

COLLECTIVE BARGAINING PRACTICES ON AI AND ALGORITHMIC MANAGEMENT IN EUROPEAN SERVICES SECTORS

Marta Kahancová



Central European
Labour Studies
Institute



2024

Collective Bargaining
Practices on AI and
Algorithmic Management
in European Services
Sectors.

Simona Brunnerová, Daniele Ceccon,
Barbora Holubová, Marta Kahancová,
Katarína Lukáčová, Gabriele Medas


FRIEDRICH
EBERT
STIFTUNG



AIM

To understand the challenges that are emerging in relation to the increased use of AI in human resource management

Summarize expected union actions to develop bargaining in this area



Present some good practices on AI-related clauses in collective agreements

METHODS



Desk research: current state of bargaining on AI-related tools

Survey among UNI Europa affiliated trade unions – 148 responses across 32 countries

Analysis of 30 collective agreements with AI-related stipulations



OUTLINE



KNOWLEDGE

Definition of AI/AM, evidence on bargaining

SURVEY

Original survey, variables specified

AGREEMENTS

Analysing existing collective agreements

CONCLUSIONS

Way forward in bargaining?



AI @ WORK: THE SURVEY



- The definitions of AI vary. One of the **definitions** is that AI is any machine-based system that can make predictions, recommendations, or decisions with limited human input/ oversight.
- However, not all AI tools contain AI. AI is often used as a **buzzword for any technology** or digitalised process used at the workplace.
- The AI is sometimes interchangeably named algorithmic management (AM). For the projects, especially the surveys, the definition of AI was **simplified** and related to a diverse set of technological tools and techniques to remotely manage workforces, relying on data collection and surveillance of workers to enable automated or semi-automated decision-making (Mateescu, Nguien, 2019)

Dismantling the AI tools at work – clusters of items:

- **AI tools in the recruitment process** (CV screening, automated interview systems, automated background checks)
- **AI tools for surveillance/assessment of workers' performance** (tracking physical or digital activities, reading workers' emails/messages, assessing performance and outputs against the targeted benchmarks, customer ratings to measure employee performance)
- **AI in work organisation and decision-making** (shift and team allocation, allocating everyday tasks to workers, etc.)

SURVEY: INTEREST IN BARGAINING

Figure 1:
Relevance of the AI-related collective bargaining (N=90, in %)

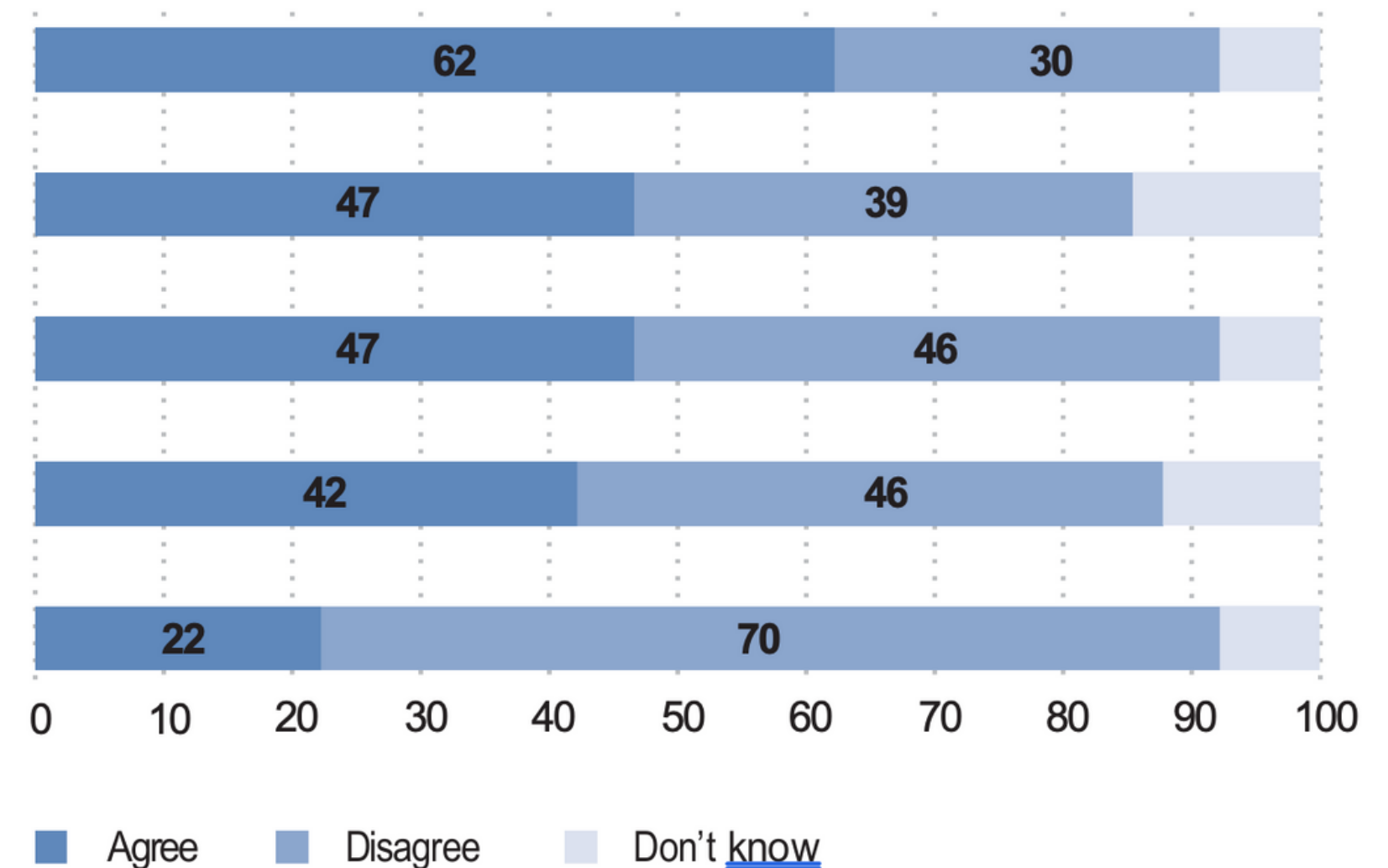
For our union, the use of AI systems is a relevant topic in collective bargaining.

For the employer(s) with whom we bargain, the use of AI systems is a relevant topic in collective bargaining.

Our trade union initiated AI-related topics in collective bargaining

Our trade union conducts bargaining on themes related to AI.

The employer(s) who is/are our bargaining partner(s) initiated AI-related topics in collective bargaining.



Q7: Express your opinion on the following statements on the scale: strongly agree, agree, disagree, strongly disagree and don't know.

Note: Strongly agree and agree were merged into agree; disagree and strongly disagree into disagree

Bargained AI-related topics

- Centred around data protection and privacy for workers.
- The least bargained topics among unionists are related to the hiring process.

AI-related topics not bargained but wished to

- Related to the rights of workers (to challenge the automated decision-making, right information on the AI tool)

AI-related topics that are neither being bargained nor desired to

- Indicate the minor relevance of AI-related issues for trade unions.
- On the other hand, it may indicate that AI-related topics are not seen as a threat to workers so far or that trade unions have limited information on these matters: access to employee emails and messages, systems for generating automatic responses (e.g. chatbots), and voice analytics (e.g. in contact centres).

CONTENT OF AGREEMENTS:

Figure 14:
Percentage of agreements analysed referring to specific topics.

Training for employees and/or management on new AI tools (including the risks related to AI usage)

Employee/trade union involvement when new technologies are introduced

Impact of AI/AM systems on working time and the right to disconnect

Other topics

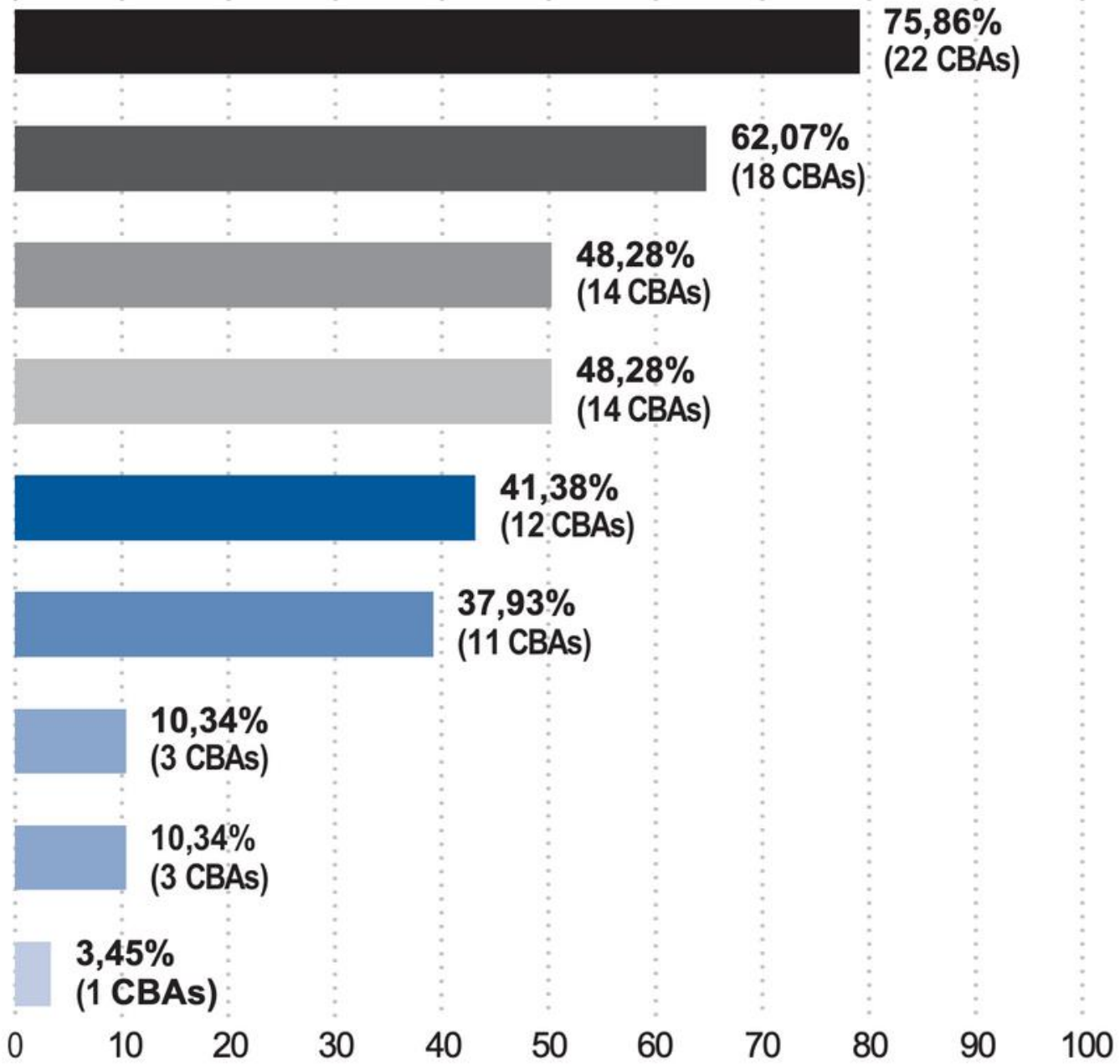
Respecting the relevant privacy/data protection legislation

Employee/trade union involvement in data protection

Not specified

AI/AM tools used for monitoring and worker surveillance (e.g., software/devices to track physical or digital worker activity)

Use of AI/AM in recruitment process, work organization and worker's assessment



100% = all CBAs that refer to the introduction of AI and/or AM at work

Source: [WageIndicator Collective Agreements Database](#), accessed in November 2023. N=30

Training on AI tools

Union involvement in new technologies

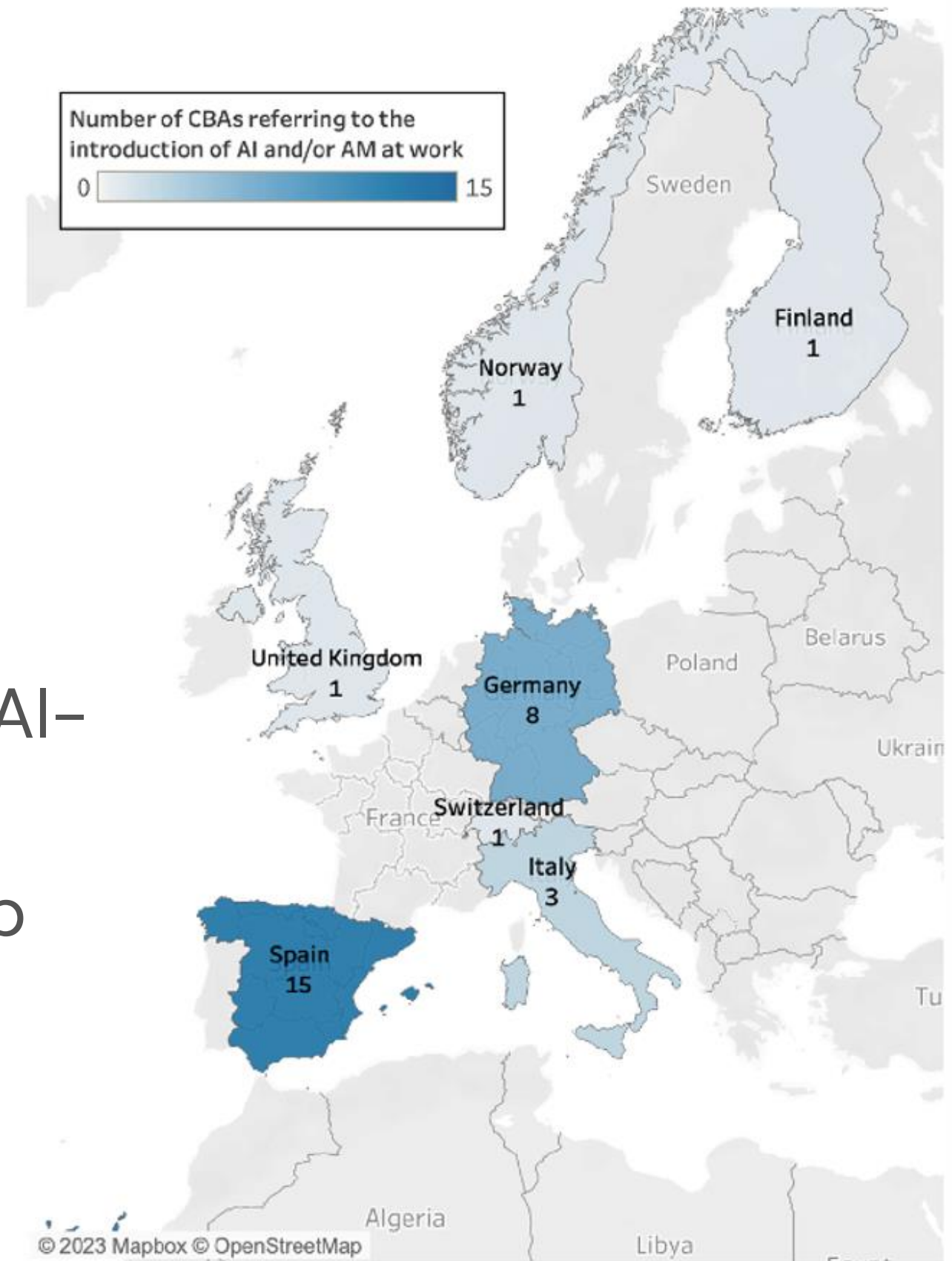
Impact of AI on working time

The right to disconnect

Privacy data protection

CONTENTS OF COLLECTIVE AGREEMENTS

- Norway: NHO and LO (2018–2021) – employee privacy, union consultation on technological control measures
- Germany: IBM (2020) – extensive regulation on AI-related topics
- Finland: ICT sector (2023–2025) – working group on the future of ICT
- Spain: Tekniker (2023–2024) – digital rights including the right to disconnect



Source: [WageIndicator Collective Agreements Database](#), accessed in November 2023. N=30

CONCLUSIONS

- Bargaining on AI is emerging and is not yet as widespread as bargaining on other elements of working conditions
- Only 20% of trade unions in the survey reported having a collective agreement that addresses AI-related issues at the organisation or sector level
- The majority of trade unions (69%) do not have any collective bargaining agreements related to AI, and 11% are unaware of any such agreements



CONCLUSIONS

- As the use of technology at the workplace increases, expectation that collective bargaining on AI will further increase in relevance.
- 42% of the UNI Europa affiliates (survey) are already engaged in discussions and negotiations on various topics related to AI although these are not strictly collective bargaining efforts.
- Unions prioritise bargaining on workers' right to challenge decisions made through automated decision making, right to receive advice from an external data expert.
- Right to information and consultation on the use and evaluation of AI tools.



THANK YOU

marta.kahancova@celsi.sk

