



**2020/2012(INL)**

7.9.2020

# **OPINION**

of the Committee on Employment and Social Affairs

for the Committee on Legal Affairs

with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies  
(2020/2012(INL))

Rapporteur for opinion: Lina Gálvez Muñoz

(Initiative – Rule 47 of the Rules of Procedure)

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## SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. Whereas the application of Artificial Intelligence, robotics and related technologies (AI) in everyday life and in the workplace is constantly increasing, thereby significantly transforming current socio-economic structures; whereas AI should benefit citizens and society by improving the quality of life, creating new employment opportunities and improving the competitiveness of the Union; whereas AI is an essential part of the digital economy and has the potential to foster prosperity and facilitate the transition to a sustainable economy, if harnessed well;
- B. Whereas AI refers to systems that display intelligent behaviour by analysing their environment and taking actions, with some degree of autonomy, to achieve specific goals; whereas AI-based systems can be purely software-based, acting in the virtual world, for example in the form of voice assistants, image analysis software, search engines, speech and face recognition systems, or they can be embedded in hardware devices, for example in the form of advanced robots, autonomous cars, drones or Internet of Things applications;<sup>1</sup>
- C. Whereas AI constitutes a strategic priority the full potential of which can only be exploited if users and consumers are aware of the potential benefits and challenges it brings; whereas enterprises as well as workers and their representatives are often aware of neither AI applications nor of their underlying functions and data; whereas there are cases of AI applications in breach of existing regulations, such as data protection;
- D. Whereas AI potentially offers economic and societal benefits as well as new opportunities for businesses and workers, while at the same time giving rise to a number of ethical, legal and employment related challenges; whereas the application of AI at the workplace can contribute to inclusive labour markets and impact occupational health and safety, while it can also be used to monitor, evaluate, predict and guide the performance of workers with direct and indirect consequences for their careers; whereas AI should have a positive impact on working conditions and be guided by respect for human rights as well as the fundamental rights and values of the Union; whereas AI should be human centric, enhance the well-being of people and society and contribute to a fair and just transition;
- E. Whereas AI has a marked impact on the labour market<sup>2</sup>; whereas it can potentially replace workers performing repetitive activities, facilitate human-machine collaborative working systems, increase competitiveness and prosperity and create new job opportunities for qualified workers; whereas the employment landscape is rapidly evolving with an estimated 65% of today's children expected to work in completely new types of job and there is a need for re-skilling and up-skilling of workers, in particular with regard to digital skills, to ensure no one is left behind and there is a

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<sup>1</sup> Commission Communication on Artificial Intelligence for Europe, COM(2018) 237 final

<sup>2</sup> STOA, "The ethics of artificial intelligence: issues and initiatives" March 2020

sufficient supply of specialised labour<sup>3</sup>;

- F. Whereas according to CEDEFOP, about 43% of Union adult employees have experienced new technologies at work; whereas about seven in ten Union workers require at least moderate digital skills to do their job;<sup>4</sup> whereas on average, about one quarter of Union citizens have no or low-level digital skills; whereas the digital divide has specific socio-economic, gender, age, geographic and accessibility aspects, which must be addressed; whereas 42% of workers in companies that apply AI in their business processes believe that such activities lead to ethical issues, which must be addressed; whereas 28% of the employers believe that the application of AI has not developed at full scale because of a lack of ethical rules on this issue;<sup>5</sup>
- G. Whereas the COVID-19 pandemic underlined the importance of digital solutions, including teleworking, as well as its technical and social implications; whereas there are no common provisions at Union level, as regards the application of AI at the workplace, which could lead to market distortions and competition disadvantages; whereas AI should be subject to an appropriate regulatory framework;
- H. whereas the OECD has drawn up recommendations on AI<sup>6</sup>;
- I. whereas the Council of the European Union encourages the promotion of an ethical and human-centred approach with regard to AI<sup>7</sup>;
- J. whereas social partners at Union level concluded a framework agreement on digitalisation, which amongst others includes a chapter on “Artificial intelligence and guaranteeing the human in control principle”<sup>8</sup>;
- K. whereas some Member States have already established special bodies to monitor and assess the influence of AI at the workplace;
- L. whereas efforts to tackle gender bias and inequality in the digital sector are insufficient; whereas the gender gap persists across all digital technology domains and especially with regard to AI, thereby solidifying a male-biased trajectory for the digital sector in the foreseeable future;
- 1. Highlights the need to thoroughly assess the opportunities and challenges presented by AI applications in private and public companies as well as in public administration in relation to jobs and workers, including their impact on work-life balance, organisation of work and workflows; considers it indispensable that social dialogue not be bypassed and workers and their representatives be consulted and receive sufficient information right from the start of the decision making process; underlines that the deployment of AI needs to be transparent and that AI systems at the workplace must respect the

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<sup>3</sup> European Parliament, “Encouraging STEM Studies for the labour market” March 2015

<sup>4</sup> CEDEFOP, “European Skills and Jobs survey”

<sup>5</sup> Capgemini Research Institute, “Why addressing ethical questions in AI will benefit organisations”, July 2019

<sup>6</sup> OECD, “Recommendation of the Council on Artificial Intelligence”, 2019,  
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>

<sup>7</sup> Council of the European Union “Council Conclusions on Shaping Europe’s Digital future”, June 2020

<sup>8</sup> European Social Partners Framework Agreement on Digitalisation, June 2020

privacy and dignity of workers;

2. Points out that a comprehensive risk assessment should come before the development, deployment and implementation of AI systems, evaluating its impact on fundamental rights and working conditions, including in terms of occupational health and safety, as well as its social consequences; assessments should cover risks related to human decision-making and social discrimination, as well as the evaluation of occupational risks arising;
3. Points out that AI solutions have the potential to improve working conditions and the quality of life, including improved work-life balance and better accessibility for people with disabilities, to predict labour market development and to support human resource management in preventing human bias, yet they can also raise concerns as regards privacy and occupational health and safety, such as the right to disconnect, and lead to disproportionate and illegal surveillance and monitoring of workers, infringing their dignity and privacy, as well as discriminatory treatment, including in recruitment processes, due to biased algorithms, including gender or racially and ethnically biased algorithms<sup>9</sup> and algorithms to the detriment of vulnerable groups; is concerned, furthermore, that AI can undermine the freedom and autonomy of people and contribute to mental health problems of workers, such as burnout, “techno stress”, psychological overload and fatigue; stresses that AI solutions in the workplace must be transparent, fair and avoid any negative implications for the workers;
4. Underlines that competent authorities should have access to all information concerning the data used for training, statistical models and theoretical principles related to AI solutions as well as the empirical validity of their outcomes;
5. Considers that AI can help to better utilise the skills and competences of people with disabilities and that the application of AI in the workplace can contribute to inclusive labour markets and higher employment rates for people with disabilities;
6. Stresses that new technological possibilities, such as AI, and the appreciation of work efficiency must not lead to unequal technologically enhanced capacities, and a dehumanised digital future; underlines that the ethics of innovation must follow a humanist approach;
7. Considers that it should be mandatory for users, including workers, and consumers to be informed when a system uses AI, particularly with regard to personalised products or services, and to receive meaningful information, in easily understandable and accessible form, on all ethical aspects of AI applications relevant to them, to take informed decisions; stresses the importance of understanding how algorithms process and value data and how this can be limited or stopped; highlights the need for competence development through training and education for workers and their representatives with regard to AI in the workplace to better understand the implications of AI solutions;
8. Stresses that applicants and workers must be duly informed in writing when AI is used in the course of recruitment procedures and other human resource decisions and how in

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<sup>9</sup> European Parliament: “Education and employment of women in science, technology and the digital economy, including AI and its influence on gender equality”, April 2020.

this case a human review can be requested in order to have an automated decision reversed;

9. Stresses the need to ensure that productivity gains due to the development and use of AI and robotics do not only benefit company owners and shareholders, but also profit companies and the workforce, through better working and employment conditions, including wages, economic growth and development, and also serve society at large, especially where such gains come at the expense of jobs; calls on the Member States to carefully study the potential impact of AI on the labour market and social security systems and to develop strategies as to how to ensure long-term stability by reforming taxes and contributions as well as other measures in the event of smaller public revenues;
10. Underlines the importance of corporate investment in formal and informal training and life-long learning in order to support the just transition towards the digital economy; stresses in this context that companies deploying AI have the responsibility of providing adequate re-skilling and up-skilling for all employees concerned in order for them to learn how to use digital tools and to work with co-bots and other new technologies, thereby adapting to changing needs of the labour market and staying in employment;
11. Calls for the application of the precautionary principle with regard to new technologies based on AI; underlines the fundamental principle that humans must always be in control of machines and AI and that AI decision making must be accountable and contestable and where relevant reversible; stresses that safety and security standards for AI must be respected and highlights the importance of regular checks and controls in this regard to prevent erroneous AI output; recalls that liability with regard to the use of AI must be clearly defined, both in the event of occupational accidents and damage caused to third parties;
12. Underlines that AI has to be human-centric, transparent, safe and secure and must comply with fundamental rights and applicable laws and regulations, including the General Data Protection Regulation (GDPR), throughout the system's entire life cycle, especially when it is deployed at the workplace; calls for the development of a robust certification system, based on test procedures and guided by the precautionary principle, which would allow businesses to demonstrate that their AI products comply with fundamental rights and Union standards;
13. Recalls that the employment and social acquis of the Union fully applies to AI and calls on the Commission and the Member States to ensure proper enforcement and to address any potential legislative gaps; notes that the Union can become a global leader in promoting a socially responsible use of AI;
14. Stresses the importance of a common European approach with regard to the ethical aspects of AI; underlines, that any regulatory framework in this regard must be adequate and based on a comprehensive impact assessment in order to avoid hampering future innovation and job creation; calls in this context for a European regulatory framework regarding the ethical aspects of AI which is proportionate and has a special focus on the world of work, including workers' rights and working conditions; considers that special attention should be paid to new forms of work, such as gig and platform work, resulting

from the application of new technologies in this context; considers that a legislative framework that has the aim of regulating telework conditions across the Union and ensure decent working and employment conditions in the digital economy must likewise take the impact of AI into account; calls on the Commission to consult with social partners, AI-developers, researchers and other stakeholders in this regard;

15. Underlines that AI and any related legislation must not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States, in accordance with national law and/or practice, or affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and/or practice;
16. Underlines that special attention must be paid to data collected at the workplace with the help of AI, in particular if it is used for human resources decisions; calls on social partners at company level to jointly analyse and monitor the deployment of AI; calls on the Commission and social partners to analyse the need for special provisions on data protection at the workplace in the context of AI; stresses that workers are the owners of their data, even after the end of an employment relationship;
17. Considers that the new Skills Agenda for Europe must address the challenges of adapting and acquiring qualifications and knowledge, in view of the ecological and digital transition, including ethical aspects of AI; underlines the need to make ethical aspects of AI and the development of skills for ethical purposes an integral part of any education and training curricula for developers and people working with AI; recalls that developers, programmers, decision-makers and companies dealing with AI must be aware of their ethical responsibility; considers it likewise important to ensure that end users and consumers are provided with comprehensive information and that there are regular exchanges between all relevant stakeholders in this regard;
18. Reiterates the importance of education and continuous learning to develop the qualifications necessary in the digital age and to tackle digital exclusion; calls on the Member States to invest in high quality, responsive and inclusive education, vocational training and life-long learning systems as well as re-skilling and up-skilling policies for workers in sectors that are potentially severely affected by AI; highlights the need to provide the current and future workforce with the necessary literacy, numeracy and digital skills as well as competences in science, technology, engineering and mathematics (STEM) and cross-cutting soft skills, such as critical thinking, creativity and entrepreneurship; underlines that special attention must be paid to the inclusion of disadvantaged groups in this regard;
19. Underlines that AI must not reinforce gender inequalities and stereotypes by transforming analogue biases and prejudices into digital ones through algorithms;
20. Stresses the need to ensure that people from diverse backgrounds, including women, young people, people of colour and people with disabilities are included in the development, deployment and use of AI; recalls that AI-based technologies at the workplace must be accessible for all, based on the design for all principle;
21. Points out that access to AI solutions is closely linked to access to high speed internet

and therefore broadband coverage should be a priority in order to avoid discrimination and unequal access to these technologies;

22. Notes that the opportunities of AI solutions rely on ‘Big Data’, with a need for a critical mass of data to train algorithms and refine results; welcomes in this regard the Commission’s proposal for the creation of a common data space in the Union to strengthen data exchange and support research in full respect of European data protection rules.



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	7.9.2020
<b>Result of final vote</b>	+: 46 -: 6 0: 1
<b>Members present for the final vote</b>	Atidzhe Alieva-Veli, Abir Al-Sahlani, Marc Angel, Dominique Bilde, Gabriele Bischoff, Vilija Blinkevičiūtė, Andrea Bocskor, Milan Brglez, Sylvie Brunet, David Casa, Leila Chaibi, Margarita de la Pisa Carrión, Özlem Demirel, Klára Dobrev, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Rosa Estaràs Ferragut, Nicolaus Fest, Loucas Fourlas, Cindy Franssen, Helène Fritzon, Elisabetta Gualmini, France Jamet, Agnes Jongerius, Radan Kanev, Adam Kósa, Stelios Kypouropoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Radka Maxová, Kira Marie Peter-Hansen, Dragoş Pîslaru, Manuel Pizarro, Dennis Radtke, Elżbieta Rafalska, Guido Reil, Daniela Rondinelli, Mounir Satouri, Monica Semedo, Beata Szydło, Eugen Tomac, Romana Tomc, Yana Toom, Marie-Pierre Vedrenne, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Stefania Zambelli, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Lina Gálvez Muñoz, Eugenia Rodríguez Palop

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>46</b>	<b>+</b>
ECR	Lucia Ďuriš Nicholsonová, Elżbieta Rafalska, Beata Szydło, Margarita de la Pisa Carrión
GUE/NGL	Leila Chaibi, Özlem Demirel, Eugenia Rodríguez Palop, Nikolaj Villumsen
NI	Daniela Rondinelli
PPE	Andrea Bocskor, David Casa, Jarosław Duda, Rosa Estaràs Ferragut, Loucas Fourlas, Cindy Franssen, Radan Kanev, Ādám Kósa, Stelios Kypourouopoulos, Miriam Lexmann, Dennis Radtke, Eugen Tomac, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Atidzhe Alieva-Veli, Sylvie Brunet, Dragoş Pîslaru, Monica Semedo, Yana Toom, Marie-Pierre Vedrenne
S&D	Marc Angel, Gabriele Bischoff, Viliija Blinkevičiūtė, Milan Brglez, Klára Dobrev, Estrella Durá Ferrandis, Helène Fritzon, Lina Gálvez Muñoz, Elisabetta Gualmini, Agnes Jongerius, Manuel Pizarro, Marianne Vind
Verts/ALE	Katrin Langensiepen, Kira Marie Peter-Hansen, Mounir Satouri

<b>6</b>	<b>-</b>
ID	Dominique Bilde, Nicolaus Fest, France Jamet, Elena Lizzi, Guido Reil, Stefania Zambelli

<b>1</b>	<b>0</b>
Renew	Radka Maxová

**Key to symbols:**

+ : in favour

- : against

0 : abstention