



FES – UNI Europa Launch Event

Collective Bargaining Practices on AI and Algorithmic Management in European Services sectors



V AGREEMENT FOR EMPLOYMENT AND COLLECTIVE BARGAINING



CEPYME

CEOE

Chapter 1. Legal nature and functional scope

The signatory Organizations, which are the most representative at the state level, directly **assume the commitments of this Agreement and are obliged, therefore, to adjust our behavior and actions to what was agreed**, and each of us may demand compliance from the others of the agreed tasks or assignments.

- 1. Both parties recognize** that AI will have a “significant impact” on our labor market which, if not treated with **transparency** and verification, may represent a negative impact, in the form of **bias or discrimination**.
- 2. Both parties recognize** that the main guiding principle of workplace AI will have to be **human control**.
- 3. Companies undertake to provide** the legal representation of workers with **transparent and understandable** information about the operation of these algorithms/AI, **in order to guarantee that there are no prejudices or discrimination**.
4. This information that companies agree to provide **must contain the parameters, rules and instructions** on which the algorithms/AI that occur in our work are based.
5. In any case, it **will be collective bargaining that establishes the criteria that guarantee appropriate use of AI**.

Article 64. Rights of information and consultation.

4. The works committee, with the appropriate frequency in each case, **will have the right to:**

d) **Be informed by the company of the parameters, rules and instructions on which the algorithms or artificial intelligence systems are based that affect decision-making** that may affect working conditions, access to and maintenance of employment, including profiling.

GUÍA de UGT

V AENC

Acuerdo para el Empleo y
la Negociación Colectiva 2023 -2025

PRESENTACIÓN
DEL TEXTO ÍNTEGRO
DEL ACUERDO
Y COMENTARIOS
SINDICALES
DE UGT

MAYO 2023

UNIÓN GENERAL DE
TRABAJADORAS Y TRABAJADORES
Vicesecretaría General de Política Sindical

ANÁLISIS Y CONTEXTOS

RECOMENDACIONES PARA LA NEGOCIACIÓN COLECTIVA DE LA IA

Capítulo XVI.3 del V AENC

51.41%

1.015

149.16

23.30

209.22

205.09

26.42

205.09

29,240.68

SERVICIO DE
ESTUDIOS
UGT

Fecha

(Nº ..)

- 1. Are there algorithmic or Artificial Intelligence solutions that are making decisions, in a fully or partially automated manner, in the work activity of our company?**
- 2. What decisions are they making? In what aspects/areas/decisions of the work activity are you acting? Are algorithms or AI used to monitor work activity?**
- 3. What technology does it use? What variables, parameters, rules and instructions does it base its operation on?**
- 4. Do you capture personal or non-personal data of workers? Does your processing comply with the RGPD in terms of being collected for specific, explicit and legitimate purposes? Is the data collected adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ("data minimization") and is it restricted to actual working time? Where is this data stored? Is this data delivered or transferred to third parties?**

5. Are these work tools working well? For example,

- **Has its *impact been evaluated* prior to its implementation?**
- **Has a *bias-free* operation been verified through any external or internal *audit*?**
- **If they are algorithms/AI resulting from training, has a balanced training *data set* been used in terms of gender, age, diversity, etc.?**

6. Is there a *human action at the end* of each automated decision that complements, modifies, accepts or can revoke said decision? What is the percentage of decisions revoked by the person(s) at the end of each automated decision?

- 7. Who takes responsibility for the automated decisions made by algorithms/AI?*
- 8. What is the channel for a worker to receive an explanation about a decision made by an algorithm/AI?*
- 9. What is the channel for a worker to oppose a decision made by an algorithm/AI?*
- 10. What is **the increase in productivity** recorded as a result of the implementation of these algorithms/AI?*



**MIT
Technology
Review**
Publicado por Opinno

If we're going to make social decisions using algorithms, we need to not just pretend that they are inexplicable

“Explainability refers to making intelligible and providing insight into the outcome of AI systems. The explainability of AI systems also refers to the understandability of the input, output and the functioning of each algorithmic building block and how it contributes to the outcome of the systems. Thus, explainability is closely related to transparency, as outcomes and sub-processes leading to outcomes should aim to be understandable and traceable, appropriate to the context. AI actors should commit to ensuring that the algorithms developed are explainable”



Therefore, there are no excuses about the “difficulty” that these technologies entail, much less respond with mathematical formulas that are incomprehensible to the majority of the world's population.

Explanations must be transparent and adapted to the interlocutor

MUCHAS GRACIAS



**Unión General de
Trabajadoras y Trabajadores**



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