Artificial intelligence at the workplace

Recommendations to coordinators and worker representatives in EWCs and SEs

Brussels, January 2024 (update)

This document provides information and guidance for worker representatives in European Works Councils (EWCs) and companies under the European Company Statute (*Societas Europaea* – SE), as well as industriAll Europe coordinators assisting them, about the role they can play in dealing with the increasing role artificial intelligence is playing in their multinational company.

Artificial intelligence at the workplace: What are we talking about?

Artificial intelligence (AI) is a disruptive technology, which has a significant impact on workers, on employment, and on companies alike. The challenge for trade unions is to seize the opportunities offered by AI to improve working conditions and create quality jobs while mitigating its adverse impacts. Trade unions must make sure that those who today perform jobs that will be taken over by AI will receive the necessary training to perform the jobs of tomorrow.

AI will create new jobs, but AI will also cause other jobs to vanish. AI can contribute to fast and reliable decision making, but AI can also be highly unreliable and lead to unjust decisions that discriminate against workers. AI can contribute to a safer work environment, but AI can also lead to unforeseen events or undesired machine behaviour that puts workers at risk. To make sure that AI actually helps improve working conditions and leads to quality employment, workers' representatives at all levels must become active and engage in dialogue with the management about the conditions that are needed to protect workers and their interests. It is of utmost importance to bring this topic to the table, as the investment decisions of today will set the scene for the working conditions of tomorrow and we need to make sure that the AI systems acquired do not impair working conditions and quality employment. These practical recommendations are a first introduction to AI and how you can address the topic within the framework of your EWC work.

At the time of writing, there is not yet an officially agreed universal definition of AI because it can vary from one context (a company, a sector) to another. In this paper, AI refers to digital devices, robots and software, which perform tasks commonly associated with human intelligence. AI mimics human intelligence-based data that it is fed with, and can change its behaviour based on the feedback collected.[1]

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[1] To deepen your knowledge on AI, you can check online courses such as the *Elements of AI*, a course developed by the University of Helsinki (available in +25 languages).

AI systems may be **chatbots** using AI to quickly find answers to problems that frequently occur. AI can also support a company with **demand forecast and planning**. Other AI systems help to **increase energy and resource efficiency**. AI can also be used as a tool to **ensure the quality of a product**. **Predictive maintenance** technology helps predicting when maintenance of a machine should be conducted and helps to reduce defect-induced downtimes. **AI in human resource management** can process data on workers and their performance and provide recommendations on worker management-related questions. These recommendations can, for example, assist HR managers in their personnel planning, but also in their decisions on whom to hire, whom to promote, or whom to deny a pay rise. These are only some examples of the many applications of AI at the workplace.[2]

📑 **REFERENCE**

GENERAL DATA PROTECTION REGULATION (2016)
Available in different languages

The General Data Protection Regulation is an EU regulation that applies directly to all EU Member States. GDPR safeguards the data of anyone resident in the EU and applies to organisations throughout the bloc. For trade unions, it is essential to understand how to use GDPR to:
- respect the Regulation when processing members' data
- ensure that workers' data is protected at the workplace and employers do not collect and process workers' private data
- push back against employers who erroneously use GDPR to undermine union activities

See industriAll Europe's GDPR Toolbox for Trade Unionists

Attempts to regulate the development and usage of AI have emerged in recent years. At global level, UNESCO has adopted a recommendation on the ethics of artificial intelligence (2021), while the OECD has elaborated AI principles (2019) which focus on how governments and other actors can shape a human-centric approach to trustworthy AI. At the European level, the European Commission's high-level expert group on AI issued ethics guidelines for trustworthy AI (2019).

Beyond principles, guidelines and recommendations, the European Commission in 2021 came up with a proposal for the very first EU legally-binding rules on AI, called the draft Artificial Intelligence Act.[3] At the time of writing (January 2024), the final adoption of the EU AI Act is pending. It aims at assigning AI applications to four different risk categories: applications that pose an unacceptable risk and are therefore prohibited; applications that pose a high risk and need to be subject to specific AI requirements and a conformity assessment; applications that pose a minimal risk and are principally permitted, but subject to transparency obligations; and applications that pose no risk at all.[4] Workers' rights and involvement in decisions linked to the introduction of AI at the workplace are also addressed in the proposed European AI Act which foresees:
- A duty to inform workers and their unions before introducing high-risk AI systems to the workplace
- A duty to carry out an assessment of the impact of high-risk AI on fundamental rights

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[2] For more examples of AI applications in manufacturing sectors, see the European Commission (2022) report *AI watch: AI uptake in manufacturing*.

[3] A draft European Directive on improving working conditions in platform work is also under current discussion and extensively features the issue of algorithmic management.

[4] For more information, see industriAll Europe's presentation on the draft AI Act.

Without waiting for the final adoption of the EU AI Act, the European Commission is multiplying initiatives to set up an EU framework regulating AI, such as the 'AI innovation package' that it launched at the end of January 2024 and which includes, amongst other things, the establishment of an AI office within the European Commission[5].

Trade unions, including company-level representatives, should be on the offensive to shape a lawful, non-discriminatory and just AI at the workplace which abides by the following principles[6]:

- The human must always stay in command and fully in control. The scope for AI action must be clearly defined and transparent, both for the human and the machine
- Adaptivity and error tolerance must be clearly defined
- The decisions taken by the algorithm must be transparent and contestable, specifically through meaningful and permanent worker consultation
- Unreasonable targets must not be imposed
- AI must help relieve human labour. It must augment human labour, rather than substitute it
- Room must be made for more creative tasks in a safe work environment
- 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

Recommendation 1	Develop your own trade union strategy

As a worker representative in a multinational company, you have a role to play: be proactive! Do not wait for the management to inform you about the development of AI at the workplace that it might have unilaterally decided. Make up your own mind, assess the different possible scenarios and decide with a trade union agenda on how workers and AI should work together.

Liaise with your national trade union organisation and with industriAll Europe

Trade union organisations have worked on detailed analyses of the AI challenge and elaborated ambitious trade union demands, tailored to specific sectors. Connect with your national trade union federation and with the industriAll Europe Secretariat to learn from practices/initiatives in your country, across the EU, and in companies within your sector.

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[5] More information about the European Commission's AI innovation package can be found online here.
[6] See industriAll Europe (2022) position *All eyes on AI. Artificial intelligence as a challenge and an opportunity for workers and their representatives* (in English, French, German).

TIP!

Ask your trade union about existing (governmental or academic) databases which provide information on AI systems currently in use as well as public policies on AI, such as:

- **Germany**: The Plattform Lernende Systeme lists the self-learning and AI systems being developed in Germany from science, industry and society.
- **Poland**: AIPoland provides an overview of the AI events, products and services offered by companies based in Poland, universities and public services.
- **All countries**: Nesta, a UK-based charity, has designed a global AI governance map.
- **All countries**: The Center for AI and digital policy analyses AI practices and national strategies in 50 countries.
- **All countries**: AlgorithmWatch monitors and evaluates algorithmic decision-making processes which have a social impact.

Also, many countries have adopted dedicated national AI strategies worth considering when developing your own trade union agenda:

- Austria, German and English
- Czech Republik, English
- Finland, English
- France, French
- Germany, German
- Ireland, English
- Italy, English
- Poland, Polish
- Portugal, English
- Spain, English (overview), Spanish (full text)
- UK, English

Trade union organisations can also best inform you about the latest developments of the AI strategies discussed by policymakers at national, European and global levels. In addition to closely monitoring the political debates, your national trade union organisation and the industriAll Europe Secretariat are in permanent contact with national and European policymakers who would be eager to hear about your concrete experience of discussing AI in your company and would be supportive in flagging up problematic cases.

Liaise and coordinate with the worker representatives in your company based at national and local levels

It is important to have a strong coordination between European and national levels. New technologies need to be discussed at both EWC and national levels. If policies are agreed upon at European level, it is important to share them with the national level – and the other way around. If policies or agreements are reached at national level, make sure to inform the EWC/SE-WC.

Reasons for establishing strong connections and ensuring a good flow of information between the EWC/SE-WC and worker representatives at national and local levels are manifold:

- **This is the best way to identify measures related to AI early on, which may be planned in one country before becoming transnational**.

- **This is the best way to learn from one another, share and exchange best practices** (e.g. learning that an agreement on AI has been struck in one country could have a spillover effect if disseminated widely among your network).

- **This is the best way to make full use of and benefit from rights to information, consultation and participation, which exist not only at European, but also national levels** (including the right to health and safety committees to access extensive information, such as risk assessment or reports on preventive measures, and to receive assistance from experts).

- **Ultimately, it is at national and local levels that AI will be implemented.**

Develop and fuel your expertise on digitalisation
The EWC/SE-WC also has the right to training and to invite experts to EWC/SE-WC meetings, who can train/educate on AI. This will ease discussions with management.

Recommendation 2	Get involved in your company

Artificial intelligence at the workplace is a topic for social dialogue! This fundamental principle is at the core of the landmark framework agreement on digitalisation reached by the European cross-sectoral social partners in June 2020. They agreed that a partnership approach between employers, workers and their representatives must govern decisions on the digital transformation of a company to ensure that opportunities are fully grasped, the risks are mitigated, and the legal framework is properly applied.

REFERENCE

THE EUROPEAN SOCIAL PARTNERS' FRAMEWORK AGREEMENT ON DIGITALISATION (2020)
Available in English

The autonomous framework agreement adopted in 2020 provides clear guidelines for the management of the digital transformation through social dialogue on four key topics:
- Digital skills and securing employment
- Modalities of connecting and disconnecting
- Artificial intelligence and guaranteeing the 'human in control principle'
- Respect of human dignity and surveillance

This European framework agreement is to be implemented, where necessary, by trade unions and employers at national, sectoral and company levels.

Taking artificial intelligence as a topic for collective bargaining is a quite recent trend. Some examples of national or sectoral agreements exist. In 2019, the Finnish cross-sectoral social partners agreed on joint principles on digitalisation and artificial intelligence (see *Digitalising Finland is an opportunity: a big leap forward in employee wellbeing and in labour productivity*).

At the company level, according to the EWC and SE directives, EWCs and SE-WCs have the right to be informed and consulted "in particular to the situation and probable trend of employment, investments, and **substantial changes concerning organisation, introduction of new working methods or production processes…**". As technological changes will often have effects on employment, investments, and surely introduce new working and production methods, it is clearly a topic that falls under the scope of the EWCs/SE-WCs.

As an EWC/SE-WC member, you should allocate time at your meetings to share the developments in the different countries also when it comes to technological changes. Furthermore, you should make sure that investment in new technologies and the consequences of new technologies are addressed at the meetings with central management.

Recommendation 3	Discuss with management

Bring up AI in the work of the EWC/SE-WC and include it for discussion with the management. Careful: this is not a one-off discussion, but one that has to take place regularly. Note that AI systems may be learning systems. Once deployed, machine learning applications may constantly evolve and may change their purpose of application, the way they operate, and the way they process data. Routine checks are required to make sure that workers and their data are adequately protected.

> **TIP!**
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> Request a mapping of all AI systems in place in your company, or about to be implemented (Where? Which one? What for?).
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> Ask the management to develop an impact assessment of the AI system to be introduced at the workplace, with specific regard to the impact on fundamental rights (e.g. risks of discrimination…) and on employment (e.g. number of jobs affected, skills needs).
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> Suggest to the management the creation of a position of a data accountant, whose duty is to control and report annually on the use of AI systems, in the way a financial accountant controls and reports on the financial situation.

AI is a multifaceted phenomenon. It is not just one topic (data protection or digital skills…) that you would put on the agenda of your EWC/SE-WC meeting occasionally. It is a much more encompassing concept, with many different dimensions, as well as an ongoing process, requiring regular monitoring.

EWC/SE-WC members are advised to raise the following topics with central management and **engage in information and consultation**, with the support of experts, on the likely impact of AI (country by country) on the following topics:
Business strategy

☐ Is there an overall AI strategy in the company, and what does it look like?

☐ Is the company planning to change its business model or strategy due to AI (e.g. use of predictive maintenance, automated design and customisation, scheduling optimisation)?

☐ How is the introduction of AI expected to improve the company's market position?

☐ Will AI be developed internally or by external companies? If external, how will maintenance/monitoring be carried out (e.g. external expertise on the system, long-term maintenance contracts, in-house maintenance possible)?

Investments in AI

☐ In which areas is the company investing in AI?

☐ What are the expected/achieved increases in productivity with the introduction of AI?

☐ What is the cost of investment in AI and the expected return on investment?

☐ How are the employees involved in testing and implementing AI? How are the experiences of the workers used to improve processes?

Employment and working conditions

☐ How is the level of employment expected to evolve in the company in relation to the introduction of AI: creation, transformation, destruction or displacement of jobs? Split information by qualification and gender.

☐ How are the quality of employment and the working conditions expected to evolve in the company in relation to the introduction of AI ?

☐ Which human oversight is in place to check HR processes run by AI (e.g. recruitment, professional advancement, including promotions and pay rises)?

☐ How has the ratio between low-qualified profiles (≤ upper secondary) and high-qualified profiles developed?

☐ How can, or has, the introduction of AI changed working time?

☐ Which redress mechanisms are in place to guarantee that workers canchallenge algorithmic decisions that affect them?

Job content and work organisation

☐ How will AI affect work processes, as well as workers' ability to influence their own work planning and processes?

☐ How is AI affecting occupations (emerging new tasks, new jobs)?

☐ How has AI influenced the workload? Has it increased or decreased?

☐ How is work organised? Is the work controlled by human beings working with machines, or is work planned to "fit the machines"?

☐ Is AI giving workers more autonomy or, on the contrary, more control and inflexible working routines? Are workers able to exercise oversight on AI systems?

Training and skills development

☐ How is the company working on long-term, strategic skills planning (identification of skills needs for the future, and development of corresponding training offers)?

☐ Which different kinds of skills sets will be required in future, particularly with regard to human-machine interaction (HMI) and human-computer interaction (HCI)? How does the company intend to make sure that workers understand their own roles and tasks within their jobs and vis-à-vis the machine?

☐ Have all workers access to re- and upskilling training?

☐ What is the number of hours of training in AI (compared to the total number of hours of training per worker, displayed by each group of qualification)? What is projected for the coming year?

☐ Does training policy related to AI include development of personal skills, such as problem-solving skills, critical thinking…?

☐ What amount of funding has been allocated to training/education?

☐ How are trade unions and worker representatives involved in the skills development and training policies at the plant, at regional and national levels?

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Monitoring of employee behaviour and performance

☐ How are workers' performance and behaviour monitored, both in and outside work (e.g. via GPS tracking devices, geolocation on mobile devices, on company cars…)?

☐ How is the company complying with its legal obligation towards data privacy (e.g. not monitoring workers outside of working hours)?

☐ How is automated profiling being performed on workers and how can workers access their profiles?

☐ Which analysis tools of the Microsoft Office 365 package are used? Who has access to this data? For what purpose are they being stored and for how long? (i.e. MyAnalytics, WorkplaceAnalytics…)[7]

Employee data protection

☐ How will information about employees be shared with the EWC/SE-WC and worker representatives?

☐ What is the company's policy on data protection? Where are the data stored, where are the servers and under what jurisdiction? How is the data used? Who has access to the data? Is the workers' data sold to external companies? What rights do workers have to access the information the company has on them?

☐ How does the company make sure that the AI systems are GDPR compliant?

☐ Is there a data protection impact assessment[8]? What are the sources of the data, and how is the right to access the impact assessment secured?

Occupational health and safety

☐ Which new technologies/AI can the company introduce to better protect workers' health and safety?

☐ Has AI released workers from certain burdensome tasks or, on the contrary, increased physical and psychological pressure?

☐ Is the impact of AI on occupational health and safety controlled (e.g. work-related stress due to intensification of work)? Has a risk assessment been conducted? How are workers associated with it? Is the risk assessment updated on a regular basis?

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[7] Tools such as MyAnalytics or WorkplaceAnalytics can track user behaviour. Based on parameters such as keystrokes or dwelling time on a specific application, performance control can be conducted. As these systems are highly unreliable and as this can lead to unlimited and real-time monitoring of the employee, the use of Microsoft Office 365 for surveillance and performance control should be avoided.
[8] In application to GDPR article 35 (directive reference).

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IndustriAll Europe and its affiliated trade union organisations are here to support you. For all questions, suggestions, or should you need specific assistance to advance dialogue on AI with your management or policymakers, please contact:

⇨ **Your national trade union organisation**
⇨ **The industriAll Europe coordinator assisting your SNB, EWC or SE-WC**
or
⇨ **IndustriAll Europe's dedicated team**

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Read more…

IndustriAll Europe has worked on artificial intelligence over the past years. Here is a compilation of existing positions and studies which can be useful for your EWC/SE-WC discussions.

IndustriAll Europe positions per topic

Artificial intelligence	Position paper (2022) *All eyes on AI. Artificial intelligence as a challenge and an opportunity for workers and their representatives*, English, French, German
	IndustriAll Europe contribution to the public consultation on the draft AI Act (2021), English
	Policy Brief (2019) *Artificial Intelligence : Humans must stay in command*, English
Data usage	Policy Brief (2017) *Sharing the value added from industrial Big Data fairly. The know-how of EU industrial workers must not be stolen by Big Data monopolists*, English

IndustriAll Europe positions per sector

Metal, Engineering and Technology-based (MET)	Joint statement (2023) *Artificial intelligence in the MET industries. IndustriAll Europe & Ceemet joint conclusions*, English, French, German
ICT	Position paper (2021) *IndustriAll European Trade Union Action Plan. The European ICT sector at a crossroads*, English, French, German