

Position Paper 2024/159

Taming AI: A Trade Union AI Strategy

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Artificial intelligence (AI) and digitalisation are neither black nor white for workers. Indeed, there is no technological determinism leading to good or bad jobs. Trade unions do not stand in the way of technological progress, but we insist that it leads to good jobs for all workers. This is our compass for the use of AI. The outcome for workers depends on how AI is shaped and used at all levels: from the legal framework, through regulation, to a tailor-made approach through social dialogue and collective bargaining, especially at sectoral and company level by the social partners.

AI has been hotly debated ever since generative AI technologies revealed that AI is a complete game changer on many levels, providing real-time feedback on anything it is programmed to do, with huge potential for productivity gains, but also with massive implications for the monitoring and control of workers, especially if left unregulated. Appropriate and rapidly evolving regulation, put in place as a matter of urgency, can not only avoid the risk of falling behind the pace of innovation, but also shape its character. The world of work cannot be treated by default as a testbed for new AI. Technological progress must go hand in hand with social progress.

But regulation cannot solve everything. It is also up to trade unions in social dialogue with employers to develop and implement a strategy for negotiating the implementation and impact of AI systems, and securing collective rights in the face of this rapidly evolving technology. Strong information and consultation rights, as well as collective bargaining at all relevant levels is the basis for this. These rights need to be guaranteed at European and national level in the context of AI at the workplace. It is a key way to prevent a widening of the digital divide that already exists between different regions.

For its part, industriAll Europe is committed to developing strategies and mobilising appropriate tools to reap the benefits of AI applications in the workplace. This position paper is part of our package to support trade unions in shaping AI at the workplace, alongside our [Policy Brief on AI](#), our Practical Recommendations for EWCs, our [GDPR Toolbox](#) and our 2022 Position Paper ([DE](#) [EN](#) [FR](#)).

I. Overcoming the risks of AI in industrial sectors

There is mixed evidence regarding the deployment of AI in big companies and SMEs. There have been some substantive investments by a number of large companies, but little disclosure of the use and impact of AI. Nevertheless, substantial gaps in investment and AI deployment remain, which risk intensifying the gap between headquarter countries and the rest, with the gap being particularly wide between North/Western Europe, and Central and Eastern Europe.

We already know the risks and benefits of AI, and that the outcome depends on whether workers have the right to be informed and consulted regarding its deployment and use at the workplace, as well as on a well-functioning social dialogue and collective bargaining structure.

1. Risks related to health & safety and the weakening of workers' autonomy

There is growing [evidence](#) of the impact of AI on the world of work. Automation can have positive effects on health and safety at work by reducing dangerous tasks and arduous work. AI technology can also help people with physical or mental limitations in the workplace, like for example an exoskeleton that improves human mobility.

However, the increasing use of AI can have a negative impact on the psychosocial dimension. While AI can automate routine tasks and create opportunities for more stimulating work, it can also be implemented in ways that limit worker autonomy or intensify workloads. A recent survey-based [study](#) by the Organisation for Economic Co-operation and Development (OECD) shows that workers, among others, in the manufacturing sectors are experiencing increased intensity and stress as a result of the faster pace of work dictated by AI. Similar risks are shown by the study developed by [Syndex](#) on behalf of industriAll Europe: AI may lead to workers performing more monotonous or intense tasks, as their work becomes more concentrated on a narrower range of activities. This shift could disrupt the cognitive balance of work, increasing the risk of cognitive fatigue due to the sharp increase in the number of high-intensity tasks and a significant decrease in low-intensity tasks.

Automation has not necessarily made work easier. It has reduced the physical arduousness of the work but increased the cognitive load. This effect has not been anticipated before, highlighting the importance of introducing today an adequate social dialogue and collective bargaining structures at the workplace that provide workers with the right to be informed and consulted about the effects of new technology (including the right to training), with the possibility to improve its functioning. This is essential to ensure that the human-in-command principle is respected.

2. Risks of deskilling, weakening of know-how and dehumanisation of practices

In the manufacturing sectors, AI has been [reported](#) to be associated with the deskilling of workers, especially those with medium qualifications. This creates a dangerous polarisation between high-skilled and low-skilled workers. This fragmentation is also reflected in a process of wage polarisation that accentuates wage stagnation for intermediate qualifications. A good example is the electric engine, which is replacing its fossil fuel-based internal combustion predecessor. Much of the diagnostics and repair in the event of damage are done by AI, leaving little room for mechanics, sometimes even engineers.

The problem of the loss of certain skills is closely linked to the transfer of workers' knowledge and know-how to automated processes as well as the growing number of 'invisible tasks' created by AI. A process is never fully automated because there are always secondary tasks that workers have to perform to the rhythm of the AI. It may appear that the machine is working on its own, but in fact the worker is struggling to keep up - their role is sometimes reduced to simple, repetitive button-pushing.

[Syndex's study](#) also points out that, since the automation of production stages, fewer people are working in the same teams. However, collective work is only reduced in appearance because it has simply become more informal, and it often takes place outside working hours. Collective work needs spaces to exist during working hours, planned according to shifts. Otherwise, it risks being invisible.

This problem is closely linked to the recent case in the microchip industry: automation can relegate human work to control and monitoring roles, considerably diminishing the capacity to discern and understand the production process as well as the recognition and value attributed to human labour. Another example comes from the pharmaceutical industry where AI-powered predictive maintenance solutions are being developed. As a result, maintenance professions are being transformed from "field technicians" to "project managers". Their work has less urgency, but also less subjective importance. As an advantage, the work can be seen as "deeper", "more structural", and can be associated with greater expertise.

A good solution is to involve and consult workers and their unions through proper social dialogue and collective bargaining. This should be done at all levels, but especially at company level, where workers and their representatives should be involved in co-designing the AI to be introduced. Workers understand the impact of AI on them; their feedback adds a lot of value and should therefore be taken into account.

In addition, securing a collectively guaranteed 'right to training' will also be crucial to ensure a fair digital transformation. According to [CEDEFOP](#), in 2020-2021, 40% of workers in manufacturing sectors in Europe had to learn how to use new digital technologies to be able to do their jobs. On-the-job training and [lifelong-learning](#) programmes are essential as AI changes the nature of jobs. But these training programmes require massive investment and adequate training policies with a long-term vision on the skills needed in order to work. A good example comes from [Sweden](#), where two landmark agreements have been enshrined in law, guaranteeing the right to training with paid leave. This needs to be replicated across Europe.

3. Risks of surveillance & monitoring, and union-busting

The OECD [study](#) also shows that workers are increasingly concerned about the privacy of their data. An example of increased monitoring activity comes from the area of health and safety. While using AI systems to protect health and safety in the workplace can be an advantage, it also poses risks. The advantage comes from the use of systems that enable immediate action in the event of a health and safety risk, as well as from the use of predictive analysis for the prevention of accidents. At the same time, the risks come from the continuous monitoring of sites and of workers, and the collection and processing of their data. It is, therefore, necessary to inform and consult workers and their trade unions on the collection, processing and storage of data, clarifying: the type of data collected, the purpose of its collection, the absolute prohibition of using the data for purposes other than health and safety protection (like for the monitoring of workers' performance, etc.), the prohibition of transferring the data to third parties, and the security system used to protect the collected data.

Some of the biggest scandals of surveillance and monitoring come from the platform economy (Uber, etc.) and service sectors, like the well-known Amazon warehouses case. This involved the tracking of workers' productivity through AI, the monitoring of workers' movements and the use of wearable devices to track their location and activities. Workers have complained about extreme pressure and stress resulting from constant monitoring and high productivity targets. Management systems require increasing amounts of data and, at the same time, AI allows to process them, creating more risks for misuse of personal data and violation of privacy.

However, intrusive monitoring and misuse of personal data are becoming wide-spread also in the manufacturing sectors. One example is Boeing which has been reported to use cameras and monitoring softwares to track workers and ensure compliance with health and safety standards, with the practice creating increased pressure on workers. But the most worrying example comes from Tesla which used workers' surveillance for union-busting purposes. AI technologies enable employers to collect and process huge amounts of data about their workers, especially by practising social listening which allows them to

observe their preferences based on their social media activity. This has the potential to boost union-busting, as seen already in some cases. Tesla has been [reported](#) to have hired a consulting firm known for its union-busting strategies. The company was using security cameras and other monitoring tools to track workers' activities, including union-related discussions and meetings. Tesla has also been accused of monitoring workers' social media activity, including private communications, for union-busting purposes. The scandal took place in the US, but given Tesla's anti-union behaviour in [Sweden](#), it is not excluded that the company will go to great lengths to use similar strategies against trade unions also in Europe.

Luckily, in Europe, the General Data Protection Regulation (GDPR) has proven its value in protecting citizens' private data within the European Union. In the past six years, over €4 billion in fines have been imposed against companies that breach GDPR rules. The fines have been issued against big tech companies like [Meta](#), with cases involving personal data from social media users; but also in cases concerning the protection of workers, like the [ruling](#) against H&M on workers' surveillance.

IndustriAll Europe has developed a [GDPR Toolbox](#) which includes the law's main provisions and the impact on trade union work and union strategies that can be used to defend members' rights as they pertain to personal data. Our GDPR Toolbox explains which articles of the GDPR can be used in collective bargaining negotiations to secure trade unions' right to access workers' data, to contact members and potential members, as well as to protect workers' data.

While the GDPR is essential for the protection of workers' private data, it can also be misused against trade unions. Many of our members, especially in Central and Eastern Europe (but not only) are reporting that employers are misusing the rules as an excuse to prevent trade unions from contacting workers. This guide is a concrete tool to help unions push back against this form of union-busting. Some concrete [examples](#) of sectoral agreements which guarantee the right to digital access can be found in industriAll Europe's collective bargaining [database](#). The good examples from the German [chemical](#) and [rubber](#) sectoral agreements are worth highlighting.

II. Building blocks of a trade union strategy to tame AI

The building blocks of a trade union AI strategy are: information and consultation, social dialogue and collective bargaining, and building trade union digital power and capacities.

1. Information and consultation

Even the OECD [study](#) shows that the solution for a positive deployment and use of AI at the workplace lies in the involvement of workers through their union. AI tends to have a more positive impact when workers [are consulted](#) about the introduction of the new technology and trained to use it effectively. An effective information and consultation process starts at the workplace, with the trade union representatives asking the right questions:

QUESTIONS TO ASK (YOURSELF) IN THE WORKPLACE

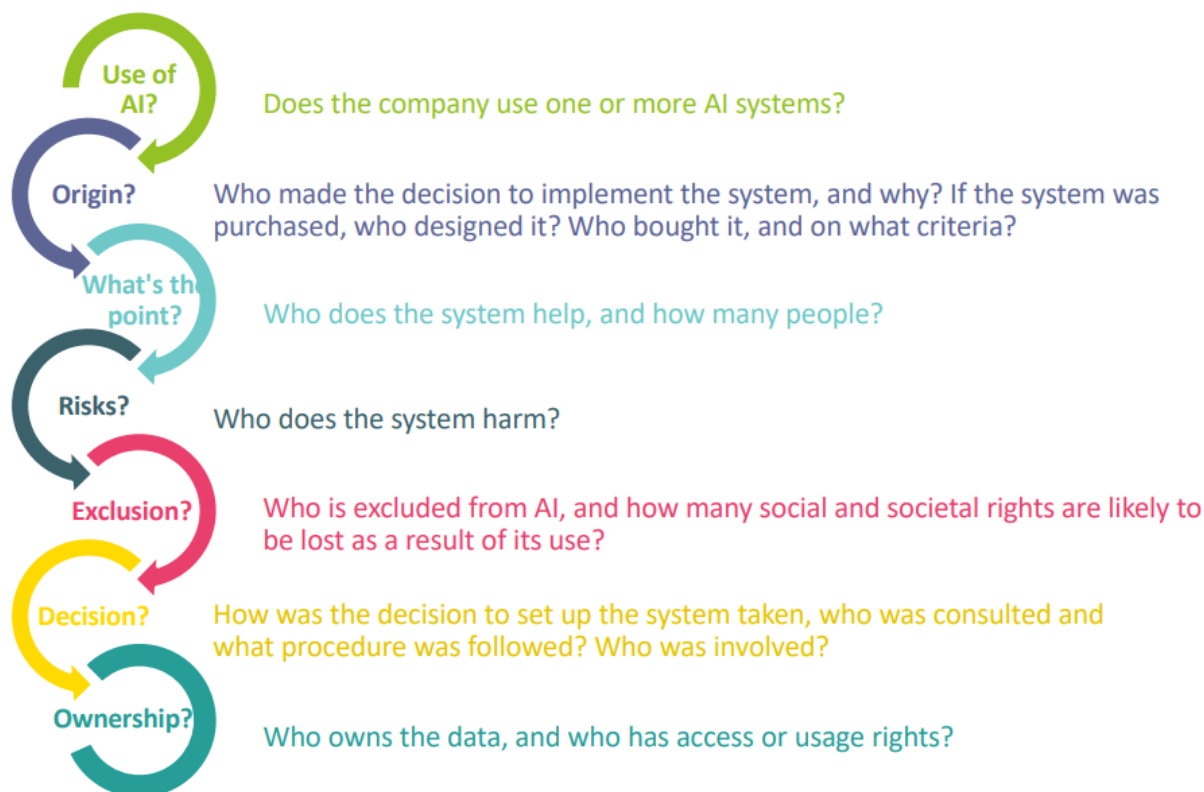


Figure 2. Syndex; "A guide to Artificial Intelligence at the workplace" F. Salis Madinier – 2021

2. Social dialogue and collective bargaining:

Effective information and consultation are part and parcel of a well-functioning social dialogue and go hand in hand with collective bargaining. Collective bargaining is not only about securing better wages and improving core working conditions, such as working time, it is also about ensuring a fair digital and green twin transition and a fairer society. In countries where collective bargaining structures are strong and work well at all levels, especially at the sectoral level, we can see that the transition is much more advanced and benefits everyone. Again, industriAll Europe's [collective bargaining database](#) and our Just Transition [page](#) provide a number of good examples. The Just Transition dimension is essential because we can already see the role of AI in the greening of industry. For example, the battery industry is making extensive use of AI. We need to ensure that the new jobs in emerging industries are good jobs, well-paid and secure, with collectively negotiated rights.

A well-functioning social dialogue and collective bargaining system not only ensures that workers will be timely informed and consulted about the introduction of new technologies in the workplace, but also that they will have the opportunity to:

- **get involved in the development and deployment of AI-systems, including in the design of the algorithm, and thus "co-construct" AI**
- **get involved in the monitoring and evaluation of the implementation of AI (ensure that unions are involved throughout the entire process)**
- **negotiate adequate training for the use of the new technology**
- **adapt the work organisation**
- **update the necessary health and safety provisions**

- **establish channels for identifying and changing possible malfunctions of AI tools**
- **negotiate a fair distribution of the productivity gains and the added-value created by AI**

Indeed, one of the big “elephants in the room” is AI’s potential to increase productivity. But the key issue in assessing the impact of any AI application on job quantity is whether it will raise productivity sufficiently and whether the benefits will be fairly shared to counter the adverse effects of workers’ substitution. The gains in AI application should be shared with workers in the form of higher wages, working time reduction, quality work and training rights. However, the last two decades have seen a decoupling of productivity and wages in many countries, with wages growing more slowly than productivity. As trade unions, it will be crucial to develop a strategy to ensure that productivity gains are also shared with workers. The fundamental issue with AI is how it is developed and used. Management must inform workers and their representatives and be transparent about how it is developed and used.

While a growing number of trade unions are starting to include provisions on digitalisation and AI in their collective agreements, few are yet at the stage of focusing entire agreements on this specific issue. There are many reasons for this, the main ones being the still low uptake of AI in industrial sectors (for example, in Spain only 9% of companies use AI) and the mixed capacities of trade union delegates to address the topic. On the first issue, there is mixed evidence regarding the use of AI in companies and SMEs, especially since AI is often used without workers and their trade union representatives being aware of it. However, there is no doubt that we are about to witness an acceleration of AI deployment in the coming years. Trade unions therefore need to accelerate their capacity-building to be able to address the issues relating to AI. For the moment, the most innovative collective agreement on AI is the Hollywood writers’ agreement which contains a specific chapter on generative AI, filling the regulatory gaps, as it sets clear limitations by excluding AI generated material from being considered as ‘written material’. Moreover, the agreement implements the human-in-control principle because writers can decide when to use generative AI. It is high time also for trade unions in the industrial sectors to address AI in their collective bargaining strategy (beyond digital training) and to negotiate agreements that ensure:

- **transparency and explainability of AI** (Employers should be obliged to inform, explain and agree with workers before AI tools are applied)
- **human-in-control principle and clear accountability for decisions taken by AI** (Algorithms should advise, humans should decide. Workers should always have the right to appeal to a human authorised to override the algorithm)
- **access to training for all workers to acquire the necessary digital skills** (All workers need to have the right skills at their command to work with the AI and a re- and upskilling strategy should be developed that secures a just digital transition for all)
- **Justification: Respect of human dignity and data protection** (Data collection or monitoring of the workers should be for a clearly justifiable purpose)
- **Clear red lines for unethical AI systems** impacting fundamental rights, workers’ rights and privacy as part of the main component of trustworthy AI

The [European Social Partners Framework Agreement on Digitalisation](#) from 2020 already includes some of the provisions listed above. **The Agreement contains a chapter on each of the following:**

- **Digital skills and securing employment**
- **Modalities of connecting and disconnection**
- **AI and guaranteeing the human-in-control principle**
- **Respect of human dignity and surveillance**

It is important to highlight that the Agreement takes on board Article 88 of the GDPR. The aim is to counter the fact that in the world of work, the impact of the GDPR is undermined by the power imbalance which

implies that the principle of “free consent” to give access or not to workers’ personal data cannot be guaranteed. Hence, the importance of promoting some collective safeguards via collectively agreed frameworks, as suggested by Article 88 of the GDPR. This Article refers to possibilities to lay down, by means of collective agreements, more specific rules to ensure the protection of the rights and freedom with regard to the processing of personal data of employees in the context of employment relationships. Unfortunately, so far, this Article has not given rise to a wave of legislation or collective agreement on workers’ data protection.

This Agreement is the shared commitment of the European cross-sectoral social partners, which means that many national employers have also signed up to it. It is high time to implement it appropriately at all relevant levels.

3. Building our trade union digital capacities and power to tackle AI

Most trade unions agree with the urgency to step up their activity and capacities on AI, but unfortunately the resources are limited. Over the past years, we have luckily seen an increase in training programmes organised by trade unions for their representatives, as well as the development of tools and guidelines to support local shop stewards and bargainers. A few examples can be found in the Annex of this paper.

Our members are also increasing their transnational cooperation on AI, engaging in European projects that support them in exchanging best practices and developing useful tools. The latest example of an affiliate-led project is [GDPIR](#) which brings together affiliates and researchers from Italy, Spain, Slovakia, Belgium, the Netherlands and Turkey.

One aspect which deserves more attention and where trade unions must step up their efforts is the digitalisation of trade union activities and digital organising, including by using AI tools. Trade unions continue to lag in their social media presence and strategy. It is crucial that they also complement their organising strategies with an online strategy. It is not about replacing the work on the ground in factories, but about complementing it with a digital trade union organising strategy.

Many trade unions are not online, but their members and future members are: 75% of the European population is using Facebook, 90% is using YouTube, 50% is using TikTok (especially young people), 40% is using Instagram (and this number is growing) and 5% is using X (including many influential people, like politicians and journalists). The Far Right successfully uses social media because it has understood that for many, and, especially for young people, there is no separate offline and online world. While trade unions have a limited online presence (if any at all), the Far Right is filling the online space with anti-union content, deepfakes and fake news. Social networks are built on models that monetise on the division of their audiences. We have a responsibility to work with our members and engage with the content to win them over to our trade union values.

The ETUC has recently published a [Digital Revolution Toolkit](#) which sets out how unions can gain visibility, recruit, activate and retain members through digital campaigning.

III. Taming AI also needs legislation

1. The AI Act: A new leverage?

The EU’s [AI Act](#) was adopted on 21 May 2024, with its different provisions set to come into force throughout the coming months and years. **This Regulation is the first piece of EU legislation intended to control the type of AI technologies that can be sold and used in the EU.** It is a market regulation that aims

to provide developers, distributors and users of AI with requirements and clear obligations regarding the specific uses of an AI system when it is introduced in the market. The new rules would apply primarily to providers of AI systems established within the EU or in a third country placing AI systems on the EU market or putting them into service in the EU, as well as to users of AI systems located in the EU. **This means that companies using AI systems need to also comply with the rules.**

IndustriAll Europe [welcomed](#) the AI Act but criticised its limitations when it comes to the world of work. The Regulation follows a risk-based approach with different obligations for AI developers and users depending on the degree of risk posed by the technology, which relies on the self-assessment of the developers.¹

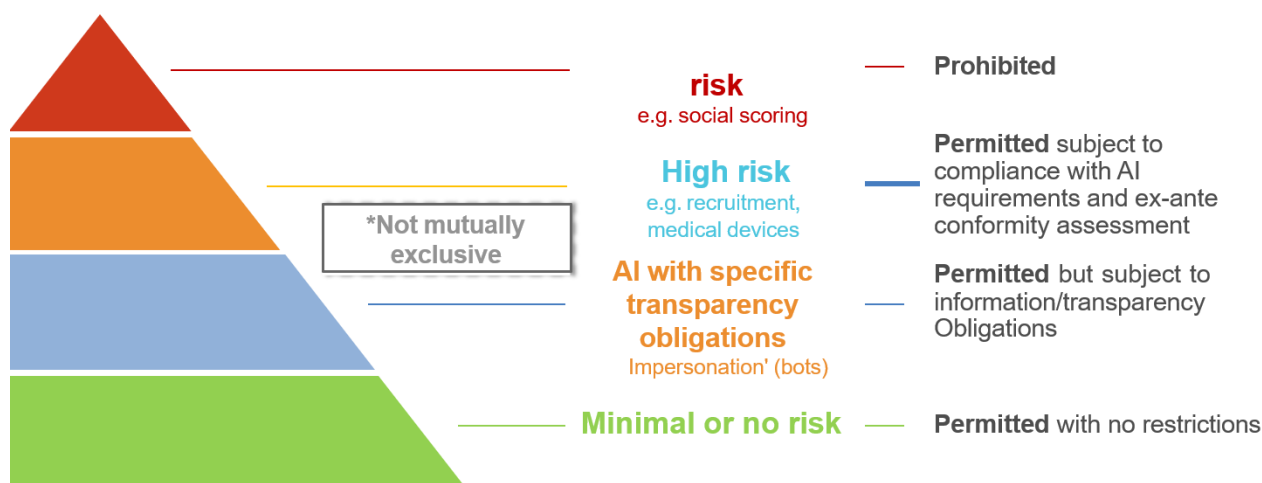


Figure 3. Based on [BRIEFING](#), EU Legislation in Progress, AI ACT, European Parliament Research Service

The most important point for workers and their trade unions is that high-risk systems are permitted at the workplace with the obligation to inform (but not to consult) them and their representatives. In employment terms, these are AI systems that are intended to be used:

- for the recruitment or selection of workers, in particular to place targeted job advertisements, to analyse and filter job applications, and to evaluate candidates
- to make decisions affecting terms of work-related relationships, including promotion or layoffs
- to allocate tasks based on individual behaviour or personal traits or characteristics
- to monitor and evaluate the performance and behaviour of workers

Ambiguities and loopholes remain in the legislation, as an AI system is considered high risk if it creates an adverse impact on safety, posing a 'significant risk' or if it causes 'significant harm' to fundamental rights. This leaves a lot of room for interpretation, as it is difficult to determine in advance and in concrete terms what 'significant' means. Again, workers and their representatives will only be informed about the use of such high-risk systems, and it is up to them to fight for more involvement through social dialogue and collective bargaining.

One positive aspect of the Regulation is that it imposes training obligations on employers. Consequently, when employers deploy a high-risk AI system, they must entrust "human oversight to natural persons who have the necessary competence, training and authority, as well as the necessary support" (Article 26, section 2). In more general terms, they must take "measures to ensure, to their best extent, a sufficient level of AI literacy of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, education and training and the

¹ For detailed analysis of the AI Act, please refer to the Syndex report [here](#).

context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used”.

While the AI Act is disappointing in terms of workers’ protection, in particular the exceptions granted for R&D activities, this legislative framework can serve as a starting point for questioning the type of AI systems used in the company, as well as the management’s compliance with European legal obligations and transparency regarding the use of AI. For a more detailed overview of the different articles of the legislation that provide a starting point for this, please see the [Syndex report](#).

While the AI Act is a step in the right direction to regulate AI, it is clear that it is not enough for a world of work that is increasingly driven by AI, with potentially far-reaching consequences for workers and their jobs. AI technology is evolving rapidly and regulation needs to take this into account. Together with other trade unions, we are therefore calling for a specific legal instrument that provides for: adequate information and consultation before AI is introduced in the workplace, and that ensures a robust protection of workers in the context of AI. Finally, a transformation of the right of ownership of the AI should be envisaged.

2. How to fill in the gaps: The need for a legal initiative on algorithmic management

The ETUI [defines](#) algorithmic management as automated or semi-automated computing processes that perform one or more of the following functions: (1) workforce planning and work task allocation, (2) dynamic piece rate pay setting per task, (3) controlling workers by monitoring, steering, surveilling or rating their work and the time they need to perform specific tasks, nudging their behaviour, (4) measuring actual worker performance against predicted time and/or effort required to complete task, and providing recommendations on how to improve worker performance, and (5) penalising workers, for example, through termination or suspension of their accounts. Metrics might include estimated time, customer rating or worker’s rating of customer.

The first ever piece of legislation to regulate algorithmic management with AI at the workplace is the EU Platform Directive, but its provisions apply only to the platform economy. Nevertheless, this constitutes a solid basis for a future piece of legislation that could apply to all sectors and represents a good source of inspiration for all social partners who are planning to regulate algorithmic management. The Directive includes:

- a list of prohibited practices: processing of biometric data or personal data in a number of cases
- the requirement of an impact assessment to be carried out in situations where authorised processing of personal data is undertaken
- the demand for transparency in automated monitoring or decision-making systems and in human oversight of automated systems
- repeated calls for workers’ representatives to be involved
- provisions covering information and consultation rights which go further than current European legislation: It requires platforms to seek the views of these representatives regarding assessment of the impact of personal data processing systems, and to present the results to them “in due time”, to enable representatives to “prepare for consultation, with the assistance of an expert chosen by the platform workers or their representatives

In the upcoming new mandate of the European Commission, trade unions continue to [call](#) for an appropriate regulatory framework, tailored to the specific challenges posed by AI in the workplace. Specifically, unions are calling for an EU directive on algorithmic systems in the workplace that will:

- set European minimum standards for the use of AI systems in the work context

- ensure that AI systems are transparent and understood by workers, notably to ensure that the productivity gains are properly distributed
- ensure proper involvement of workers and their unions, including negotiated solutions
- give trade unions and workers' representatives the right to external expertise
- require employers to carry out impact assessments to assess the effect of AI systems on working conditions
- prohibit intrusive AI applications that monitor workers
- ensure the human-in-command principle

We are calling on all members to join our demands and push European and national policymakers to regulate algorithmic management with AI at the workplace, so that AI can be used to ensure good quality jobs.

Annex with good examples

- **In Austria**, the white-collar trade union GPA provides local trade unions with guidelines and a framework agreement with companies to ensure that artificial intelligence is good for workers.
- **In Spain**, AI will become a significant part of collective agreements after the confederations (UGT, CCOO) signed a framework with the employers in September 2023; in addition, UGT FICA has set up an [online portal](#) with collective bargaining tools for its members.
- **In Germany**, many companies have concluded agreements on data protection thanks to the robust national legislation. The Nokia Group is one example of a company that has signed an IT framework agreement with its central works council on information and co-determination rights which covers the processing of personal data and includes arbitration in case the information given is deemed insufficient.
- **In France**, FO has launched a plea for a technical social dialogue on AI and the world of work.
- **In the UK**, Unite the Union has developed a guide and model agreement for trade union officers and representatives in the manufacturing sectors; the union has also concluded a Memorandum of Understanding in Rolls-Royce for the introduction of new technology involving the collection of personal data.
- **Eurocadres** has developed an [ethical AI checklist](#) available in English, French and Portuguese.
- **UNI Europa** has published a [database of AI and algorithmic management](#) in collective agreements.