Monitoring Remote Workers

Due to the coronavirus (COVID-19) pandemic, more employees are working remotely than ever before. And, even as businesses begin to reopen across the country, remote work will likely remain popular for the foreseeable future. While remote work arrangements help keep employees healthy and safe in the midst of the COVID-19 pandemic, they create unique challenges for teams and managers.

One of these challenges involves monitoring remote workers. Employers across the nation are leveraging various technologies and tools to monitor employee productivity, and active and idle time.

While these tools can help employers ensure employees are working while they're at home, they come with their own set of legal risks. Moreover, the practice of using such tools to monitor employees may create tension between employees and managers, as employees may feel like they're not being trusted.

There are benefits and drawbacks to monitoring remote employees, as well as a host of legal considerations. This article provides a general overview of the pros and cons of monitoring remote workers and outlines general best practices for doing so.

Pros and Cons of Monitoring Remote Employees

In addition to ensuring employees are remaining productive, there are a handful of other benefits to monitoring remote employees. These benefits include:

- **Improved management of employee burnout**—One of the most common issues remote employees face, especially if they're new to telecommuting, is maintaining a work-life balance. By monitoring employees' active and idle hours, employers can ensure that employees aren't overworking themselves.

- **Increased employee accountability**—If employees are aware that their work hours are being monitored, they're more likely to hold themselves accountable while they're online.

- **Improved insight into project timelines**—Employers can use the data gathered from monitoring to better assess project timelines and adjust for the future.

- **Increased insight into workplace processes**—Monitoring remote employees can clue managers into business processes that may or may not be working for employees. For example, this data could give insight into when employees sign on to work, when they're most productive and how much time is spent in meetings.

- **Added opportunity for recognition**—Through monitoring employees, employers may find that it's easier to recognize employees for doing a good job or meeting a tight deadline because they know what the employee is working on.

These are just a few of the benefits that monitoring remote employees can provide to employers. However, there are also disadvantages of monitoring remote employees that employers should consider.

Common disadvantages of remote worker monitoring include:

- **Increased feelings of distrust**—Employees may feel like their employer doesn't trust them to do their work from home if their employer is monitoring them. Additionally, employees may feel like their privacy is compromised. If not properly addressed, these feelings could lead to long-term negative effects like poor morale, low engagement and high turnover.

- **Added expenses**—If employers leverage new technologies to monitor remote workers, they often end up spending additional money to license or purchase such software.

- **Increased potential for micromanaging**—Certain managers may be more inclined to micromanage while monitoring remote workers. This can create inefficiencies because a manager is spending time micromanaging employees instead of working on other tasks.

- **Increased risk for legal pitfalls**—Monitoring remote employees comes with a unique set of legal considerations and risks. Employers should consult legal counsel prior to monitoring remote employees.

Employers will need to weigh the pros and cons of monitoring remote employees, and consult legal counsel before deciding whether its right for their organization.

Legal Considerations

Employers need to consider the legal implications of monitoring remote employees and consult legal counsel prior to monitoring such employees. Each employer will need to consider their unique risks and compliance obligations, and take state and local laws into consideration as well.

Generally speaking, employers face the same legal guidelines for monitoring remote workers' technology as they would monitoring the same technology in the workplace. However, many states have laws that require advance notice of monitoring to protect employee privacy. And if employees use personal devices for work purposes when working from home, employers may face additional legal requirements for advance notice of monitoring and data storage. Finally, employers requiring employees to utilize video conferencing to conduct business may face legal issues surrounding the recording of images and voices of employees if they don't expressly give their permission.

Because of these inherent legal risks, employers should consult legal counsel and create a formalized written policy to document plans for monitoring remote workers, including how employers plan to protect employee privacy and data.

Best Practices

If you've decided that monitoring remote employees is the right move for your organization, there are a few best practices to keep in mind to ensure that employees and managers are on the same page. These best practices include:

- **Communicate your plans**—To avoid feelings of distrust and frustration, transparent communication about your company's intent to monitor remote employees is key. Giving employees a heads up about monitoring, including what will be monitored and what your expectations for them are while they're working from home, will go a long way.

- **Establish formal written guidelines**—To ensure that managers avoid micromanaging employees, set clear guidelines for what will be tracked and how often managers should be reviewing such data. This will also help employees feel like their privacy is being respected, as managers should be focusing on specific aspects. All guidelines should be documented in a formal written policy that is readily accessible for employees to review.

- **Be open to making changes**—The data you gather while monitoring remote employees may point out inefficiencies in workplace processes. It could also reveal that employees are working more productively at home. On the contrary, if the data reveals that employees are struggling with a procedure or project, you may need to make necessary adjustments. If the data reveals that there are changes that could be made to benefit the overall workplace, employers should be open to making those changes.

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