

## **Feedback on proposal to regulate artificial intelligence**

### **By Norwegian labor union Negotia**

*Negotia is a labor union for private sector employees. We organize members from business areas such as service, sale, marketing, IT, administration, organization, laboratories, logistics, accounting and finance. Negotia is a politically independent organization and affiliated with the umbrella organization Norwegian Confederation of Vocational Unions (YS). Approximately 21 500 workers employed in the private sector are organized in Negotia.*

Negotia would like to commend the European Commission for proposing legislation that represents an important step towards protecting fundamental rights when it comes to the rapidly evolving technology of artificial intelligence.

It is our belief that new technology creates jobs and increased value for companies. As a trade union, we are nevertheless concerned that the proposed legislation does not provide employees with sufficient protection against the negative consequences of using artificial intelligence in the workplace.

We fully support categorizing the use of artificial intelligence in the workplace as high-risk, based on the possible threat to workers' fundamental rights. The European Commission's proposal mentions, in particular, the use of artificial intelligence in recruitment processes, in decisions regarding promotions or termination of employment, in the distribution of work tasks or the monitoring and evaluation of employees. Negotia agrees that all of these areas have a major impact on the career opportunities and lives of individual workers. The use of artificial intelligence in these areas can easily be perceived as intrusive. Flaws in the technology used can, in worst case scenarios, lead to systematic discrimination. The introduction of artificial intelligence in these areas must therefore be treated with great caution.

Any introduction of artificial intelligence into an organization will affect the employees. It is our belief that the Commission's proposed legislation on the use of artificial intelligence in the workplace, does not provide adequate protection in the face of these risks. Negotia therefore believes that all artificial intelligence used in the workplace should be defined as high-risk.

Furthermore, the proposed regulation does not take into consideration the unique power dynamics in the workplace. The proposed system suggests that the users of artificial intelligence systems are mostly consumers. In the workplace, however, adopting new technology is a leadership decision. Even though it is the employees who risk the greatest negative consequences when introducing such systems, they may not be involved in the decision-making at all. If a new system is adopted, it is unlikely that any employee can choose to opt-out. Negotia believes this should be clearly reflected in the regulation of artificial intelligence in the workplace.

The proposed regulation also does not directly address the ethical implications of using artificial intelligence in the workplace. For instance: If the employer's purpose in using artificial intelligence is to monitor the employees, this may have a negative effect on them, even if the technological solution performs as intended. The undesirable effects of this kind of intrusive technology must be taken into account in the final regulation.

The proposed regulation does not address the role of shop stewards in ensuring that worker's rights are safeguarded when artificial intelligence is introduced in the workplace. The best solutions are found through local dialogue between management and worker's representatives. To ensure co-determination from employees, Negotia believes that the social dialogue should have a clearly defined role in the regulation of artificial intelligence in the workplace. We also believe that the conformity assessment of artificial intelligence solutions that are intended to be used in the workplace should be performed by an independent third party.

In conclusion, Negotia believes the European Commission's proposal to regulate artificial intelligence, is a great step in the right direction, but that it has clear weaknesses when it comes to regulating technology in the workplace. Further measures should be put in place to ensure workers' rights, in the face of technological developments.

We are grateful for the opportunity to provide feedback on the proposal, and look forward to following the legislative process going forward.



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