

Report: UNI Europa Webinar on Artificial Intelligence and Lifelong Learning – 25 March 2021

This webinar for affiliates, providing a showcase of best practices and expertise, was the second of two organised by UNI Europa on cutting-edge issues in collective bargaining in preparation for its 2021 conference on 27-29 April. It is part of a broader two-year project on *Shaping the future of work in a digitalised services industry through social dialogue*, financed by the European Commission. Reports on the two issues at hand, developed on the basis of affiliate input, are available upon request.

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Artificial Intelligence

1.1. What is UNI Europa doing on AI and why? The role of social partners

Uses of AI in today's labour processes range from shift allocation, performance management and recruitment tools to people predictive analytics and data mining techniques for estimating staff turnover. Since the outbreak of the pandemic, there has also been increasing deployment of surveillance tools, invading workers' private spaces and impacting wellbeing. Meanwhile, risks of unethical AI use and infringements of fundamental rights are increasing, and workers' data is being collected without transparency, noted Birte Dedden (UNI). Addressing these trends, UNI Europa advocates that the use of AI technologies should be directed towards a sustainable and inclusive society; it should be understandable to all, and everyone should have a voice. There is, at the same time, a need for up/reskilling of workers to meet the challenges of AI, to foster employability and to develop greater diversity in AI-related professions. In order to develop AI as a topic of collective bargaining, UNI Europa is making **five important demands:**

- ❶ Social partners should play a key role in negotiating an ethical approach to the design and implementation of AI-driven surveillance tools.
- ❷ Clear justification must be provided for data collection from or surveillance of the workforce; personal or sensitive data should not be collected without explicit consent.
- ❸ Transparency: workers should have a right to be informed of algorithmic management tools that might affect them and to challenge the use of tools that they consider harmful.
- ❹ A rights-based rather than a risk-based approach to regulation: clear red lines for unethical AI systems impacting on fundamental rights, workers' rights and privacy.
- ❺ A human-in-command approach: algorithms advise but humans should decide; workers should always have the right to appeal to a human authorised to override the algorithm.

Towards these ends, UNI Europa has undertaken a number of activities. In 2019, it published a [position paper](#), and, in 2020, it issued a [joint declaration](#) on AI with the European Telecommunications Network Operators' Association (ETNO). It has promoted its positions among trade union stakeholders and at [CPDP](#) conferences, it has lobbied the EU institutions and, in 2020, it hosted six AI training webinars for UNI Europa affiliates (with more to come). Nevertheless, we should note that in Europe collective agreements in areas such as digitalisation currently only cover *parts* of AI's role, such as data collection, with the possible exception of the banking sector in Spain (according to one webinar participant).

1.2. PM guidelines on algorithmic management

Algorithmic management (AM) relies on digital data-driven systems that permit the sorting of information, usually to facilitate the work of organisations, Alex Sirieys (FO COM) explained. It has become an intrusive and global phenomenon that impacts all employees and citizens and which is receiving increasing investment as algorithms become more sophisticated. After years of discussion, trade unions must now clarify their priorities vis-a-vis AM, Mr Sirieys affirmed. Principally, these are: to demand transparency from employers on the specifications and "rules"

of the algorithmic tools at hand, how and why they are being used, the possible impacts on the daily lives of employees, and the risks and opportunities, including how data collected will be used. **In the digital world, as elsewhere, we are not equal**, noted Mr Sirieys, and on this trade unions need a well-developed perspective. There are, for example, employers using recruitment tools who do not have the expertise to manage all of the algorithm's selection parameters.

Of the three main types of algorithmic tool, the most popular across all sectors of the economy is the CV scanning tool. As a result of its use, negative shifts have been observed in discrimination against women and ethnic minorities, Mr Sirieys commented. The area of recruitment has, moreover, seen similar tools applied to psychometric or personality tests and used to analyse candidates' social media activity. Although in France the final stage of recruitment is still largely undertaken by humans, **greater (accountable) human supervision** of pre-recruitment measures such as those mentioned above is required in order to guard against discrimination. This will depend on the nature of social dialogue in the country and **the level of collective bargaining** in the workplace when such tools are implemented. In spite of the above, Mr Sirieys noted that algorithmic tools for publicising jobs and guiding people through application processes have improved the experiences of many candidates.

The second category of algorithmic tool relates to organisations' management of day-to-day administration, such as teams, leave, expenses, and training, while the third denotes those dealing with surveillance and evaluation of the labour process. Among the latter, unions have observed that customer satisfaction questionnaires are being used for monitoring and disciplining specific employees, in spite of companies' claims of anonymisation. Indeed, UNI's own [research](#) has found that pandemic conditions have intensified the use (dating back several years) of "**masked**" **algorithmic tools** for monitoring employee activity and gathering personal information. Despite attempts to shift responsibility onto algorithms, employers remain responsible for their implementation. These tools may still be used positively, Mr Sirieys insisted, such as to facilitate the better targeting of training, assistance and remuneration for workers.

1.3. Post-Covid: campaigning for workers' data rights

Imbalances in power between employers and workers can be amplified by unchecked control over data, and trade unions have to organise to challenge this disparity, to demand transparency and to oppose discrimination, advised Andrew Pakes of Prospect union (UK). The organisation's motions to its 2020 conference and to the TUC 2019 Congress have formalised such ambitions to shape the future of work, including through collective bargaining. The union has observed that intrusive uses of technology and tendencies towards micromanagement are challenging workers' autonomy and that campaigning on such issues is important to **the renewal of unions**, who need to recruit new kinds of workers and those in new industries related to tech and data. Workplace representatives in Prospect, when surveyed in September 2020 on their priorities concerning the future of work, considered the following to be most important: the right to disconnect, boundaries between work and non-work, a training programme for union reps on data management and algorithms, and **support for unions reps negotiating data rights**.

Meanwhile, during the pandemic, surveys of Prospect's membership highlighted the imposition of **digital surveillance software** as a significant concern, with very high levels of distrust in relation to tools such as keystroke monitoring and computer camera recording. This has become a mainstream public issue, Mr Pakes commented, since around 70% of professional workers in the UK are still working from home and one in five UK companies are using digital monitoring tools or are planning to do so. While the European Declaration of Human Rights affords us the right to a private life, and, for some, leaving work used to mean leaving one's work behind, there has been a merging of private and home spaces during the remote working of the pandemic. The [Future of Jobs Report](#) (October 2020) found that 94.3% of companies plan to accelerate digitalisation of work processes as a result of Covid-19. In this context, unions need to be making use of collective definitions of privacy and data in their policy work and "tapping into" these growing discontents as **organising opportunities**, advised Mr Pakes.

While effective application of **General Data Protection Regulation (GDPR)** has previously eluded many unions, Prospect is providing guidance and training to worker representatives on its use in collective bargaining for data rights. GDPR, retained by the UK following Brexit, institutes certain fundamental rules: workers have a right to be informed if their data is being used for monitoring or surveillance purposes; employers must conduct a Data Protection Impact Assessment; the burden is on the employer to prove they are compliant with GDPR; and employees must provide consent for use of their data. In the latter case, however, power imbalances can be key. The [report](#) that Amazon US instructed delivery workers to sign a "biometric consent" form or lose their jobs represents the kind of "abuse" that needs to be campaigned against by unions, noted Mr Pakes. While GDPR is based on the idea of individual privacy, unions must devise collective concepts of privacy in order to effectively use these regulations in collective bargaining.

On the day of the present webinar, the Trades Union Congress (UK) launched its [Dignity at Work and the AI Revolution](#) manifesto, a report composed by "top lawyers" and supported by Prospect, examining how employment, equality and data laws need to be reformed in order to advance the union agenda (such as through an 'Accountability for Algorithms' act) and address crucial issues such as how our data is harvested by employers and how money is made from it (e.g., through selling it on, performance management or using data to reduce the workforce). Three years in the making, the report offers a **joint set of union demands** to take to government, the regulator and employers and provides union branches with a resource for raising worker awareness of employers' AI practices and facilitating collective action. We should demand a genuine workers' and human rights agenda for AI implementation, stated Mr Pakes, and challenge the "nonsense" that the latter can be "ethical" without involving workers.

Lifelong learning

2.1. Boosting the digital transition through lifelong learning

"Everybody needs to be prepared for the unprepared," counsels Inese Podgaiska (ANE), and the current crisis has shown how quickly we can need to adjust and learn new skills. Until several years ago there was a tendency to prioritise low-skilled workers in lifelong learning

(LLL), and the assumption was that **highly educated professionals** would find their way by themselves, Ms Podgaiska noted. Contrary to this, the Association of Nordic Engineers (ANE), a regional federation of trade unions representing 500,000+ engineers has made the case that all professionals should have the rights and the time to gain new skills. Engineers and ICT specialists on the **front line of technological development** need to be able to take responsibility for the products they deliver, and appropriate LLL could, for instance, allow for a deeper understanding of the real-world uses of AI tools and consideration of the associated ethical implications and wider societal needs. At the same time, some sectors of engineering are being especially impacted by climate change (e.g., oil and maritime), and ANE is looking into the skills that will be needed to make the transition to a more circular economy.

In 2019, ANE produced a report based on a member survey investigating challenges in accessing suitable LLL opportunities. Among the main issues were a lack of professional development strategies from employers – which should, Ms Podgaiska insisted, be an “integral part” of collective bargaining – and, moreover, the need for clarity from employers on the specific skills that are growing in demand. **The report offered eight recommendations:**

- Shared responsibility for LLL among stakeholders: for employers, this is “the new DNA” of the labour market, and, for individuals, that this is a key part of our working lives.
- Greater consideration needs to be dedicated to how accumulated knowledge in any sector/across sectors is transferred to workers and not isolated to research projects; partnerships among SMEs in the Nordic region have successfully boosted digital skills.
- A diversity of offers; flexible LLL pathways that build on the individual knowledge.
- Communities of learning and “co-creation” as vehicles for a collective skills shift.
- LLL can be a channel for investment in digital leadership to help orchestrate responsible change within organisations (e.g., the ethical aspect within software engineering).
- A Nordic-European platform for sharing information concerning LLL provision.
- Sustainable models of funding: e.g., “modernising” the business models and financing of HE institutions providing LLL courses for the engineering and ICT professions.
- The Nordic LLL network should be expanded to include highly educated professionals.

Taking a broader view, the EU Social Pillar defines [the right of everyone to LLL](#), the new [Action Plan](#) sets a target of 60% of adults participating in training, and the EU has set [digital targets for 2030](#) that include 20 million ICT specialists. All of these political agreements should be brought to bear in collective bargaining for LLL rights, which must be treated with the same seriousness as the right to a paid lunch break, said Ms Podgaiska. If these rights are not properly applied, we will find that there will be “big holes” in the labour market and economy, she added.

2.2. Sectoral training funds

Sectoral training funds (STFs) exist in nearly every sector in Belgium, noted Elke Maes (ACV Puls). Jointly managed by *sectoral* social partners (“for efficiency and solidarity”), they are dedicated to stimulating and supporting LLL by organising **fully-funded training and employment activities** for all employees within working hours. Training ranges from classroom

(suspended during the pandemic), at sectoral or company level, to online methods, with subsidies to facilitate participation in specific external courses. Each STF defines the topics on offer, which frequently provide for new skills and skills of the future, but can also range from personal and professional development to marketing, sales and communication, organisation management, well-being, ICT, languages and sector-specific skills. In Belgium's services sector, the STF is undertaking "a lot of campaigning" to reach the 95% of companies that are SMEs.

The STFs were founded at the turn of the 1990s by national level social partners across the private sector, who agreed to invest contributions equivalent to **0.1% of the gross salary** of all employees (usually collected directly by the institute for social security and then passed on to the sectoral organisations), calculated by sector, into the training of "at-risk" groups. Since that time, the funding regime has been maintained and extended by regular national agreements and by laws. To begin with, there were no rules on the quantity of training, but in 2017 a new law instituted an interprofessional target of an average of **five days of training per year** per FTE post, with a two day legal minimum (SMEs with less than ten employees were excluded). The concept of "at-risk" employee groups, meanwhile, is defined in collective agreements concluded at sectoral level. Initially focusing on lower-wage and less educated employees, these have been extended to cover almost all workers. Since 2013, legislation stipulates that a minimum 0.05% sectoral contribution by employers must be dedicated to specific target groups: aged 50+; aged -26; aged 40+ and threatened with redundancy; those with reduced capacity to work.

2.3. The Balancing Act: How to define and describe skills acquired in the workplace

There is a long tradition of Norway's trade unions working to develop workers' skills, which has more recently also been taken up by employers and their associations and become an "important" part of negotiations and collective agreements, noted Silje Kjellesvik Norheim of HK – the second largest trade union under the LO confederation, organising retail workers. Further to this, last year saw a government LLL skills reform aiming to guarantee that employees can develop the necessary skills to deal with changes in work and retain their jobs. In this context, LO, along with three major employers' associations, have created *The Balancing Act*, a project (detailed in a December 2020 [report](#)), financed by the ministry of education, to develop **a model and method of describing skills acquired in the workplace** (at all levels) that can be understood across working life and in formal education. The tool allows employees to take ownership of their skills, develop professionally and have their skills taken into account by their employers, who gain from having a better measure of the skills required in the workplace.

The 'balance model' has three dimensions: maintaining effective relationships with both *people* and *technology* (balancing on *resourcefulness*); being *flexible* whilst also having a good *routine* and specialist expertise (balancing on *productivity*); and finding a balance between *pace* and *presence*, in everyday life and in the long term (balancing on *effectiveness*). In addition, there are four steps in the use of the 'balancing act' as a tool: **1)** identify skills and use the **balance model** to give a comprehensive picture of these; **2)** define 10-15 **key skills** for the role/function; **3)** write descriptions of the **learning outcomes**; **4)** make note of more information relevant to the skills standards, such as **qualifications**.

A trial of the tool was carried out by HK in the retail industry, involving Ikea and two grocery chains (Kiwi and Meny). A skills standard was formulated at each of these employers: for a shop manager at Kiwi, a manager/retailer at Meny, and a shopkeeper at Ikea. It was found that many of the key skills and learning outcomes were shared among the positions, and consequently the employers' association Virke decided to combine these three standards into a **unified skills standard for the role: "shop manager"**. Such evaluations should be repeated every one to two years in each workplace since the skills required in services are now changing more rapidly than ever, Ms Kjellesvik Norheim advised. Unified skills standards could stimulate increased labour market mobility, facilitating recruitment processes and helping to highlight the distinctive characteristics of employers. This is especially relevant to organising Norway's shop workers, who are characterised by lower levels of education, as changes in the sector pose challenges for job retention. The above case study has also allowed HK to observe how skills become locked into certain work settings and how employees' careers can be shaped on this basis.

Surveys in Norway have shown that many employees are willing to improve their skills in order to gain confidence in mastering work tasks and to increase their chances of a better job internal or external to their company. However, there are large variations in how systematically this demand is being satisfied in different industries and workplaces. For HK, both this common understanding of the value of skills and the development of the *Balancing Act* project have grown out of the focus on skills in collective agreements. Elsewhere, in partnership with educational institutions, HK is developing formal educational provision at all levels of the workforce in the retail sector. Wider use of the *Balancing Act* tool could help to introduce more **strategic ways of developing workers' skills at work**, foster a shared workplace language of skills that facilitates discussion and bargaining, and generate greater investment in skills development that helps to make more effective use of time and current resources.

3. Conclusions

UNI and its trade union affiliates want "AI with a human focus". This technology needs to serve us as human beings and workers and not treat us as extensions of machines or as robots, affirmed Mr Roethig (UNI). Meanwhile, trades unions need to ensure that employers provide LLL opportunities to workers on a transparent basis and that workers have the confidence to request learning that is suitable for their needs and career development. In AI and in LLL, collective bargaining can help to create a win-win situation for workers and employers that benefits all of society and increases Europe's competitiveness at the global level.

Concretely, in its European social dialogue, UNI Europa has recently concluded a collective agreement on AI in the insurance sector and has agreements or joint statements on LLL across many sectors. Importantly, UNI is seeking to ensure that these are implemented at the national level, or, at a minimum, taken as relevant guidance. There are also ongoing efforts to influence EU legislation, which sets the framework for individual countries. Cutting-edge areas of collective bargaining such as AI and LL need, of course, to be used as opportunities for organising wherein unions can demonstrate their expertise. Examples of progress in this respect – or requests for advice – should be shared by affiliates at the European level. **(END)**