

CAN YOUR EMPLOYER READ YOUR MIND

Category: Commercial Law, Privacy Law, Infosec, and POPIA, Technology Law
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If you think your boss is a bit nosy and intrusive be thankful that you don't work for a state-owned enterprise in China. Employees' brain waves are reportedly being monitored in workplaces such as factories and military operations.

Thankfully, the technology is not advanced enough where employers can read the minds of workers. The technology does however, detect and analyze, with combined use of special Artificial Intelligence ("AI") algorithms, the emotions of workers which include anger, rage, anxiety or sadness.

Employers use this data from their workers to increase productivity. This is done by changing workflows, adjusting break schedules and if a worker has overly high levels of stress, they might be sent home for the rest of the day. This exercise has been so successful that Chinese companies have reported a substantial boost in profits.

The technology seems to be a stark invasion of privacy and would probably raise a lot of issues in any other jurisdiction with some sort of privacy laws. The technology does have some useful applications other than putting more money in the pocket of a company, for example a train operator who wears a sensor, can trigger an alarm if he or she falls asleep thereby averting danger and saving lives. On the other hand, technological advancements like this point towards the era of surveillance which we find ourselves in today. The most important questions arise as to how we as individuals can protect ourselves and our privacy.

Luckily in South Africa we have a good framework of laws that protects workers and individual rights. Ultimately, maybe one-day technology will be able to read our minds but until then let's enjoy the privacy of our thoughts.