

# When ‘Bossware’ Manages Workers: *A Policy Agenda to Stop Digital Surveillance and Automated-Decision-System Abuses*

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## Appendix 1: Increased Employer Powers with Bossware

| Employer Objectives                                                                                                | Increased Employer Powers with Bossware                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Harms to Workers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Facilitating ability to evaluate, reward, and discipline workers, and extract more and faster labor                | <ul style="list-style-type: none"> <li>Automatically flag infractions that would likely not have been picked up by human managers</li> <li>Track workers’ time in shorter increments</li> <li>Track workers’ body movements, location, voice, facial expression, heart rate, and other measures continuously</li> <li>Automate aggregation of minor infractions for discipline</li> <li>Amass and easily analyze and process large quantities of data including continuous video and audio recordings of workers</li> <li>Real-time performance-based ranking of workers</li> </ul> | <ul style="list-style-type: none"> <li>Harmful disciplinary practices and job precarity (e.g., more frequent discipline, shifting balance of power towards employers, information asymmetry, loss of autonomy)</li> <li>Loss of autonomy and deskilling of jobs (e.g., more prescriptive and rigid work directions and mandates enforced by bossware)</li> <li>Unhealthy and dangerous conditions (e.g., increasing risk of physical injury, exhaustion, and mental stress)</li> <li>Exploitative pay practices (e.g., requiring more work for the same pay)</li> <li>Suppression of worker organizing and collective bargaining</li> </ul> |
| Masking control by facilitating independent contractor misclassification and hiding joint employment relationships | <ul style="list-style-type: none"> <li>Surveil and closely dictate work demands to workers through their personal devices while denying employment relationships</li> <li>Combine close surveillance with subcontracting to maintain a highly controlled workforce</li> </ul>                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Misclassification and work fissuring (e.g., denial of employment and labor protections and denial of promised “flexibility”)</li> <li>Exploitative pay practices (e.g., wage theft from misclassification)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                |

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|                                                                            | <p>with the option of instantaneously severing any business relationships in the event that workers organize</p>                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Suppression of worker organizing and collective bargaining (e.g., terminating contracts with subcontractors that become unionized)</li> <li>• Barriers to accessing social insurance and work-related benefits</li> <li>• Discrimination and systemic inequity</li> </ul>                                        |
| Preventing unionization                                                    | <ul style="list-style-type: none"> <li>• Use algorithms, automated decision systems, and surveillance data that are opaque to workers to mask retaliation against workers who organize or speak up</li> <li>• Use surveillance data to identify and track worker organizing activity</li> </ul>                                                                                                       | <ul style="list-style-type: none"> <li>• Suppression of worker organizing and collective bargaining</li> </ul>                                                                                                                                                                                                                                            |
| Minimizing pay                                                             | <ul style="list-style-type: none"> <li>• Individualize pay based on a workers' particular attributes or individual characteristics rather than tasks involved</li> <li>• Facilitate bidding on pay rates between individual workers in a single workplace</li> <li>• Facilitate "rounding down" or shaving off of time from recorded work hours to reduce pay</li> </ul>                              | <ul style="list-style-type: none"> <li>• Exploitative pay practices (e.g., wage theft from misclassification, forced bidding that drives pay down for whole groups of workers, paying less than minimum wage)</li> </ul>                                                                                                                                  |
| Automating staffing decisions and task assignments to minimize labor costs | <ul style="list-style-type: none"> <li>• Automate task allocation</li> <li>• Automate reduction of hours during off-peak times</li> <li>• Facilitate access to surplus labor pool during peak times by replacing permanent employees with "gig" workers</li> <li>• Facilitate culling of workers during off-peak times</li> <li>• Pay by task and piecework instead of by time measured in</li> </ul> | <ul style="list-style-type: none"> <li>• Harmful disciplinary practices and job precarity (e.g., unfair firings and deactivations)</li> <li>• Loss of autonomy and deskilling of jobs</li> <li>• Misclassification and work fissuring</li> <li>• Exploitative pay practices (e.g., lower earnings, wage theft, reduced labor share of profits,</li> </ul> |

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|                                                                                              | <p>shifts, reducing need to pay workers for time in between tasks</p> <ul style="list-style-type: none"> <li>• Deskill and deconstruct work into tasks and rebundle tasks in a way that removes worker discretion, trims labor costs, and facilitates easy replacement of workers, who can be treated as interchangeable “cogs”</li> </ul> | <p>increase in unpaid work time, work intensification)</p> <ul style="list-style-type: none"> <li>• Loss of autonomy and deskilling of jobs (e.g., more mentally draining work to correct mistakes made by digital technologies, reduction in the value of workers’ expertise)</li> <li>• Suppression of worker organizing (e.g., unpredictable scheduling and precarity that stymies worker organizing)</li> </ul> |
| Reduce numbers of front-line supervisors and streamline decision-making for upper management | <ul style="list-style-type: none"> <li>• Rapid, real-time processing and synthesis of large volumes of opaque data</li> <li>• Automate or partially automate decisions on discipline, firings, promotions, pay, schedules, task allocation</li> </ul>                                                                                      | <ul style="list-style-type: none"> <li>• Harmful disciplinary practices and job precarity (e.g., lack of transparency, unfair or bad decisions with little recourse, fear of firings and deactivations)</li> <li>• Loss of autonomy and deskilling of jobs</li> </ul>                                                                                                                                               |