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Wearable Technology in the Workplace

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Celebrating 25 years!

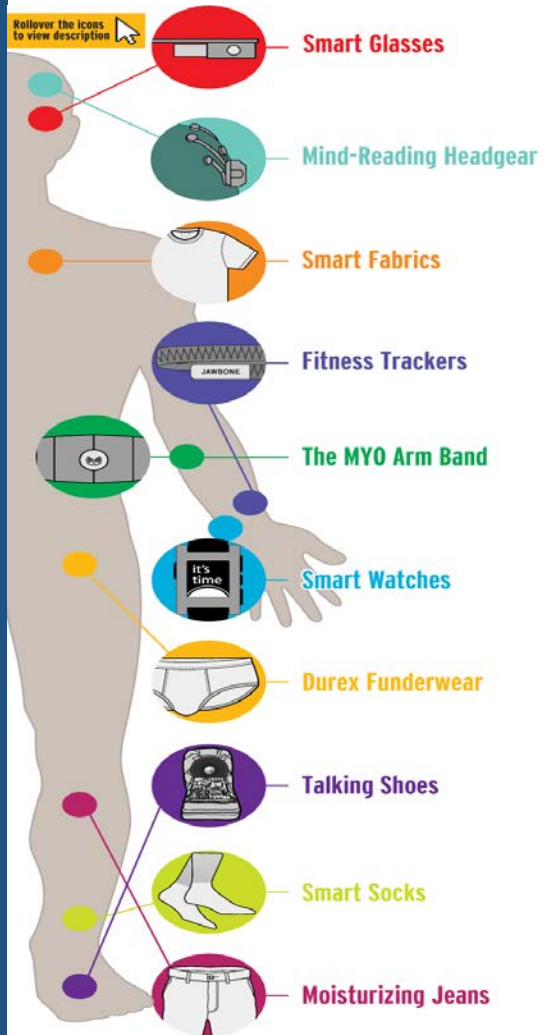
Jekyll Island Convention Center
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What is Wearable Technology



- Technology and functional materials that are attached to the body, unsupported by the hands
- Usually capable of connecting to the internet

Wearable Technology: Basics



- Fitness tracking bands
- Smart watches
- Smart eyewear
- Health wear

Wearable Technology: Basics

- Sleep monitors
- Pet fitness monitors
- Clothing materials
- Baby monitors



EMPLOYER USES



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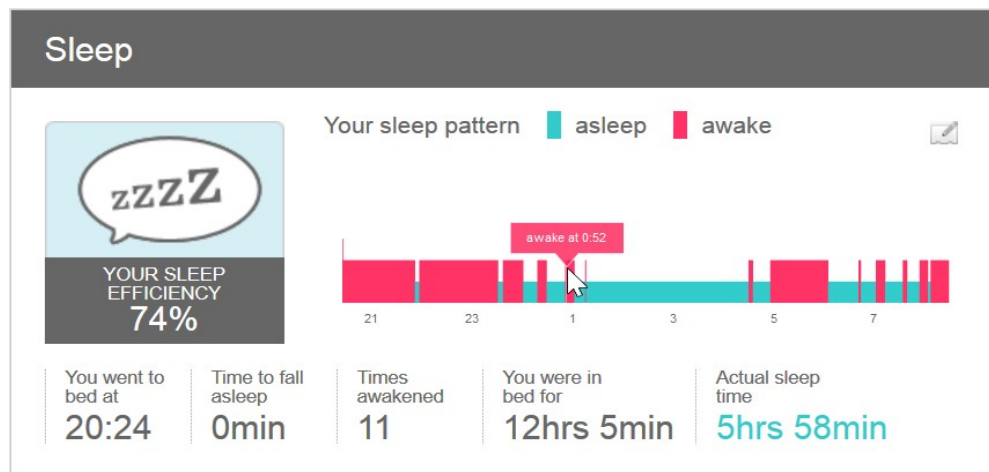
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Insurers & Care Providers

Will insurers / employers implement a "Snapshot" type program ?



Insurers & Medical Care Providers



- Doctors could obtain a detailed record of the statistics of their patients



- Doctors could use wearable technology during the active treatment of patients.



Benefits of Wearable technology

- Increased productivity
- Customer Service
- Accuracy
- Fatigue Monitors
- Collision prevention
- Training tool



Benefits of Wearable technology

- Better tracking of workplace injuries
- Keep tabs on worker productivity
- GPS and geo-fencing technology to track employee and equipment location
- Smart glasses can free up both hands





Business Considerations & Risks

Business Considerations

- **Detection:** Not readily detectable in the workplace
- **Productivity:** how do you monitor use of wearable devices in workplace?
- **Support :** increasing demands on IT departments to integrate devices

Business Considerations: Privacy

- **Security:** Wireless capability; limited data security features may result in unauthorized access to corporate data systems
- **Privacy:** different expectations of privacy



Wearable
Tech safe?



Business Considerations: Privacy

Thieves of Private & Company data can be...

- Current disgruntled employees
- Employees about to compete with you or go to work for competitors
- Competitors
- Vendors/suppliers

Business Considerations: Data Breach



Business Considerations: Data Breach

55%

The percentage of C-Suite Executives Surveyed that believe Malicious or Negligent Insider/Employees Are The Primary Cause of Data Breach

Business Consideration: Popularity



- Estimated **90 million** wearable data devices shipped to consumers in 2014
- **485 million** units by 2018
- Many will & do bring such devices into the workplace



Legal Considerations



Legal Considerations: Privacy

Where an employer has access or stores the data obtained from the wearable device, they must consider:

- Video Monitoring laws
- Audio Recording laws
- Data storage laws

Legal Considerations: Litigation

Hypothetical 1:

- An Employee with high blood pressure claims to have been denied certain jobs due to condition. The employee claims that the employer knew about his condition due to the data collected by the wearable technology the employer uses.

Legal Considerations: Litigation

Hypothetical 2:

- Employee is distracted by a wearable device and causes an injury or accident

Legal Considerations: Litigation

Hypothetical 3 :

- Employee files a EEOC claim for sexual harassment. The employee claims a supervisor uses a wearable device in manner to cause a hostile work environment

Legal Considerations: Litigation

The data collected may be:

- Discoverable evidence
- A tool to apply in settlement negotiations

Legal Considerations: Agency Oversight

The use of wearable technology may invite increased scrutiny from government agencies.

- Does wearable devices violate HIPAA or GINA
- Will use of wearable device sound the alarm for OSHA

Legal Considerations: Wage & Hour

Consider wage & hour issues of what truly constitutes work time.

- Ex: Whether an employee wearing googleglass during lunch or running a personal errand is “work-time”




Possible Solutions

Possible Solutions: Due Diligence

- Understand the technology
- Research the law
- Consider the likely dangers
- Perceptions by third parties

Possible Solutions: Notice

A person wearing a dark pinstriped suit is holding a large white rectangular sign in front of their face. The sign contains the text "Review & Update Employee Handbook".

Review & Update
Employee
Handbook

Possible Solutions: Policy

Strict guidelines on:

- **when** technology may be used
- **how** technology may be used
- **authorized** users of technology

Explicitly prohibit inappropriate recording

Possible Solutions: Policy

Update:

- privacy & confidentiality policy
- machine operation policies
- vehicle operation policies
- collection and use of company information policy

Possible Solutions: Training

- Obtain Consent
- Conduct training on proper use of technology and etiquette
- Do not treat non-users differently



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