

Bluetooth Headsets Are SO 2000s – Here's What Employees Are Wearing in 2014

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We have all experienced that awkward moment where you respond to what you think is a co-worker's attempt at small talk while passing in the hallway or riding in an elevator, only to find out that he or she was actually talking to someone else on a Bluetooth headset. Bluetooth headsets arrived in the late 90s and became commonplace in the 2000s. As a result, employers are well-versed in dealing with Bluetooth headsets in the workplace. In the years to come, however, employers will have to contend with a lot more than the now run-of-the-mill Bluetooth headset.

The Consumer Electronics Show (CES) is an annual event that provides a forum for companies around the world to introduce the latest and greatest in consumer technology. Over the last 40 years, items introduced included the VCR, the camcorder, the CD player, HDTV, the plasma TV and Ford's Electric Focus. In 2014, wearable technology or "wearable tech" took center stage at CES. As the name implies, wearable tech describes a group of consumer technology products that can be worn rather than simply used. For example, several companies have introduced touchscreen watches. The watches work with a user's smartphone and allow the user to read messages or take phone calls without ever removing their smartphone from their pocket. Google's highly publicized Google Glass is another example. Google Glass looks like a pair of normal eyeglasses. However, the lenses double as an interactive, smartphone-like display, and the built-in cameras allow for the real-time recording and photographing of whatever the wearer is looking at. If you are interested in more examples, a simple Internet search for "wearable tech" will provide you with more than you can imagine.

As wearable tech becomes more mainstream, it will become more visible in the workplace. Industries with a younger workforce and those with high turnover will be some of the first to deal with wearable tech. At that point, we will likely begin to see publicized disputes and lawsuits between employees and companies that have workplace privacy concerns (such as hospitals and others in the health care industry), as well as companies whose employees have a lot of customer contact (such as restaurants and others in the service industry). Just imagine a waiter's smart watch displaying an inappropriate text message while he or she is talking to a customer, or the smart glasses of a nurse broadcasting on social media the protected health information of a patient. As the disputes and lawsuits draw more publicity, we may even see legislation focused on wearable tech in the workplace—just as we have seen recent legislation focused on social media in the workplace.

As with any new workplace issue, there is no one-size-fits-all response to wearable tech. A reasonable response will need to be tailored to the needs and goals of each individual employer. That said, there are some common policies that will need to be updated should wearable tech begin appearing in your company's workplace:

- 1. Cell Phone/Messaging Policies**

These policies will need to be expanded to include wearable tech. For example, if cell phones are banned during certain working hours, policies will need to be updated to include other devices that allow employees to place telephone calls or send messages without physically using their smartphone. Employers could also require employees to disable the 'smart' in their wearable

tech. For example, employees could be required to disable the messaging or telephone function on smart watches during working hours.

2. Appearance Policies

Employers, especially those in the service industry, may want to update their appearance policies to address wearable tech. Wearable tech comes in all shapes, sizes and sounds – from bracelets that beep, ring or buzz to necklaces that light up, flash and strobe. Employers may wish to prohibit the wearing of such items altogether, or employers may simply require that any noise-making or light-emitting features be disabled during work hours.

3. Monitoring/Recording/Photographing Policies

Many employers have policies that prohibit the secret recording/monitoring of communications in the workplace. Most wearable tech allows users to record conversations, make videos or take photographs virtually unnoticed. These policies, therefore, need to be expanded to include wearable tech. If your company does not have such a policy, it may be time to consider implementing one. Don't forget to ensure that the policies do not violate the National Labor Relations Act, which gives employees the right to photograph and record their working conditions under certain circumstances.

4. Internet/Technology Policies

These policies typically control how and when employees can access/use the Internet. Most wearable tech allows for some form of Internet access. Therefore, employers' Internet/technology policies should be expanded accordingly. As before, the policies need to clearly inform employees that they have no right to privacy when using the company's Internet or Internet connection (i.e., the company's Wi-Fi) and that the company can electronically search any device connected to the company's Internet connection. While employers should always proceed with caution before electronically searching the personal property of their employees, Internet/technology policies need to make clear that employers have the right to do so.

5. Social Media Policies

The degree to which your social media policy encompasses wearable tech will largely depend on the degree to which social media is utilized or allowed by your company. Most wearable tech seamlessly connects to social media, and it allows users to automatically update their social media accounts. Say, for example, a company provides home health services. The company sends its employees to the homes of several patients throughout the day. The patients' identities and addresses are, of course, confidential. Several social media websites allow users to check-in or report their location to their followers. Wearable tech (and even a smartphone) can do this automatically. Moving our example forward, when an employee arrives at a patient's house, his or her location (i.e., the patient's address) is broadcast on the employee's social media accounts. To prevent this, the company's social media policy could be updated to require that all electronic devices be disconnected from any social media accounts during working hours.

6. Driving Policies

This one is obvious, but it is an important one to remember. If an employer has a policy outlining what an employee can or cannot do while operating a vehicle, that policy needs to be expanded to include wearable tech. Updating the policy may be as simple as adding the following language: "cell phone(s) or other electronic device(s)." Regardless of the final form it takes, the updated policy needs to make clear to all employees that reading a text message on your smart watch is no more allowed than reading it on your cell phone.

Whether wearable tech is a fad or here to stay remains to be seen. Nevertheless, technology's impact on the workplace will without question continue to grow. Employers need to be mindful of this and ensure that their policies and practices stay both current and effective.