

June 14, 2023

By electronic submission: <http://www.regulations.gov>

Arati Prabhakar, Ph.D.  
Director  
White House Office of Science and Technology Policy (OSTP)  
Executive Office of the President  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue  
Washington, D.C. 20504

**RE: Request for Information; Automated Worker Surveillance and Management; (Document ID OSTP\_FRDOC\_0001-0004).**

Dear Director Prabhakar:

[SHRM](#) is in the middle of marking its 75th year as the voice of all things work, workers and the workplace. SHRM is the foremost expert, convener and thought leader on issues impacting today's evolving workplaces. With nearly 325,000 members in 165 countries, SHRM impacts the lives of more than 235 million workers and families globally.

SHRM recognizes the importance of safeguarding workers' rights, opportunities, access, health and safety while ensuring that employers can make informed business decisions in the workplace. Employers leverage technology and management tools across many business functions, including measuring accountability, process improvement, performance feedback, workload management, attendance and adherence to company policy. With technological advances and increased computing power, organizations can now leverage data, rather than anecdotes or qualitative information, to evaluate the efficiency of HR processes, employee productivity, diversity and attrition.

Employers are increasingly concerned about issues related to the legal risk associated with remote work, violence in the workplace, identity and property theft, lowered productivity, and on-the-job accidents and injuries. Employers must find appropriate ways to minimize these risks, and the ever-increasing associated costs of litigation. As a result, many employers turn to new technologies to prevent injuries, misconduct and other types of loss. Employers must also be mindful of the differences in a patchwork of state laws. While guarding against these risks, companies also must balance their business interests with the reasonable expectations of the privacy of their employees.

The potential benefit of the use of any technology must be weighed against potential risks. SHRM has long been at the forefront of helping employers navigate their business, compliance and safety needs against other potential risks, including privacy risks. To this end, SHRM has developed a comprehensive toolkit and supplemental resources to assist organizations in managing workplace productivity, analysis and employee engagement.<sup>1</sup> The toolkit includes sample policies, information

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<sup>1</sup> <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/workplaceprivacy.aspx>.



on legal restrictions on workplace monitoring, workplace-based searches and navigating these issues for multinational organizations.

HR leaders and organizations are also increasingly looking to people analytics as a tool to address some of the most pressing workplace issues. People analytics can be defined as the practice of collecting and analyzing employee (or applicant) data to understand, improve and optimize business outcomes; and 72 percent of HR executives using people analytics say that this adds the most value to their company.<sup>2</sup> SHRM's new research report, *The Use of People Analytics in Human Resources: Current State and Best Practices Moving Forward*, offers insights into how artificial intelligence (AI)-driven people analytics are affecting work, workers and the workplace.

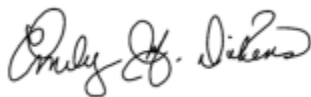
SHRM research found that 38 percent of HR professionals whose organizations use people analytics say that their organization is looking to start using or expanding its use of people analytics for employee productivity monitoring in the next five years. Additional SHRM data on people analytics collected in 2021 indicates that over half of U.S. workers are comfortable with their organization collecting their performance data (68 percent), demographic data (62 percent) and productivity data (58 percent).

Included in automated systems is AI, which plays an important role in the current and future of work. HR professionals are looking to AI technology and automated employment decision tools to meet the needs of their organizations, including talent acquisition, retention, performance management and much more. These innovations are being leveraged in the workplace to manage the full employee life cycle, from sourcing and recruitment to performance management and employee development. Today, 1 in 4 organizations report using AI to support HR-related activities<sup>3</sup>; and 43 percent of CHROs say they plan to invest more in AI/automation for HR activities.

While some of the technologies and applications mentioned in OSTP's RFI may be new and unfamiliar to many, SHRM believes there is a strong conceptual foundation for balancing any competing interests between an employer's business and compliance and safety needs against other potential risks, including privacy risks.

HR professionals are at the intersection of workplace innovation and the increasingly complex policy environment as policymakers begin to regulate and address evolving technology uses in the workplace. SHRM looks forward to partnering with the Biden administration as our members are well-positioned to lead the conversation on this developing issue to best address the current, and future, needs of the workplace.

Sincerely,



Emily M. Dickens, J.D.  
Chief of Staff, Head of Public Affairs & Corporate Secretary

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<sup>2</sup> [The Use of People Analytics in Human Resources: Current State and Best Practices Moving Forward](#).

<sup>3</sup> SHRM 2022 Talent Trends Survey.