with lies that it's job-related when it might just be a simple 'how are you.'"

The misuse of camera monitoring also risks creating a work culture based on obedience rather than trust, personal development and challenges. In the stores, where a large part of the work is based on social interactions, the employees feel that the stress of constantly feeling they are under surveillance spills over into the customer meeting because they do not feel that they have the manager's trust in meeting the customers. Not being able to take responsibility for yourself and feel that you have the opportunity to perform your work in the best way also risks deteriorating the employees' work environment.

"Don't dare to talk, joke and have a good time with colleagues or customers."

"You feel stressed towards customers because you don't know if they're watching when you're talking to customers. Some customers would like to chat idly for a while. Usually they come at calmer times for that moment."

The law states that it is not allowed to collect more personal data than necessary and that only the area that is necessary for the purpose of the monitoring may be filmed. The direction of the cameras and time of day for the monitoring must be justified. For example, if there are only problems with threats and security in the evenings and nights, there is no support for CCTV during daytime, unless the employer can show that there is a need for it. As a rule, it is also not allowed for cameras to be directed at or placed in staff areas where only employees occur, such as in changing rooms, toilets or lunchrooms, or to use sound recording in CCTV at workplaces. Despite this, several of the respondents state that they adapt their toilet breaks to what can be perceived through the CCTV.

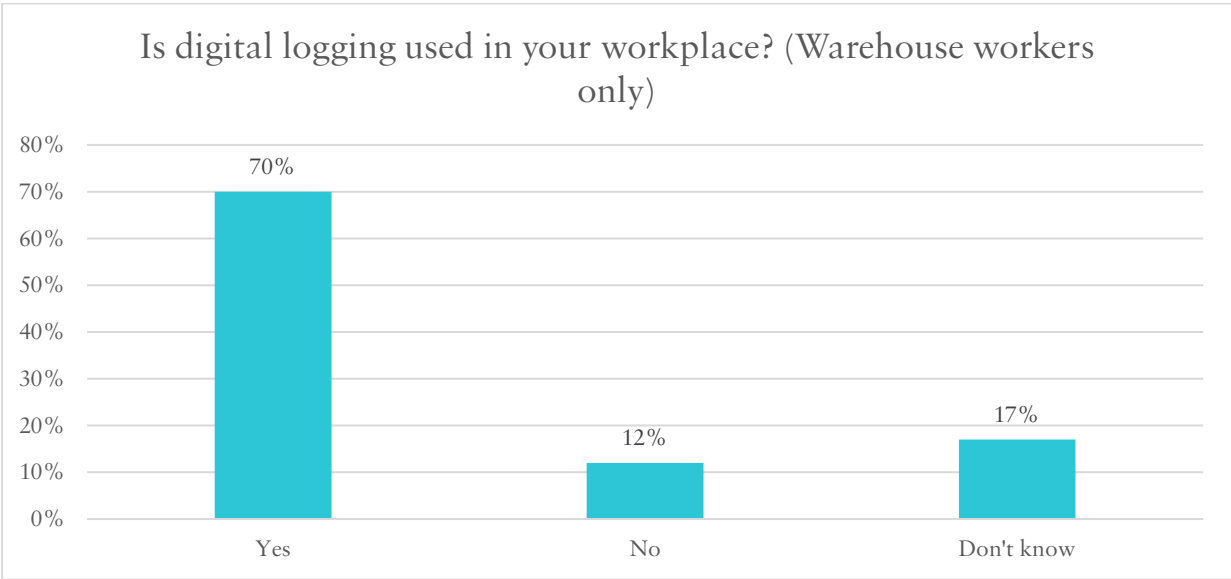
"The door of the staff toilet is guarded with two cameras. It feels very uncomfortable."

"You feel watched every minute. You get studied constantly over what you do all the time. Going to the bathroom outside the break, for example, is not so popular."

Many testify that camera monitoring is appreciated from a security aspect if it is not misused. But the character of the system, where the cameras can also be easily used to keep track of what the staff is doing, creates disquiet. Other less intrusive measures than CCTV may be preferable when it comes to problems such as thefts and/or threats to staff. Closed cash management, alarms and avoiding solitary work are examples of such measures.

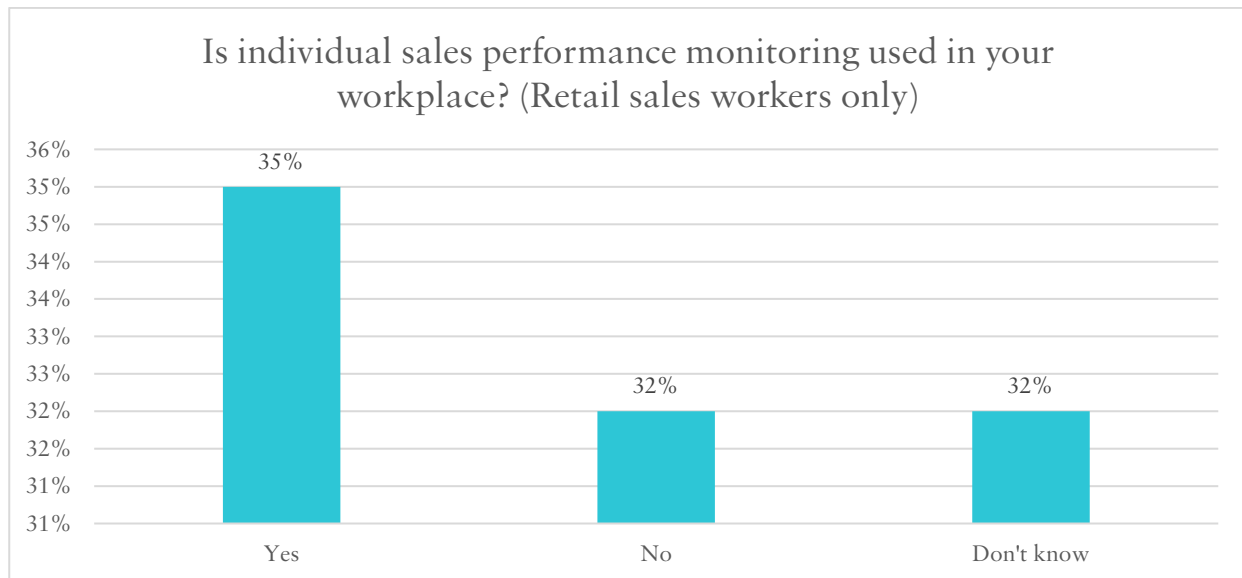
4.2 Digital Logging and Performance Measurement

Within warehouses and stores, digital picking and point-of-sale systems (POS) enable every pressed button and work step to be measured and linked to individual performance.



On the warehouse side, as many as 70 percent state that digital logging of work occurs. The technical development of picking systems, such as pick-by-voice where a computer-controlled headset is used, enables more extensive control and surveillance of the work than with previous technical solutions. The systems' recording of each executed command means that the time required for each work step can be collected, but also that information about, among other things, how long breaks the employees take between each work step can be recorded. It can then form the basis, for example, for assessments of the employees' performance in relation to the target figures for the picking rate set by the companies.

In stores, the digital logging is mainly about measuring individual sales and the amount of unpacked goods. But the free-text responses also express concern that the apps, such as for scheduling and digital training, that employers want employees to have on their phones, are collecting more information than necessary. Customer evaluations that can be linked to individual employees' performance also create stress. In the wake of increased e-commerce for grocery stores, information is also increasingly being collected about the picking rate of the retail sales workers for online sales.



In the chart above, we see that individual sales are measured for a third of the retail sales workers. In addition, a third state that they do not know whether the POS systems are used in this way.

The introduction of performance measurement systems, for example in the case of picking systems and measuring sales at the individual level, is such a major change in operations that it must be negotiated under Sections 11 and 13 of the Co-Determination Act. In addition, it is such an organizational change that should be risk assessed from a work environment point of view, as performance measurement risks creating stress and anxiety for the employees (Grahn and Kjällström 2017). However, all performance measurement requires that it be carried out in a way that is not unreasonable or offensive to the employees. Based on this, it is instead preferable that follow-ups of the employees' performance are done at the group level and are carried out in the presence of the immediate responsible manager and part of daily operations. After all, it is his/her responsibility to know the business and provide the employees with the conditions to carry out the work in the best way.

As research has previously shown, the reactions and consequences of digital measurement of work performance depend on the individuals and the context in which it is carried out (Ravid et al. 2020). Although the majority of free-text responses show a negative attitude towards performance measurement, it is also considered to lead to knowledge about how to develop and that work performance is made visible. This is mainly prominent for the retail sales workers where it is predominantly about individual sales statistics. When the measurement does not link to performance measurement, but is only about digital logging about who did what, it is also not seen as problematic. Here, the free-text answers show that it can also be a help in case of ambiguities around payment and a way to avoid internal dishonesty in the company which can otherwise be a source of conflict and collective punishment.

"Good if you get tools for improvement and extra help, bad when used as a threat or a whip."

At the same time, however, the measurement of individual sales is just as often perceived to be too extensive and have several negative effects. Primarily, this is because performance measurement creates a worse work environment by contributing to stress, higher workload, and performance anxiety.

"One constantly feels inadequate and experiences threats to one's employment in the store in the event of bad numbers."

"Can create a very competitive and stress-building environment in the workplace."

"Negatively, it has markedly increased stress and to some extent reduced well-being and unity in the workplace."

In some workplaces, the data collection is used as a basis for the payment of performance-based pay, such as for example piecework and commission. Among the members of the survey, 22 percent of warehouse workers and four percent of retail sales workers state that they have performance-based pay. Data collection and processing of personal data for the purpose of fulfilling an agreement, such as the calculation of wages, is legal under the General Data Protection Regulation and does not need to be preceded by a balancing of interests. However, if the digital logging of sales or the information collected via picking systems can be linked to individuals, the other provisions of the General Data Protection Regulation must be followed. As with other personal data collection, it is then important, for example, that the employees are informed that the employer is processing their data, for what purpose and who has access to the information. The information may only be used for what is the purpose of the system from the beginning. Using the information in addition for any other purpose is considered a "shift in purpose" and is not permitted. Real-time surveillance of employees is a major restriction of personal integrity and risks being contrary to good practice in the labor market. Therefore, it is doubtful whether systems with this purpose would be legal, even after a balancing of interests. Despite this, it is clear that the employees in the warehouses feel that the systems are sometimes used for real-time surveillance and work management.

"A system that sees your last pick or last packed one on the shelf so they can always see how much you have left on a round or if you've taken a longer break in the middle of a pick lap or between laps."

"Micromanaging is perceived to be stressful. There should not be surveillance during working periods but afterwards, but this is abused by people in roles of responsibility."

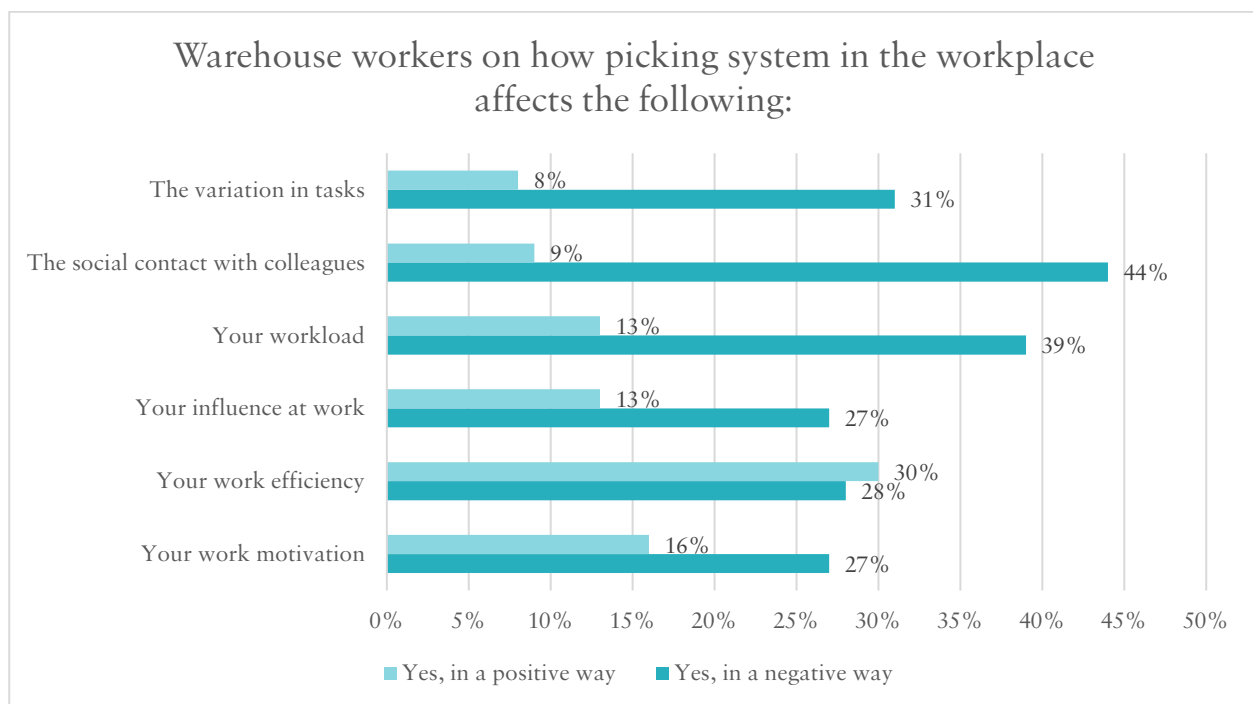
"Everything is checked, how long you take a rest/break or are in the bathroom, etc."

The Swedish Authority for Privacy Protection, IMY, has taken a stand in two cases linked to pick-by-voice where the complainants argued that the picking system was used for real-time work management and surveillance of employees' working hours in real time. IMY found that information on picking pace was used as a basis for piecework pay and performance talks and therefore could be allowed after a balancing of interests. However, using the system for surveillance of employees' performance in real time and surveillance of working hours was seen as unauthorized shift in purpose and to conflict with the requirement of good practice. In addition, IMY decided that the company needed to provide more information to the employees about which control measures could occur, the purpose of them, who had access to the data and how the personal data were processed. (Decision 11/30/2011 (Registry No. 695-2011) by the Swedish Data Protection Authority Decision 06/27/2007 (registry no. 87-2007) by the Swedish Data Protection Authority)

However, extensive data collection does not occur at all warehouse workplaces. How much data collection there will be depends, among other things, on which picking systems are used. Digitization ranges from robot picking – which only one percent say they use – where most of the manual work is handled by

machines, to manual picking with printed lists. Of those surveyed, 19 percent still pick manually with paper orders, while the rest say they mainly use some type of digital picking system. Here, pick-by-voice is most common, which is used by 36 percent of the members, whereas 26 percent state that they mainly use picking via screen/smartphone. Although there may also be performance measurement linked to manual picking, the data collected there are less extensive. Since the picking systems can also be programmed in different ways, the use is different in the members' workplaces. In the past, it has been the case that pick-by-voice has been used in some workplaces to measure the employees' "active time" by marking the employees as inactive if they do not log any work step for 180 seconds (Wrangborg 2017). Systems that are programmed to avoid "inactive" time risk creating stress for employees as the work pace is accelerated and, for example, toilet visits are logged as inactivity and seen as something that slows down the production rate. In addition, the measurement itself can mean that natural breaks between work steps, such as a conversation with a co-worker, are avoided in order for employees to reach the target figures and avoid reprimands from managers.

The fact that performance measurement can imply stress and cause performance anxiety is very clear among members in warehouses. One explanation for this may be that the picking systems allow for more extensive data collection.



As we see above, the warehouse workers believe that the digital systems in the workplace above all have a negative impact. This applies to both the variation in tasks, social contact with coworkers, the workload, influence over how the work is to be performed and the motivation to do a good job. It is only the ability to carry out the work efficiently that is seen as more positive than negative. However, even when it comes to this aspect, as many as 28 percent state that the ability to carry out the work effectively is negatively affected. A remarkably high figure considering that the systems are often introduced with arguments that they increase efficiency. One explanation may be that the digital systems also mean that the use of previous professional knowledge of the employees is made impossible by new systems. The employees themselves cannot influence in what order and in what way the goods are best picked, since they must follow the picking round that the algorithms see as the most effective. Since the picking systems often only provide information about one article at a time, employees also cannot leave space in cages and on pallets for future goods. As a result, they are forced to spend time repacking already picked goods, which means more heavy lifting. In addition, it can mean a lost sense of professional pride when you as an employee are not allowed

to use your knowledge to carry out the work but instead have to follow the computer voice in the headset or what is written on the handheld terminal.

The negative sides of performance measurement are also that members consider that the measurement of picking pace and individual sales is unfair and a poor measure of how employees contribute in their workplaces. Since peripheral tasks are not measured, other important tasks risk being downgraded if too much focus ends up on just one dimension of the work.

"You don't dare to do what it takes to do a good job, instead you do what looks good on the computer. I've also been called to a meeting and told that I shouldn't remain in the job when they thought I was performing too poorly."

"In general, stress increases due to surveillance. Since those who carry out surveillance of what you do individually do not get a complete view of the work period, but only pure "production", I and my colleagues experience unfair and misleading statistics. These statistics are used against us, the employees, who in turn are careless due to stress and complaints, or even lower work ethic, creating the chain reaction of a deteriorating work environment."

Not being able to influence your individual sales or picking pace but still being judged in relation to this also implies stress. In addition, the measurement contributes to an individualized view of performance that creates competition and conflicts between employees. For the retail sales workers, this risks spilling over into customer service. Instead, members in both stores and warehouses highlight the importance of teamwork and that even work that is not measurable by a computer system is also important for a good workplace and good customer service.

"It's just a measure, but there's so much more that needs to be done in the operation to keep everything flowing. There could be an uneven division of labor if some create conditions for sales and others just sell."

"Negative. In a job where they expect teamwork, this not only destroys the team spirit as there are almost conflicts due to this and that in turn unfortunately affects the well-being of some colleagues."

The fact that performance measurement affects the social interaction between employees is even clearer on the warehouse side. The fact that as many as 44 percent of the surveyed warehouse workers believe that the picking systems / digital systems negatively affect social contact with coworkers is also noticeable here in the free-text answers. In addition, the employees describe that the systems make them an extension of the computer systems, in the form of robots that are not allowed to talk with their coworkers.

"Negative. We are no longer humans, we are numbers and robots and are expected to work accordingly... the social part is non-existent. But what does this do, we are consumables that are easily replaced."

"You're crankier when you're not allowed to talk. So you're supposed to be quiet for 9 hours straight. It's a disaster. I can understand that you should not talk all the time but to talk for 2-3 minutes from time to time should not be a problem."

"Talking less to colleagues because otherwise you get reprimanded and, in some cases, people have been laid off during their probationary period."

Taken together, all these aspects of the systems – reduced social contact, fewer breaks, technical shortcomings, strong control, and one-sided performance measurement – can contribute to that as many as

39 percent of the warehouse workers feeling that the systems lead to a higher workload. This is partly about the systems themselves eliminating natural breaks and gaps in the work and partly about the target figures that employers set in relation to performance measurement. The fact that many of the respondents also perceive strong stress linked to the performance measurement is clear in the free-text responses. Worry, irritation, and the feeling of being under surveillance and chased also recur in the responses.

"People feel more stress about bosses controlling every second you're at work."

"Stressed, taking risks, physically taxing, the body taking a beating, feeling psychological pain."

"Rushing more to reach the requirements, even when the conditions are actually lacking."

The rapid technological development and the nature of the picking systems, where the algorithms that control the systems can be easily reprogrammed, both in terms of which voice commands the employees are given access to and which dimensions of the picking process are to be measured, create technical systems that are difficult for the employees to understand. In warehouse workplaces with active union branches where the systems have created conflicts, everything from the introduction of the systems to their use in the warehouses today has been lined with negotiations. Partly, these are about privacy issues such as negotiations regarding violations of the law in relation to the General Data Protection Regulation, contacts with IMY, and regulation of the use and access to the data. Partly, about programming functions in the systems that log, for example, "active-time" and commands that give employees information about more than one pick at a time. However, the changing nature of the systems, and uncertainty among elected officials about how the rules of the General Data Protection Regulation can be applied, create difficulties in protecting employees from the fact that the systems are also used for, for example, real-time surveillance (Wrangborg 2021).

Overall, we can conclude that the performance measurement poses a number of problems for the work environment for both store and warehouse workers in terms of, for example, higher workload and stress. Since the scope of the measurement is significantly larger for the warehouse workers, we here also find a negative impact on both the variation in tasks, social contact with colleagues, influence over how the work should be performed, and the motivation to do a good job. In addition, it occurs that picking systems are used for real-time surveillance of employees' work performance.

4.3 Mystery Shoppers

Mystery shopping is a method that stores use to, for example, measure the level of service or check the extent to which the stores work based on the company's concept. In the case of mystery shopping, a person unknown to the staff comes to the store and pretends to be a regular customer. After completing the visit, the mystery shopper fills out a visitor form stating how the visit to the store has been perceived.



34 percent of members state that the store they work in uses mystery shopping. The fact that as many as 40 percent state that they do not know whether mystery shopping is being used does not have to be perceived as a problem. But the risk is that a lack of information about which control measures are in place contributes to a deteriorated work environment for employees. Employees also have the right to receive clear information in advance about which controls of them may be made. Not knowing in which situations one is evaluated risks creating stress and making it difficult to relax and behave naturally in one's workplace.

Since the introduction of similar evaluation systems is to be regarded as an important change in the operations, companies that want to introduce mystery shopping need to make a risk assessment according to the Work Environment Act and negotiate with the local trade union according to Section 11 of MBL.

Since the visit forms that the mystery shopper uses can be designed so that individual employees cannot be identified, it is not certain that the control measure implies that personal data are processed. If, on the contrary, the mystery shopper or employer can identify individuals in the material, it is counted as personal data and the General Data Protection Regulation applies. Identifying individual employees also means that the risks increase that mystery shopping is used in a way that has negative consequences for employees.

Mystery shopping can have both positive and negative sides, according to the members in the survey. Getting positive feedback on the service provided and finding out what you can do better together as a store is seen as promoting development. However, some of the positive responses appear to be linked to store checks by security guards that are carried out to address thefts in stores. We already know that increased presence of security guards is seen as positive and as something that increases the sense of security of employees in stores (Carlén 2016). However, this is not part of the work done by companies engaged in mystery shopping. Overall, the positive free-text responses linked to mystery shopping are about a use where you look at the entire working group and how it can be developed.

"You can get a common picture of the operations, so you know where to put in resources and the right conditions."

However, a majority of the free-text responses reflect a range of negative consequences linked to the use of mystery shopping. The feeling of not knowing when you are being evaluated creates a stress around constantly performing on top where a single bad customer meeting can result in a bad rating and being

labeled as a bad employee. Here, it appears that many of the respondents consider that the checks risk being carried out on an individual level where individual employees are singled out.

"Constantly feels like you have 'eyes on you' with mystery shoppers."

"If you know how to treat customers/manage the store, it doesn't make much difference. But with a little research from management after the result comes in, it could potentially be singling out."

By having the stores negotiate with the trade union at those workplaces where mystery shopping is to be used, visitor forms can be developed that make it clear that only de-identified information may be recorded. For example, it may imply not recording the exact time of the visit and that the form lacks a description of the staff that the mystery shopper has met during his store visit. It is also important that the purpose of the mystery shopping is determined so that it is not used to rate individual employees or is otherwise abused by the employer.

In addition to the fact that mystery shopping contributes to increased stress around performing, many of the members highlight that the controls are arbitrary and do not give a good picture of how customer service in general is perceived by customers. Being assessed for things that you as an employee cannot influence, such as high workload due to too low staffing, also contributes to more stress.

"Negative, you're judged in an instant. You can be stressed because of a long queue etc."

"Negative, higher demands on one but no prerequisites or not staffed enough to take care of the mystery shopper"

Mystery shoppers are often also used to evaluate how well employees relate to the instructions that companies want employees to follow in customer meetings, for example to create additional sales. Because of this, the use of mystery shopping can also lead to less freedom to decide for yourself what the customer meeting looks like. Strongly controlled work and little trust in the employees' own skills then risk having the opposite effect on motivation and work effort than what the controls through mystery shopping were originally intended to create. The employees also describe that the use of mystery shopping makes them feel that their employer does not trust that they can perform their work in a good way.

"It leads to increased stress when you think more about coping with a long series of selling points in your head rather than being present with the person in front of you – you become more like a robot in your workplace."

The fact that mystery shopping is carried out by serious actors with staff who have received training in how the checks should be carried out is also important. Otherwise, the risk is that the mystery shopper's own perceptions of people's different attributes, such as skin color or gender, affect the ratings given or, as we have previously discussed, that individual employees can be identified. Members believe that there are mystery shoppers who lack the competence to give an objective judgment and that unjustified judgments about, for example, the smiles of employees occur.

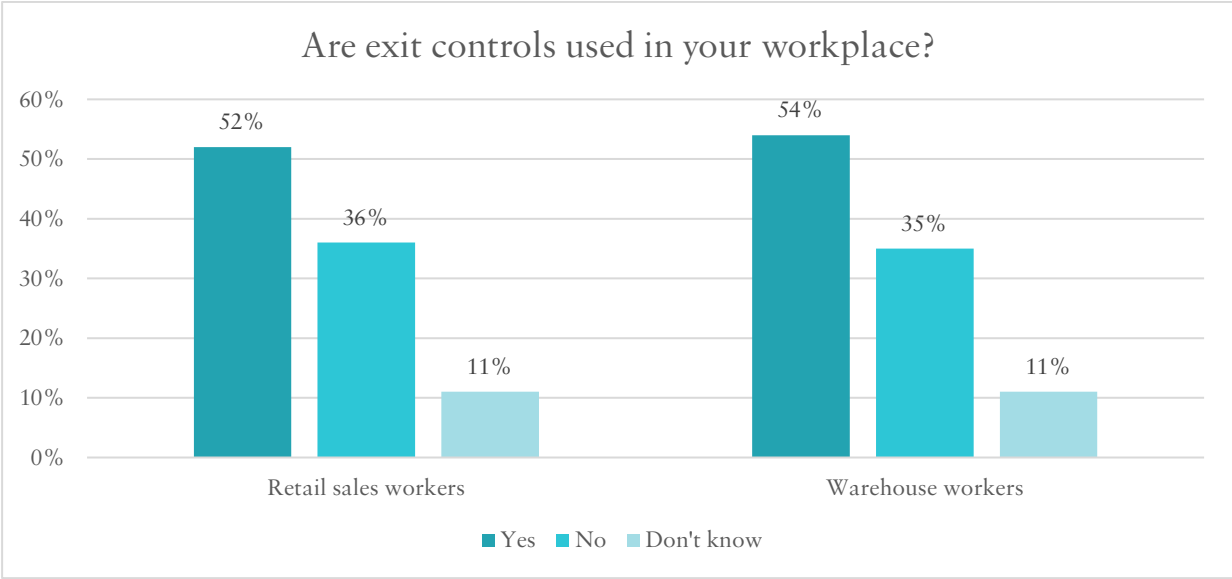
"They remark on strange non-relevant things, like putting on a pleasant smile."

In order to avoid a deterioration in the working environment at the introduction of mystery shopping, as we have seen above, there are a number of points to relate to. Informing employees about which type of checks are carried out, union influence over how the visits are carried out, and which companies are hired, as well as ensuring that no individuals can be identified could contribute to the checks not being seen as offensive by the employees. But it is the employees and their immediate managers who have the most knowledge about the operations and how it could be developed. If the employees are given the conditions to do a good

job, through, for example, sufficient staffing and trust to meet the customers, the operations can develop without hiring external companies to assess the employees.

4.4 Physical Exit Controls

Physical exit controls, which are used both in warehouses and stores, imply that security firms are engaged to check that the employees do not take anything from the workplace when they go home for the day. Normally, the bags of the staff are checked and receipts of what is in the bag need to be shown in order not to be suspected of theft.



Of those asked in the survey, slightly more than half state that there occur physical exit controls in their workplace, whereas eleven per cent state that they do not know.

According to the opinion of the Labor Court, physical exit controls are an adequate method of addressing internal thefts in workplaces, but a balancing of interests between the interest of the company in protecting against thefts and the interest of the employees in protecting personal privacy needs to be made in every workplace (Labor Court 1997, No. 29). The employer also needs to inform the employees about which consequences can be implied by a refusal to submit to the control. A single refusal does not alone constitute an objective ground for termination. Since personal data are processed in connection with the controls, the employer needs to see to it that the General Data Protection Reg is followed. This means among other things that the purpose of the controls shall be specified. A risk assessment in accordance with the Work Environment Act should also be made and a negotiation should be carried out with the trade union in accordance with MBL. As regards physical exit controls, it is also important that the routines and rules of the company, for example in the case of staff purchases and samples, are clear and that all employees have received information about these.

The attitudes of the members to physical exit controls are mixed in both warehouses and stores. The members place great value on knowing that their coworkers do not steal, and they think that physical exit controls contribute to reducing the risk of this. In this way, physical exit controls are perceived as contributing to more secure workplaces. As regards the security aspect, there are also several members who view physical exit controls as an opportunity to clear themselves of being distrusted. But at the same time, overall the employees thinks that it is very negative and offensive, if their employer does not trust them.

“Securitas checks us sometimes, something that reduces thefts and smuggling. It feels secure.”

“Negative, my bag and its contents are my personal property. Very offensive to my privacy to show every day to anybody.”

Physical exit controls also create disquiet around the difficulty of proving one’s innocence, since it is difficult to have receipts for everything that one brings to work in the bag. This leads to stress about the risk of being singled out, even if one has not stolen anything.

“It feels like we’re being checked the whole time, even if we haven’t done anything wrong. We are not in prison but we are doing a job for the company that they earn a lot of money on. In the case of suspicion, I can understand the company, but it also becomes hard for those who are innocent but feel suspected.”

“It is difficult to prove that one has purchased the products, other than by showing that they are used.”

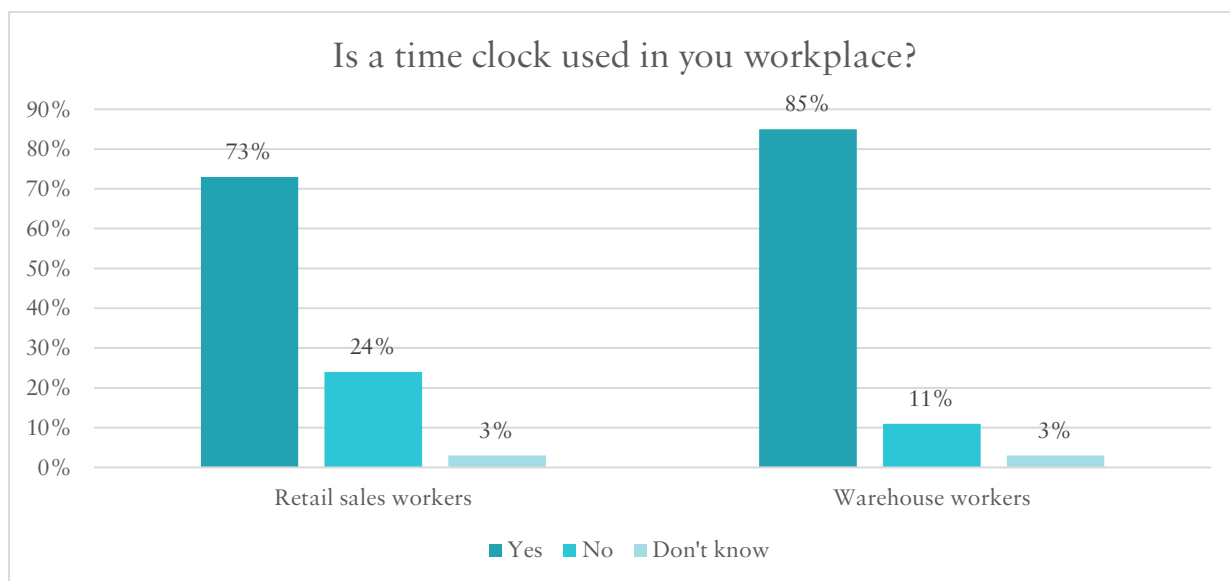
Physical exit controls are also seen as unfair, since they are carried out after work hours. The employees risk in this way to miss their bus home and are instead forced to use time to find, or line up for, somebody who can check their bags before they go home. The importance of engaging an authorized security firm to carry out the controls is also brought forward by the employees.

“I perceive them as negative. We have physical exit controls. I have clocked out. My workday is finished. My employer has no right to control me any longer. Even so, 70% of my working days I have to wait for the person on duty to come and inspect my bag and unlock before I can go home.”

“If a company wants checks when we go home, there should be security guards who carry them out and not colleagues who check - anyway, colleagues don’t check well enough, I think.”

Control measures that lead to disquiet, stress and placing under suspicion risk having a contrary effect on the motivation of employees to do a good job. The feeling of being a potential problem that must be controlled can also have a negative influence on the relation between the employees and the employer and therefore risk not yielding the gains that employers hope for.

4.5 Time Clock



In our survey, 73 per cent of retail sales workers reply that a time clock is used in their workplace, whereas the same figure for warehouse workers is 85 per cent. This makes the time clock the second most common system for monitoring /control of retail sales workers and by far the most common for warehouse workers. At the same time, a time clock could be seen as a technical solution for paying out wages in relation to work time, independent from control and monitoring aspects. The fact that many of the employees consider that the time clock system is not a neutral measurement of work time is, however, clear in our survey. Just as with the other monitoring systems, the employees' perception of the time clock is influenced by the use and purpose of it.

In those workplaces where the time clock implies a fair measurement, by for example allowing flex time for excess work time, the system is viewed as something positive: coworkers arrive on time and wage payments become fair.

“It is positive that you get paid (in flex time) for the minutes before and after the work period that one actually spends on starting and turning off the computer, unlock and lock store doors, etc.”

Where the time clock on the contrary implies an unfair measurement of work time, the free-text replies show that the employees think that the systems instead lead to worse working conditions. It is both about the fact that the time clock, due to its placement, results in employees' executing unpaid work after their working hours and that the measurement only adjusts the wage downward in the case of going home early but not upward, when the operations have led to that they have been obliged to remain after scheduled working hours.

“Our time clock is somewhat unfair. If I am 5-10 minutes early for my work period, it is still logged in such a way that I have clocked in right on time. But if I were to be 1 minute late, that is deducted directly on the time clock and an indication is made about “unauthorized time off” in our scheduling system. In that case, I think it should go in both directions, not just that on which our workplace can earn money.”

The fact that a seemingly neutral system for time measurement can also be used, contrary to the law and collective agreements, to adjust down the work time is also noticed among the replies. Here the members describe how the employers change punched time in order to avoid for example overtime payments.

“The boss can remove time if he thinks that one doesn’t work.”

“It is visible if you get overtime, but the boss removes time, if it is too much.”

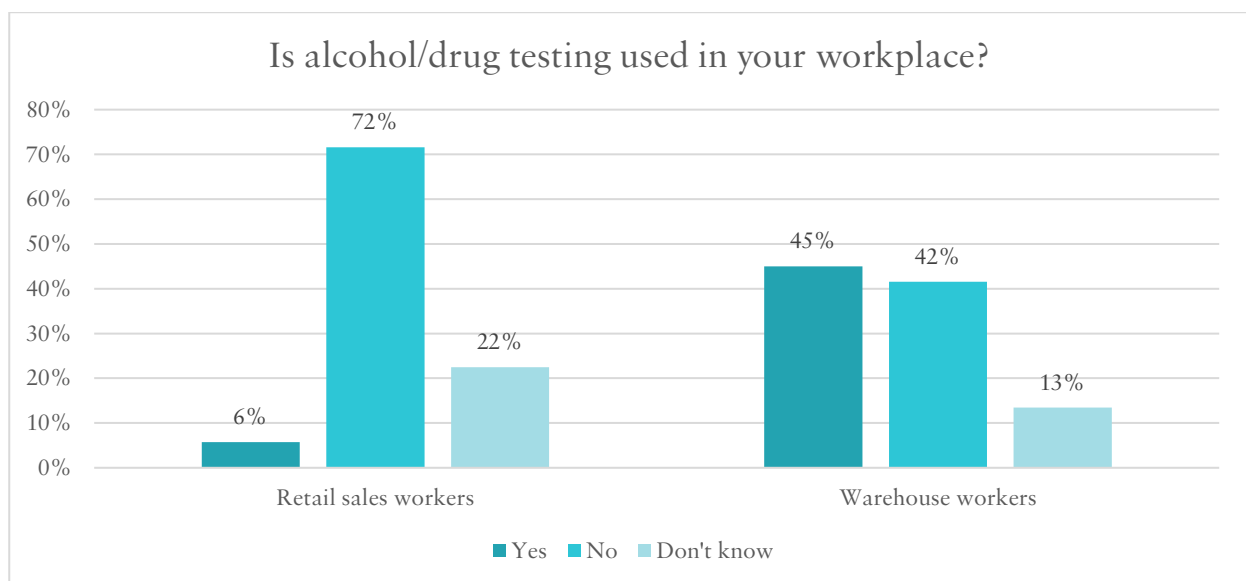
The members also describe that the time clock contributes to stress around individual minutes, since in some workplaces, as we have seen above, wage deductions or indications about late arrivals are made with very small time margins. In these cases, the time clock contributes to a feeling of distrust and that there is a lack of trust in the employees.

“It is a stress factor to punch out for breaks, you think about the clock all the time, since we get minute deductions for every minute that we exceed the break time.

“It is just negative, it feels stressful sometimes when it is placed far away from where one’s lockers are. Also, it feels like one is not trusted.”

Time reporting systems that are perceived as unfair or contribute to stress risk leading to increased distrust between employees and work management and thus to less motivated staff. But the problems that the employees associate with the time clock are also often about scheduling that does not function. For example, in the case of problems with constant excess time at the end of work periods, adjusting schedules and a greater influence for employees in scheduling could lead to that the employer schedules based on the time actually needed.

4.6 Alcohol and Drug Tests



Alcohol and drug testing is relatively uncommon for retail sales workers, of whom only six percent of those surveyed state that it occurs in their workplace. The same figure for warehouse workers is 45 per cent.

Test results that are coupled to individuals are sensitive personal data and the main rule in the General Data Protection Regulation is that sensitive personal data should never be saved. This means that there should be very strong and particular reasons, as well as a legitimate purpose, in order to be able to introduce any kind of alcohol and/or drug tests. Apart from considerations connected with the General Data Protection Regulation, the employer is also obliged to negotiate according to Sections 11-14 in MBL, before alcohol and/or drug tests are introduced. In addition, there should be made a risk and impact assessment according to the work environment regulation Systematic Work Environment Work (AFS 2001:1) and the safety representative should be involved according to the Work Environment Act. Even the work environment

regulation Work Adaptation (AFS 2020:5) can be relevant, if tests are directed against individual employees and even in that case, the safety representative and a union representative should be involved before the introduction. The rehabilitation process should, however, not be confused with general and/or random tests.

The employees see both advantages and disadvantages with alcohol and drug testing. In the free-text replies, the warehouse workers bring up security aspects, for example in the case of using a forklift and the possibility to get help with rehab measures from the employers as positive. At the same time, it is considered offensive and as being singled out to be subjected to tests and it also occurs that the tests become like a form of punishment.

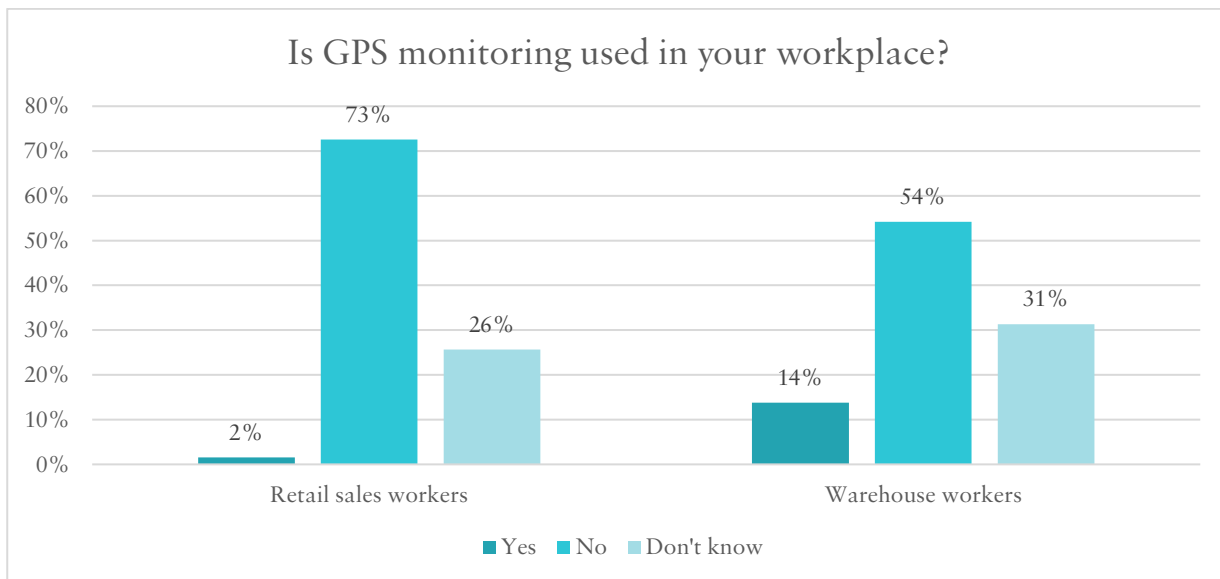
“Used as a form of punishment. If you are counted as troublesome, for example calling things into question, there are more tests. In spite of the fact that all the tests that one submits are good ...I might add that I am an abstainer...”

As neither warehouse or retail sales workers work in professions that fall under security classification as defined in the law, it is very doubtful whether it is normally included in the work management prerogative to test employees for alcohol and drugs. The fact that the professions are not classified means that jobs such as drivers and truck drivers instead fall under the possibility and prerogative of the police to conduct alcohol and drug testing according to the Traffic Crime Act. At the same time, there is a risk that a refusal to undergo testing is seen as a refusal to work and therefore imply risks for the employment relation. This is especially true if there are locally negotiated agreements about alcohol and drug testing but also without such agreements. If locally negotiated agreements about alcohol and drug testing are missing, then individual tests may be OK, but then the employees have the possibility to own the test results, and not the employer. From a societal perspective, extensive alcohol and drug testing risks excluding people who lie in the risk zone for drug abuse from the labor market, and thereby from an ordered life. In this way, the testing may have negative effects both on the individual and societal levels.

Alcohol and drug testing implies, as defined in the law, that especially sensitive information is collected and requires special considerations. Therefore, it can be in the interest of both the employers and the employees to avoid them. Instead of control measures and the collection of sensitive data, other voluntary methods can be used to counteract alcohol and drug abuse in the workplaces. Cooperation with ALNA, which is the labor market's own resource in alcohol and drug issues, and the negotiation and establishment of alcohol and drug policies together with the trade union is one way. Working toward workplaces that are characterized by clarity and openness, where work management and coworkers are attentive to problems that arise, should also be self-evident.

4.7 GPS Monitoring

GPS monitoring of for example work vehicles and work tools is used in working life for a variety of reasons. In the case of work vehicles, it may be about feedback on driving styles to create a driving style that is more environmentally friendly or safer for traffic, or work management in real time through so-called fleet management for taxis and deliveries, for example. GPS monitoring of work tools such as the digital picking tools of warehouse workers, for example scanners, also occurs internationally, for example in Amazon's warehouses.



Within the professional categories of the Swedish Commercial Employees' Union, there sometimes occurs GPS monitoring of trucks and staff vehicles for delivery and service companies. Of those consulted in our survey, 14 per cent of the warehouse workers state that there occurs GPS monitoring in their workplace, whereas the corresponding figure for retail sales workers is two per cent. This is thus one of the least common control measures for store and warehouse workers.

Since data collected using positioning technology linked to individuals involves a detailed mapping of what the employee is doing, information about an individual's location data is seen as particularly sensitive. This means that, in addition to the usual balancing of interests in accordance with the General Data Protection Regulation, GDPR, an impact assessment of the data protection must be carried out before systematic surveillance through positioning technology is introduced. In addition, a Data Protection Officer should be appointed in the field of fleet management (Grahn and Källström 2017).

The free-text replies concerning GPS monitoring are few. But concerns linked to positioning technology are about the technology creating stress by measuring the time the employees are in different places/on different assignments and concerns linked to the fact that the information collected would be misused.

"Stressful if you spend "too much time" in a workplace, then you're asked why you have been there for so long."

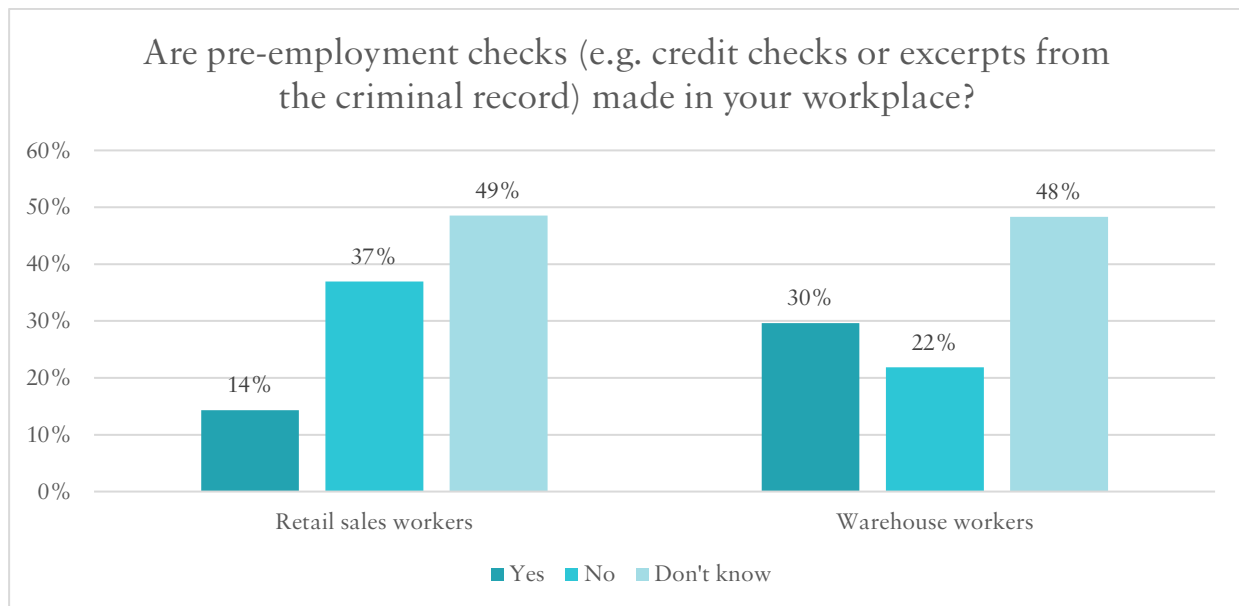
"So far, no discussions have come up, but I know that some colleagues have sat and watched on the computer where a particular vehicle was in real time for 'fun', which I consider to be directly inappropriate."

"Pure spying and info that can be used negatively."

Positioning technology can be seen by employers as an effective way of controlling employees' working hours. However, the use of GPS for this purpose is a particularly significant intrusion in employees' personal privacy. In two cases, IMY has found that it is not permissible to use positioning technology to control employees' working hours unless there is a concrete suspicion that an employee is seriously abusing time accounting. Using systems for streamlining and work planning may be allowed, but the monitoring must then not be very extensive or close-up and the follow-up must not involve a perfunctory control of time worked (Grahn and Källström 2017).

4.8 Pre-Employment Control

The use by recruiters and employers of online information searches and background checks, where, for example, applicants' social media are reviewed, is an increasingly common feature of recruitment processes. Likewise are excerpts from the criminal record and credit checks. Nowadays, AI technologies can also be used to analyze the emotional state of jobseekers and automatically sort out applications that are seen as undesirable (Eurofound 2020). Apart from the fact that similar systems risk violating the personal privacy of those who are exposed, there is also a risk that they lead to unfair or discriminatory employment decisions.



In our survey, 30 percent of warehouse workers state that there are pre-employment checks, while the same figure for retail sales workers is 14 percent. Nearly half of the respondents state that they do not know whether there is any such control taking place in their workplace. An expected figure, since transparency in the recruitment process is limited for employees and a few years may have passed since they themselves were hired.

According to the General Data Protection Regulation, only information that is relevant and adequate for the purpose may be processed. The kind of information that may be collected during a recruitment therefore depends on the type of position for which the candidate is considered. In the case of taking a credit report, it may only be done in the case of the appointment of posts with great financial responsibility, which neither store nor warehouse work can be considered as. If the employer wants to collect more personal data than those provided by the jobseekers themselves, information must also be provided to the candidates on how personal data are processed during the recruitment process.

Pre-employment controls are perceived to have both advantages and disadvantages. It can lead to honesty among those who are hired, but at the same time it risks preventing people from working because of their personal finances or a past that they have left behind.

"Credit checking feels negative. One can be a great employee and have financial worries, it is sad that one may be dropped because of that. Depends on what you have been convicted of in the past. You can even as a convicted person be a good employee despite your history, you can be grateful for a second chance."

The General Data Protection Regulation stipulates that for most employers, it is not allowed to process sensitive personal data or data on breaches of the law in connection with recruitment. However, there is no

legislation that protects job candidates against requirements to show extracts, even if it is not relevant for the position being applied for. Since it is difficult for an individual to know and be able to influence how recruitment is carried out, such legislation, which has been investigated several times, would be preferable for professional groups such as warehouse and retail sales workers.

Chapter 5. Conclusions

"It makes you do your work much worse when you feel like you're too controlled. Can't be positive either for staff or the company that you always feel like 'Big Brother watches you.'"

The results of our member survey are largely in line with previous studies and research on monitoring in working life. To begin with, it can be noted that monitoring is becoming increasingly common, and the means of monitoring are becoming increasingly numerous, concurrently with technology development. We see a particularly high increase in the amount of monitoring at warehouse workplaces in recent years, which is consistent with previous studies on the rapid automation and digitization in the wholesale trade (Carlén S & Rosenström M 2018). Different types of monitoring systems are today extremely common in commerce and the measures range from physical checks of the employees' bags at the end of the working day to advanced digital logging of each work step by the picking systems at the warehouses. However, how the surveillance is perceived by the employees is primarily not about which type of system is used, but rather about how it is carried out and how collected data or information is used. Whether the surveillance is perceived negatively or not is also largely about how the control measures are introduced and for what purpose.

A main purpose of this report was to find out how employees experience monitoring and how it influences the work environment. We have been able to establish that there is a number of problems with how monitoring in commerce is used today. Below we discuss them, similarities and differences for store and warehouse workers and what is required to minimize the risks of monitoring in the workplaces having negative consequences for the work environment and the employees.

5.1 What Distinguishes Monitoring in Stores and in Warehouses?

The survey shows that CCTV and a time clock are the most common monitoring systems in stores and warehouses. More than half of the respondents in both stores and warehouses also state that there are exit controls in their workplace. However, there are major differences between how the different systems are perceived. While the time clock usually does not have the same influence on the work environment, it is all the more common for CCTV to be perceived as problematic by employees, not least in stores. The same applies to digital picking systems that are becoming increasingly common in warehouse workplaces. Both systems also imply extensive information collection that enables real-time surveillance of employees' work performance.

5.1.1 In-Store Monitoring

As many as 94 per cent of retail sales workers state that there is at least one type of monitoring system or control measure in the workplace. Three out of four, 75 percent, state that CCTV occurs in their workplace. This is the surveillance system that retail sales workers associate to the greatest extent with both positive and negative consequences. Many of the members see CCTV as a security in the case of crimes and something that therefore creates a better work environment. At the same time, the cameras capture large parts of the employees' working time and are therefore easy for the employers to use for surveillance of the work of the employees and management of their work. This is something that many of the members also state that it occurs. This means a major restriction on personal privacy. The fact that new CCTV systems can give employers constant access to the recordings via their mobile phones increases the risks that the monitoring will turn into surveillance of the employees.

The real-time surveillance that occurs for retail sales workers is mainly linked to precisely CCTV. It is also the real-time surveillance that to a large extent affects whether the members consider the monitoring to be intrusive. 20 percent of retail sales workers state that some system is used to follow the work of employees

in real time, and in stores where there is real-time surveillance, 39 per cent of the members reply that they consider the monitoring and the controls to be intrusive to a fairly high or high extent. The corresponding figure in workplaces where there is no real-time surveillance is five per cent.

Often, several different monitoring systems exist in one and the same workplace and overall, the many different monitoring systems risk leading to more negative consequences for employees. Of the negative consequences for work and the work environment, the impact of monitoring on social contact with coworkers and increased workload stand out. One out of four, 25 per cent, are of the opinion that monitoring has a negative impact on social contact with coworkers and one out of five, 19 per cent, that the workload is influenced negatively.

Experiencing oneself to be constantly evaluated through, among other things, CCTV, mystery shoppers and the measurement of individual sales figures tends to lead to a pressure to deliver and to speeding up the work pace. This performance measurement, together with the real-time surveillance, increases the workload and makes employees avoid talking with their coworkers.

5.1.2 Monitoring in Warehouses

Of the warehouse workers, 97 per cent work where at least one type of monitoring system or control measure occurs. In larger warehouse workplaces (over 50 employees), the figure is as many as 100 per cent. Just like in stores, it is common for CCTV to occur in warehouses. Two-thirds, 66 percent, of all warehouse workers in the member survey state this. Even more common is the digital logging of work tasks that 70 percent say occurs. This mainly means digital picking systems recording information about the employees' work, sometimes down to the second. It is also this logging that is associated with the greatest problems for the warehouse workers. The registration by the digital picking systems of every executed work step implies that it can also for example be mapped how long breaks the employees take between every work step. Information from which the employees are then assessed in relation to, for example, the target numbers for the picking rate that the companies have set.

This performance measurement implies a number of problems for the work environment in terms, for example, of higher workload and stress. As many as 39 per cent of the warehouse workers state that the picking systems lead to a higher workload and 44 per cent that it influences social contact with coworkers negatively. We here also find a negative influence on for example the variation in work tasks and influence over how work is going to be executed.

For the warehouse workers, it is primarily precisely the picking systems that are used for the real-time surveillance that 29 per cent of the warehouse workers state are present, sometimes in combination with CCTV. Like retail sales workers, 39 percent of those subjected to real-time surveillance state that the monitoring and controls are intrusive to a fairly high or high degree. However, if there is no real-time surveillance, 16 per cent, compared to the five per cent of retail sales workers, still consider the surveillance to be intrusive to a fairly high or high extent. The extensive collection of information that the picking systems can imply, by logging each executed work step, can explain this high figure.

Even for warehouse workers, several different monitoring systems exist at the same time, which, overall, implies even more extensive monitoring and evaluation of work performance. Among warehouse workers, there is generally a significantly higher fraction than among retail sales workers who perceive that monitoring has negative consequences on their work and its execution. Among the warehouse workers, for example 36 per cent state that monitoring influences the motivation to do a good job in a negative way.

5.2 Which are the Problems with Monitoring in Commerce?

The presence of monitoring in the workplace does not automatically imply that the work environment is influenced negatively. As we have seen above, CCTV can contribute to a better work environment, if it is used in the right way. But research as well as our member survey shown that monitoring to a greater extent tends to have negative, rather than positive, impact on the work environment.

How monitoring is carried out is crucial for how it affects employees as well as the work environment. Monitoring that is used to measure and compare the performance of employees, that uses collected data for the purpose of disciplining, and that limits the freedom of action and self-control of employees has consequences in the form of a worsened work environment and more high-tension work as well as an increased risk of psychological as well as physical poor health among employees.

5.2.1 The work environment and the employees can be influenced negatively.

Our member survey showed particularly negative effects on workload and social contact with work mates, and especially at warehouse work sites. Staff management functions that were earlier handled on site by supervisors and bosses, such as for example control of how workflows on a daily basis or follow-up talks on how the employees perceive their situation in the workplace, can now be automated and integrated into digital systems that both control work pace and evaluate individual performance. In a similar way, CCTV is misused for surveillance and assessment of the work of retail sales workers. When the systems are used to manage work down to the second, it creates stress around the employee's own performance that has a negative impact on both workload and contact with co-workers. This since there is the risk that a few minutes of inactive time will be noticed and questioned. It also creates a feeling of being under constant surveillance, distrusted by management, and a strongly directed work that has the effect that a majority of the members in our survey compare the workplace to a prison.

"One is not allowed to talk, it feels like a prison."

Treating your employees as potential problems that need to be under surveillance risks damaging trust and the relationship between employees and the company. The use also risks having a contrary effect and create workplaces with an organizational culture that focusses on measurable dimensions of productivity where focus ends up more on negative aspects than encouraging behavior that one sees as desirable. This may in turn have negative consequences for the employer in the form of reduced creativity, motivation, and commitment among the employees. In addition, there is no clear evidence that monitoring leads to the efficiency gains that are desired; instead, there is even the risk that employees in protest start manipulating the results or slow down work. As one member expresses it:

"I might be a bit of a rebel. But the more you are controlled, the less you do."

Higher sickness and absence rates, together with less commitment among the employees, also risk being expensive business for employers in the long run. A situation where the employees are not allowed to think on their own, develop professional knowhow and act themselves with trust placed in them but instead work under strong direction and extensive monitoring does of course not lead to innovation and development.

5.2.2 The employers do not comply with legislation.

The fact that monitoring is used for an extensive direction of work or surveillance of employees in real time is an example of what is called a shift in purpose, that is to say that the monitoring and the collected data are used for other purposes than those for which they have originally been collected. In spite of the fact that it is in breach of the fundamental principle of the General Data Protection Regulation that state that data may only be collected for specific purposes, our member survey shows that many employers misuse the monitoring

systems in this way. Two out of ten store-employed members and three out of ten warehouse-employed members are of the opinion that real-time surveillance is something that occurs in their workplace. Apart from being in breach of legislation and influencing employees and the work environment negatively, this type of misuse also has a clear connection with the fact that employees perceive that the monitoring is intrusive.

The same is valid for workplaces where it is unclear what is being monitored, for what purpose and for what the information will be used. The member survey shows that in workplaces where the employer, contrary to existing legislation, has not informed about which type of monitoring is ongoing, monitoring is to a much greater extent seen as intrusive.

5.2.3 The trade union and the employees are not involved.

Employees tend to accept monitoring to a greater extent if it is transparent, if they are involved in its introduction, and if the results from the monitoring are used to develop employees rather than for a punitive purpose. The member survey shows, however, that knowledge about the monitoring systems and what they are used for is low among employees. Only 15 per cent of the members know what the collected information may and may not be used for. There are also shortcomings in trade union influence concerning monitoring and privacy issues. In response to the question whether one or several of the monitoring systems are negotiated with the trade union, only seven per cent of members in stores respectively 20 per cent of members in warehouses reply that this has been done. Also, uncertainty is very big among members. As many as 86 per cent of store members and 70 per cent of warehouse members do not know whether a negotiation has taken place.

It is, however, clear that the presence of a trade union branch, particularly in warehouse workplaces, plays a role in if the employees know their rights when it comes to what the collected information may be used for. At warehouse work sites with a union branch, as many as 78 per cent indicate that they have knowledge about this, compared to 55 per cent at warehouse work sites without a union branch.

5.3 Measures for a Better Work Environment and Privacy Protection in Working Life.

Below, a number of measures that are required to counteract that monitoring and controls in commerce lead to negative consequences for employees and the work environment will be discussed.

- **Monitoring as a last measure**

One of the most fundamental measures to make sure that the monitoring will not impact the work environment negatively or violate the privacy of the employees is that it has a legitimate purpose and is not used for any other purpose than this. With technical development, different types of monitoring systems are becoming ever more common and easily accessible. This means that they are increasingly often introduced in the workplace as a simple solution of an often more complex problem where technology also makes it possible for the monitoring systems to be used for more than what was originally the purpose. Monitoring systems and control measures that risk violating the privacy of employees and impact the work environment negatively, should be seen as a last measure to come to terms with a problem. For example, to prevent robberies, threats and violence in stores, alarms, closed cash management and no lone work can among other things be measures that are preferable to CCTV. If the purpose is instead to avoid accidents with forklifts in warehouses, then other measures can suitably be applied primarily, such as for example traffic rules, the obligation to give way, traffic signs, stop lines and ceiling mirrors.

- **No shift in purpose**

There is a clear connection between situations where the employer uses the monitoring systems for other purposes than the original one and the impact on the work environment and the perception of employees that the monitoring is intrusive. Apart from the negative impact on the workplace and the employees, this type of shift in purpose is not legal. Consequently, it is not permitted to routinely subject the employees to surveillance to check how they execute their work tasks. The law also has clear requirements on balancing where the interest of the employer in surveillance is placed against the interest of employees in not having their personal privacy violated. The fact that legislation is followed in these cases is consequently crucial to avoid that the monitoring is perceived as intrusive.

- **Informing Employees and making them involved**

The same is true for legislation that concerns employers' responsibility to provide information on which kind of monitoring that is occurring, for what the data are used and who has access to collected data. The fact that the employer is transparent about which type of monitoring is taking place and how it is used is fundamental to its acceptance by the employees. It is also of importance that employees are included already before monitoring systems are implemented in the workplace in order to ensure that the systems will not have negative consequences on the employees. Even as regards this aspect, employees have, via the trade union, a legal right to influence in the workplace via the Co-Determination in the Workplace Act (MBL), which among things stipulates that the employer is obliged to negotiate with the trade union, before major changes are carried out.

- **Negotiations with a trade union party**

MBL negotiations preceding the introduction, or change, of monitoring systems is an important tool for local union branches to minimize the risk of negative consequences of monitoring. To see to it that these negotiations are actually carried out is therefore an important task for union branches. As we acknowledged above, the uncertainty about how the monitoring systems are negotiated is great among the members.

The trade union also has other tools beyond MBL to make use of. The General Data Protection Regulation is of course the most fundamental legislation in the area, but the Work Environment Act and the work environment regulation Systematic Work Environment Management (AFS 2001:1) can also be relevant, when new monitoring systems and control measures are introduced. In the latter, there are among other things regulated the right to information and participation of the safety representatives and the employer's obligation to carry out risk assessments, in case changes may lead to risks of poor health among employees. Apart from laws and regulations, there are in many sectors agreements between trade unions and employers' associations as regards the use of monitoring systems and control measures that employers with a collective agreement need to relate to. Between the Swedish Commercial Employees' Union and the Swedish Trade Federation, the employer organization, there is a guidance document common to the parties as regards CCTV in stores and warehouses. In some sectors, there are also passages in collective agreements as regards monitoring and controls in the workplace as an additional tool for trade unions to use before the introduction of monitoring systems or when conflicts concerning them arise.

- **Knowledge-increasing efforts**

There is thus a large number of frameworks that employers must relate to when it comes to monitoring in the workplace, something that can be seen as both a strength and a weakness. A strength since there are several means for trade unions of bringing pressure to bear on employers in a conflict but a weakness since it is difficult to get an overview and comprehend what is valid, if one is not familiar with the issue. As we have seen in our member survey, the knowledge level is very low among members as regards the regulatory

frameworks that employers must relate to when it comes to monitoring and controls in the workplace. The fact that there is no comprehensive legislation about privacy protection in working life, in spite of the fact that a majority of governmental investigations over the years have pointed to the need for such legislation, is probably a major reason for the low knowledge level. Likewise, the General Data Protection Regulation has only existed since 2018 and there is still partially uncertainty about how it shall be applied. It is not unreasonable to believe that the knowledge level as regards the laws and rules that regulate monitoring and privacy in working life varies even among union representatives and employers. In order to ensure that legislation and other regulatory frameworks are followed, knowledge-increasing efforts are therefore required for both union-elected representatives and employers concerning what the regulatory frameworks look like and how they can be used in, among other things, negotiations between the parties. Employees also need to obtain greater knowledge about the regulatory frameworks in order to understand among other things which obligations the employer has and which rights they themselves have in the workplace. To increase knowledge among all parties about the regulatory frameworks is important not least because monitoring is increasing in working life while new types of monitoring systems that risk being more intrusive and detrimental to the work environment are becoming increasingly common.

- **Better work conditions**

An increased level of knowledge about the regulatory frameworks is important to get better organizing around these issues. But as with many other work environment issues in commerce, organizing around the issues is made more difficult by the high occurrence of precarious employment. The fact that such a high proportion of people in the sector are fixed-term employees, agency staff or involuntary part-time employees causes many not to dare to exert pressure on or exercise their rights against the employer for fear of not being allowed to continue work. The precarious conditions in the sector are also a major reason why personnel turnover is very high, something that, too, makes an improvement of knowledge and organizing around the issues more difficult. For labor to manage to organize better around questions that concern monitoring and privacy in working life, it is necessary to simultaneously continue to struggle for more secure employment in commerce.

5.4 Future Studies

As we have established earlier in the report, there is today a limited number of reports concerning how monitoring in working life impacts employees and the work environment and none, as far as we are aware, concerning the Swedish labor market and commerce. The fact that there are great problems when it comes to monitoring in stores and warehouses in Sweden is a conclusion that we can draw from this report. But there is a need for more studies. Among other things, there is a need to look more closely at the presence of digital monitoring and its consequences for work environment and employees in commerce. We know that it is increasing, not least in the form of digital picking systems in warehouses, and that there is several problems associated with them. Concurrently with technological development enabling new forms of monitoring and control of employees in working life, there is also a need to look more closely at these and their impact on employees and the work environment. For example, increased use of biometric data and algorithmic management may imply an even greater risk of violations of employees' privacy than earlier forms of monitoring systems.

Finally, there is also a need to look at more positive examples. One the one hand, as regards how other trade unions have worked effectively on issues concerning monitoring and privacy in negotiations and other local union work. On the other hand, we should study workplaces where there is a positive organizational culture that is characterized by trust between management and employees and where monitoring systems

and control measures are used for the purpose of making improvements for employees and the workplace, rather than the opposite.

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