



Mineral



Question of the Week

DECEMBER 07, 2022

QUESTION

Lately, we've noticed employees using wearable devices while working. We have a policy that limits personal cell phone use at work. Can we expand that to include wearables like smartwatches?

ANSWER

Yes, you can expand your policy to include wearables or other smart devices that might cause distractions to your employees while they are working. Here are a few things to consider when revising your policies:

- Focus your policy on the employee's actions and not the technology itself. If your policy is written broadly enough to keep up with evolving technology, you won't need to update it to account for every new kind of device.
- Address how mobile devices may affect workplace safety, customer service, productivity, and security. Employees may be more receptive to limits on their use of personal devices if they understand the reasons for it.
- Allow devices to be used during break and meal periods. Employees should be allowed to use their devices when they're not working, as this time must be their own to satisfy wage and hour laws.
- Smartwatches have health and fitness features, so there may also be reasonable accommodations implications under the Americans with Disabilities Act (ADA). For example, an employee might use a smartwatch to keep an eye on their heart rate or respiration. Learn more about the ADA on the platform.

- You can prohibit the use of devices that may be distracting while employees are working, especially if there are safety issues. Employees can be expected to give their undivided attention to the work you pay them to perform, and if that means smart devices need to be turned off or put away, you're entitled to make this request.
- You should consider whether employees need to be reachable during the day for emergencies (like most parents). If your workplace doesn't have a central line or a way for employees to be reached directly, it may be unreasonable to require that phones or devices be turned completely off.
- While you can ask that wearable devices be turned off or put away, you may want to instead limit what employees are doing with their smart devices (e.g., texting). Many people use smartwatches for telling the time, and if their phones are also put away, they may not have another way of getting that information, which could ultimately affect productivity.
- You could also opt to allow limited use when employees are working. For example, a non-customer-facing employee may be able to use headphones and their mobile device to listen to music while completing their work.

This Q&A does not constitute legal advice and does not address state or local law.