

# When ‘Bossware’ Manages Workers:

## A Policy Agenda to Stop Digital Surveillance and Automated-Decision-System Abuses

Employers are increasingly turning to digital technologies for help with various management functions, such as employee monitoring, pay-setting, staffing, performance evaluation, and discipline—but often without transparency, safeguards for accuracy, or recourse for workers who’ve been wronged.

### Key Points

- Digital surveillance and automated decision systems—or “bossware” tools— have given employers and businesses a wide range of increased powers in relation to workers (see **Appendix 1**).
- Employers’ increasing use of bossware has intensified a range of existing job quality problems, including harmful disciplinary practices, job precarity, lack of autonomy, poor working conditions, work fissuring, independent contractor misclassification, exploitative pay, unfair scheduling practices, barriers to accessing benefits, discrimination, inequity, and suppression of worker collective action.
- Policymakers seeking to respond to technological changes in the workplace should address job quality degradation in addition to privacy, discrimination, and potential job losses. This requires regulating both workplace digital surveillance and automated decision systems.
- State lawmakers can lead the way in designing effective public policy interventions to empower workers against bossware’s harms. (See **Figure 1** and **Appendix 2** for examples of promising recent state policymaking efforts.)

### Recommendations

- First, policymakers must update and expand existing foundational workplace protections and enforcement systems to counter bossware-related harms—including those governing worker health and safety, employment relationships, the right to organize, fair pay, and protections against abusive scheduling and overwork.
- Second, policymakers should also regulate bossware directly and develop robust and detailed provisions specifically related to evaluation, discipline, and pay practices.
- The updates and expansions recommended in this report are not in lieu of existing protections. To the extent bossware enables or fosters violations of anti-discrimination laws, wage laws, health and safety laws, and the like, employers and businesses using bossware must be held to account.

### Why This Matters

As powerful corporate and financial actors drive the integration of bossware into more sectors and kinds of jobs, policymakers must respond to establish robust guardrails governing bossware’s use, help strengthen worker organizations to serve as checks on abusive practices, and ensure that employers and businesses are held accountable for the harms caused by their use of bossware. By taking these steps, policymakers can provide workers with the tools to ensure that technology enhances job quality instead of degrading it.

### Read the Full Report

<https://www.nelp.org/insights-research/when-bossware-manages-workers-digital-surveillance-automated-decision-system-abuses>