



Smart Glasses, Smarter HR Policies: Navigating Recording Devices in Today's Workplace

The use of wearable recording devices, such as Meta glasses, in the workplace raises a variety of ethical, legal, and security concerns for employers. While these new wearable devices can offer the wearer convenience, hands-free documentation, and real-time communication, the ability to discreetly, and potentially surreptitiously, capture audio, video, or even biometric data presents serious risks, particularly when it comes to privacy, data protection, and employee rights.

One of the primary risks of wearable recording devices in the workplace is the potential for inadvertent recording of sensitive or confidential information. In many workplaces, particularly those in healthcare, finance, law, or tech, even a small excerpt of recorded conversation or visual data could expose proprietary information, patient details, or trade secrets. If these recordings are stored insecurely or shared without proper safeguards, organizations could face data breaches, legal action, and reputational damage.

There are legal and criminal concerns regarding the recording of conversations in the workplace. Wearable recording devices, which can discreetly record audio and video, may run afoul of the one-party and two-party consent laws. As the devices are designed to be inconspicuous, individuals may be unaware that they are being recorded, or the devices may pick up conversations to which the wearer is not a party. This could potentially expose users (and their employers) to criminal or civil liability. Businesses should be especially weary of the use and presence of these devices during meetings where unauthorized recording could not only capture confidential information, but also violate wiretapping statutes and privacy and data protection laws.

Another concern is the potential chilling effect on employee collaboration and workplace culture. Knowing that a colleague could be recording interactions might inhibit open communication, reduce trust, and increase uneasiness among staff. This could ultimately negatively impact productivity and workplace morale. To address these issues, employers should consider developing clear policies around wearable technology, outlining where and when such devices can be used, and educating employees on the capabilities and limitations of these tools.

Technology and employees' interest and engagement with such tools is likely to continue to increase. Employers should proactively consider how they wish to respond to these trends so that they do not find themselves in a position where there is a need to react defensively. If you have any questions regarding wearable recording devices or any other employment related questions, please contact:

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