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UNI EUROPA ICTS **POSITION ON** **ARTIFICIAL INTELLIGENCE** **EXECUTIVE SUMMARY**



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INTRODUCTION

UNI Europa ICTS recognizes the innovative and beneficial potential of Artificial Intelligence (AI) and other new technologies that are transforming our global economy. Ideally, we believe that scientific and technological progress should improve people's lives and—at this critical moment in human history—combat climate change. UNI Europa is committed to joining the dialogue about AI and working towards a just transition that serves the needs of workers in all jobs and sectors.

We know that all new technologies create opportunities and challenges. In the case of AI, the challenges related to the quality and quantity of work, skills and training, ethics, equality, and health and safety are of great concern. We want to assist our members as they enter the new world of work in the coming years, and we want to raise awareness about the opportunities and the risks that AI represents.

Without social dialogue, we cannot build the best strategy for AI. European trade unions and employer organisations as social partners have an essential role to play in resolving complex questions regarding employment, training, the nature of work, inequality, and social protection systems.

In this report, UNI Europa highlights several ways that trade unions must engage in the AI debate to protect workers' rights, human rights, and decent working standards. We are pleased that many of our member organisations have already developed their own strategies on AI, providing a foundation for current and future bargaining.

We believe that the essential instruments for active employee participation in the future are raising awareness through open communication and collective bargaining. Therefore, with the goal of greater awareness and with input from our members, we have identified three topics of concern:

- Data Collection and Management
- Skills and Training
- Fair and Just Transition

In each of these areas, we discuss our critical concerns and demands as they relate to collective bargaining on AI and related issues. We understand that the results of negotiations will differ depending on the context of each nation, sector, or company.

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DATA COLLECTION AND MANAGEMENT



Regardless of the purpose of AI systems and how they are implemented, most will require the input of data. In the following section, we discuss trade union responses and recommendations related to data in three categories: data collection, data management, and data analysis bias.

DATA COLLECTION AND SOCIAL PARTNER NEGOTIATIONS

The challenges regarding data collection have ethical, practical, and legal dimensions. The design and implementation of AI systems should respect the privacy rights of all concerned persons, especially the employees involved in the development and use of the systems. Unions should advocate for social partner negotiations regarding data collection. Among other issues, such negotiations could include:

- **Justification, suitability, and the principle of minimum invasion.** The legitimate purpose of the data collection should be established and links between the specific model for data collection and the desired outcomes should be clarified.
- **Precision.** The methods for data collection should be sophisticated enough to collect only the data related to the intended workplace. All parties involved should be sure that the collected data is the correct data, and only the correct data, respecting the principle of data minimisation.
- **Ethics.** Negotiations should stipulate what types of data collection would constitute a breach of personal and ethical boundaries, and therefore should never be collected.
- **Accountability and transparency.** Executive management should be accountable to the collective group of workers regarding the lifecycle of data, including data gathering, use, storage, moving, and “offboarding” or selling of personal data. This direct accountability to the collective is a huge gap in the General Data Protection Regulation (GDPR) that must be addressed.

- **Governance.** A data and AI governance council should be established or the duties and responsibilities of such a council should be added to existing dialogue structures, such as works councils.¹ With unions, companies should create mechanisms through which data collection can be monitored, evaluated, and ameliorated.

Companies subject to the European GDPR are supposed to respect some of the requirements discussed above and to document them. However, trade unions do not necessarily have the right to access this documentation or to negotiate the purpose and method of using AI and other data-driven systems. This is a significant challenge for future negotiations.

WORKERS' ROLES IN DATA MANAGEMENT

As with data collection, the challenges related to data management should be addressed in negotiations between social partners. Data management must comply with existing legislation and regulation, including the GDPR. Management should be held accountable and be auditable with regard to any data management that includes personal data. Although accountability is a GDPR requirement, companies are currently not obliged to be audited regarding their management of workers' data. We believe that workers have a right to know and to influence how and where their data is stored. They should also know and influence when and where data is moved and who has access to their data. Imperatives for social partner negotiations include:

- **Justification and prior consultation.** Any method for management of worker-generated data should be warranted by the purpose of the data collection, including establishing which humans and which computer systems can access the data and the length of time the data will be stored. Workers' representatives should be consulted about these processes.
- **Control and access.** Before a data management system is activated, workers should be notified as to which legal entities have control of and/or the right to access their data. Unions should have access to the data of their members, subject to the members' consent.

- **Digital legacy.** When workers end their employment, they should have the right to decide what happens to the data collected by their employer about their work, according to the provisions of the GDPR.
- **Redistribution of benefits.** If an employer benefits economically or otherwise from using, licensing the use of, or selling worker-generated data to a third party, those profits should be redistributed to the workers.
- **Transparency.** If AI systems use personal data, that data should be used in a way that is legal and comprehensible to anyone concerned. All parties should be required to mark AI systems, so users and consumers are informed appropriately about AI methods.
- **Traceability.** AI systems should be designed and documented in a way that allows the decisions to be traced and understood. This should be the case especially for applications that are sensitive in terms of fundamental rights or that present health, social, or financial risks. The demands concerning documentation, transparency, and traceability may differ depending on each system's function, application scope, and risks.
- **Risk assessment.** If an AI system is likely to have a great impact on personal rights, working conditions, or other social consequences, a risk assessment is in order. Assessments should include risks related to human decision-making, social discrimination, and impact on working conditions. In order to carry out a risk assessment, all parties—especially worker representatives—should be involved in defining the guidelines.
- **Evaluation.** AI systems should be evaluated in light of their social impact unless a prior risk assessment has shown that there is no relevant impact. Evaluations should be based on pre-defined success criteria, but also allow for the analysis of new and unexpected outcomes and experiences. An evaluation should be carried out in the pilot phase so that faults and problems can be discovered early and with the participation of employees. This will help employee representatives play a role in safeguarding human design of AI systems.

PRINCIPLES TO AVOID DATA ANALYSIS BIAS

Work relations have never been neutral, and unions have always recognized the importance of negotiations to establish norms and regulations for the workplace. Politics and personal and social values play important roles in the world of work—a fact recognized as key to union strategy for decades.

We believe that decisions made by algorithms can lead to less democratic workplaces if they are not followed up with adequate supervision. For example, participants must be able to document exactly how each conclusion is reached. Neutrality, in terms of age, gender, ethnicity, and political standing must be ensured. In work settings, negotiations should centre on essential principles for avoiding bias, including, but not limited to:

- **Transparency.** In any AI system carrying out analysis of worker-generated data, there should be transparency at all stages of the system's design, and a layperson should be able to understand the system.
- **Equality.** To reveal and counteract discrimination that might be inherent in an AI system, companies should integrate into the analysis mechanisms to identify bias and procedures to address it.
- **Safeguards.** Permanent consultation, modification, and revocation are some of the safeguards and checks that can be implemented to mitigate bias. Other safeguards include an appeal process in which AI decisions can be appealed and repealed by humans and a tracing process in which AI decisions can be monitored and automatically compared over time to detect if decisions change when cases are similar.

1 - Such a council should consist of workers and management; it should hold management accountable for AI and data practices and regulatory compliance. The council can be tasked to monitor, check, and audit algorithms and data governance strategies. It should also respond to employees' inquiries and facilitate whistleblowing. The council can oversee the respect of workers' data rights and the implementation of ethical AI practices.

SKILLS AND TRAINING



We believe that social partners must be involved in establishing the skills and training required to transition to a fair workplace of the future. Trade unions have a wealth of unparalleled experience in identifying training and workforce needs. Technological changes, new interactions of humans and machines, and evolving skill sets will not produce increased productivity or generate job satisfaction if only employers are involved.

Unions must include our own objectives for fair training and workforce transitions in all our agreements at the national and transnational level. We must use our collective bargaining machinery and consultation bodies to convince employers to prioritise investment in existing human labour as much as they prioritise automation and hiring external applicants.

We recognise the importance of training at the workplace and during working hours, so it is important for us to raise awareness about existing training opportunities. Training should improve the individual worker's employability, and employers should finance the training and the time needed.

The magnitude of the changes affecting our global economy means that unions also must campaign, negotiate in the context of collective bargaining, and lobby governments to introduce beneficial changes such as:

- Ensuring that education institutions and companies provide training in valuable digital technology skills.
- Making it clear that employability must be promoted through upskilling and reskilling schemes, and that corporate investment in formal, informal, and life-long learning is essential.
- Developing action plans at the EU, national, and local levels with education providers and social partners in order to modernize education and vocational training.
- Demanding that AI provide an opportunity for workers to apply their skills and competencies to the fullest while at the same time remaining in control of the production process.
- Ensuring that those involved in the development and marketing of AI (researchers, engineers, designers, and others) act in accordance with ethical and social responsibility criteria. This should be addressed by changing educational priorities for technical subjects and by providing lifelong learning opportunities, such as incorporating ethics and the humanities into training courses in engineering.
- Demanding that employers are transparent about new developments so employees can evaluate whether they prefer to train or leave.
- Insisting that companies prepare a “people plan” and not only invest in technology. Such plans should be conducted throughout the value chain of each company and might include:
 - Mapping current workers' skill profiles.
 - Cooperatively determining reskilling and upskilling requirements.
 - Offering courses during working time.
 - Assisting displaced workers in developing career development plans.
 - Working with employment agencies and other companies to help workers move on successfully.
- Requiring that employers have a long-term strategic plan on how upskilling and reskilling strategies are implemented and that unions be involved through social dialogue.
- Demanding that employers finance the training and the time needed for employee training, thus establishing a right to training.
- Making it clear to employees, in trade union education and other worker-centred forums, and in collective bargaining, that they should proactively seek training, but that it is not their sole responsibility to keep up with rapid technological developments.

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- **Training levies.** Levying sums from employers that they can claim back if they use the money for retraining their workers can be useful. When monies are not spent, they can be used by the state to assist small companies that cannot afford training budgets.
- **Retraining payments and subsidies.** In cases of obsolete and highly vulnerable companies and industries with thousands of redundancies, unions must support retraining payments and subsidies as part of redundancy compensation to facilitate workers' re-entry into the labour market. The public sector and education systems should also be engaged.
- **Education reform.** We support changes in education that de-emphasize memorising information, and help students turn information into knowledge by teaching creative, analytical, and social skills.
- **Job Guarantees.** In the near future, public policymakers must explore job guarantee schemes that would complement the normal labour market. Guaranteeing paid activity for those who lose their jobs will maintain confidence and use workers' existing skills. If governments become the employer of "last resort" this would be of use to workers otherwise facing significant time out of the labour market. Such a plan could actively promote upskilling if learning new skills were a core element of the guaranteed activity.
- **Union-financed training.** Finally, either separately or in concert with employers, unions can offer training courses for members at competitive costs, using their formidable purchasing power.

A FRAMEWORK FOR A FAIR AND JUST TRANSITION



As yet we have encountered few examples of collective bargaining approaches specifically designed for a fair and just transition to a new world of work, but many unions have begun to develop their own ideas about what such a transition should look like. Some of those ideas are detailed below.

SOCIAL PARTNERS' INVOLVEMENT

In order to ensure a fair transition, trade unions must be included in public debates about new technologies, and policymakers and industry leaders must recognize workers as key stakeholders. That recognition should lead to worker and union participation in all aspects of the transition:

- Trade unions and employee representatives should be involved in the design, development, and deployment of AI systems in organisations before final decisions are made. The timely involvement of concerned employees will help ensure that personal rights are protected, that human sovereignty over AI systems is maintained, and that the tasks of employees and interoperability of AI systems are developed in a humane manner.
- Social partners should cooperate to identify training needs, design new education pathways, and find funding opportunities.
- Social partners must promote awareness about the challenges and opportunities of new technologies. They should help ensure that the “new world of work” does not create more inequalities, but rather improves the lives of all people.
- Worker and union participation should happen at the regional, national, and transnational level. Employees should also participate in any ethics advisory committees set up by companies.
- No one should be subject to automated decisions that result in a legal or otherwise burdensome impact on the individual.

LABOUR MARKET BALANCE

Collective bargaining agreements on the sectoral level should include AI, robotics, and digitalization concerns so that worker participation and protections can be adapted to each sector and business. Transnational company agreements and company agreements on the issues of digital job quality are already in place in many companies.

Given the probable polarization of jobs, separating those that can be replaced easily by AI (often referred to as low-skilled) and those still requiring significant human input and creativity (often called higher-skilled), it will be important to find a balance between sectors that will lose jobs and those where employment will be created. And to foster balance in society overall, the benefits of technology should be reinvested in education, health care, and other aspects of the common good.

WORKING TIME, WORK-LIFE BALANCE, AND TRAINING

The objective of a fair and just transition is also closely linked to debates around new models for working time, such as a reduced full-time week of four days of work and one day of training. The question these models seek to answer is how we can distribute the remaining work after automation and AI take over most repetitive and lower-skilled tasks. The aim is to distribute work equally and allow for improved work-life balance for everyone.

Some organizations already have taken practical steps towards reaching these fair transition goals. The Spanish Unión General de Trabajadores (UGT) has demanded a new social contract for the digital world that is based on putting people's needs first. The Association of Swedish Engineers (SI) and a group of stakeholders have presented a model for mid-career training called “Study Friday.” Under Study Friday, professionals can upskill at work to meet the demands of new technology. The program is managed cooperatively by trade unions' universities and companies. The

content and practice of upskilling are negotiated by social partners in collective bargaining agreements on a sectoral or company level. One lesson to take away from this initiative is that training—including the level, scope, content, and availability—can be adapted more quickly when certain roles, groups, or businesses are affected.

OUTPLACEMENT PROGRAMS AND EXTERNAL RELOCATION

Collective agreement-ruled outplacement programs provide examples of how transitions to digital skills can work well on a national or sectoral level. These programs last from three months to two years and include training and job search assistance. The foundations that manage the outplacements are funded by trade unions and employer organisations and negotiated in national, sectoral collective bargaining agreements by social partners. Anyone at risk of redundancy can participate in these programs, which work a bit like insurance.

LOCAL COMPETENCE SHIFTS

Ericsson has a local competence shift program to avoid redundancy. The employees reskill or upskill at work to avoid redundancy and stay in the company. The agreements on what competencies are needed and who should participate are negotiated in local agreements by unions and employers.

SOCIAL SECURITY AND PROFIT-SHARING

Collective bargaining agreements distribute company profits to workers through wage increases and better conditions, but they also can be used to reinvest profits in training as discussed above. In some cases, outplacement programs can be funded cooperatively by employers' organisations and trade unions to provide greater worker security.

CONCLUSION

Artificial Intelligence is more than the latest fashionable buzz word; it is already an integral aspect of the working lives of many of our union members. With this position paper, we hope to contribute a more employee-centred viewpoint to the general debate.

Social partners, and in particular trade unions, have a key role to play during the next few years as the labour market of the future takes shape. We want a fair and just transition towards a society in which AI systems benefit everyone, no one is left behind, and the skills and competencies of individual workers are respected and valued. Trade unions should proactively shape this vision, and we must begin by addressing AI issues in collective bargaining now.

