

# How To Embrace Wearable Tech In The Workplace

Law360, New York (August 13, 2013, 11:52 AM ET) -- As amazing and stylish (and a little bit futuristic) as ruby slippers or Superman's cape or Hermione's time turner seemed in their day, fashion and science merge and advance, yet again, with innovations in "wearable technology." Recent product offerings (and some not quite ready for market) are about to bring these amazing and innovative products into all (well, perhaps not quite yet all but pretty soon most) of our daily lives.

Without question, people will soon expect to be able to wear or bring this wearable technology into the workplace. While some naysayers complain about the erosion of privacy or a lack of real social interaction that these products may engender, it is indisputable that these products are coming and becoming ubiquitous in our culture.

Employers should be prepared to embrace the watches and glasses and even clothing that lead the wearable technology trend and should proactively be developing policies to weave these products seamlessly into the fabric of their workplace. Below are some old and stodgy workplace topics that could be impacted and (should be) updated in light of these bright and shiny new fashion concepts and technology.

## **Employee Productivity**

Much of the new wearable technology can track everything from how you sleep to how you eat to how you exercise (or when you've been inactive for too long).[1] This technology could presumably also be programmed to track the productivity and performance of any number of employee job functions: route drivers, nurses, production line workers, fast-food servers — the possibilities are endless.

## **Employee Monitoring**

One person's process improvement could be another person's unfair labor practice or wage and hour violation or, well, you get the picture. As with any new technology, employers will need to consider the impact wearable technology has on how the company keeps time records, tracks employee "off the clock" activities, and enforces existing equal employment opportunity (anti-discrimination, harassment or retaliation) policies as well as how all of these technological advancements will interact with existing federal and state labor, employment and wage and hour laws.

## **Health Care (and Healthy Lifestyles)**

See above regarding what this wearable technology can track, but many wearable products also double as fitness trackers or can track other healthy (or unhealthy) "heart rate patterns, motion, perspiration and skin temperature and promote 'healthy habits,' like getting to bed at the right time each night." [2]

Consider the advantages such products could provide to health care companies, health care providers or even employers trying to incentivize healthy lifestyles. Consider further, the game-changing (and playing field-leveling) benefits such technology could provide to persons with severe disabilities.

## **Market Data**

Customers sporting wearable technology could ostensibly provide a wealth of consumer information to its producer, which could help sales forces identify target markets and audiences. As one commentator put it: “Just think of the commercial value of the information that [Google \[glass\]](#)’s extensive algorithms could gather from this wealth of data.”[3]

## **Trade Secrets and Confidential Information**

When and where the technology can be worn needs to be considered. Company outing, probably; trade show, closer call; corporate board meeting, probably not.[4] Wearable technology also will undoubtedly alter the parameters of workplace privacy expectations from both sides of the employment relationship. Talk about “A Brave New World!”

## **Training**

Wearable technology might also provide an unique method of training employees, particularly those who work remotely or for smaller companies with limited travel budgets. Supervisors could observe (or employees could record) the manner in which that employee performs his/her job. The video could then be reviewed by both the supervisor and the employee to evaluate efficiencies and determine what else could be done to improve performance.

Similarly, wearable technology could be used to develop training videos in locations where it might otherwise be difficult to set up and transport (or be unable to accommodate physically) traditional recording equipment (confined spaces, mines or tunnel operations, small work areas or work surfaces, even surgical procedures come to mind).

## **Workplace Safety**

Companies with manufacturing elements or hazardous work conditions may need to consider the impact of wearable technology on workplace safety. The heads-up display of certain glasses may prove to be too distracting to perform certain jobs safely, which could lead to accidents and claims.

But other products provide hand-touch technology, which would allow the individual wearing a pair of specialized gloves to answer their devices without removing the glove or their hands from the wheel.[5] For now, companies that employ drivers or require driving (of any type of vehicle) should be aware of and comply with any legislation banning (or curtailing) the use of such technology while driving.

## **We’re Not in Kansas Anymore (or on Krypton or at Hogwarts for That Matter)**

Wearable technology has the potential to revolutionize the way people work and interact. To keep up with these changing times, employers should be aware of the potential issues associated with this intriguing new technology and think strategically about the impact on its operations and workforce.

Employers should also consider reviewing and updating their existing workplace policies, with particular attention to their technology, communications and social media usage policies.

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[1]

[http://www.cnbc.com/id/100772890?slide=4&\\_\\_source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20](http://www.cnbc.com/id/100772890?slide=4&__source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20)

[2]

[http://www.cnbc.com/id/100772890?slide=5&\\_\\_source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20](http://www.cnbc.com/id/100772890?slide=5&__source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20) Another product is designed to provide a “gentle buzz” when the wearer’s posture is wrong, which would improve employee health and reduce back related injuries.

[3] <http://www.telegraph.co.uk/technology/news/10091565/Wearable-technology-a-vision-for-the-future.html>

[4] Indeed, Google itself recently banned the use of “cameras” at its annual shareholders meetings, which included its own Google Glass. <http://finance.yahoo.com/news/google-glass-banned-shareholder-meeting-093913027.html>

[5]

[http://www.cnbc.com/id/100772890?slide=5&\\_\\_source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20](http://www.cnbc.com/id/100772890?slide=5&__source=yahoo%7Cfinance%7Cinline%7Cstory%7Cstory&par=yahoo&doc=100798068%7CGoogle%20Glass%20Banned%20From%20)