

# DIGNITY AT WORK AND THE AI REVOLUTION

A TUC MANIFESTO

**TUC**

Changing the world  
of work for good

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# INTRODUCTION



Artificial Intelligence (AI) is transforming the way we work and, alongside boosting productivity, offers an opportunity to improve working lives.

But new technologies also pose risks: more inequality and discrimination, unsafe working conditions, and unhealthy blurring of the boundaries between home and work.

The TUC believes we are now at a crucial moment in the AI-driven technological workplace revolution.

AI is being used to make important, life-changing decisions about people at work; decisions like who gets a job and who is made redundant.

And new technologies are being rolled out at an incredible speed. The pace of change has been accelerated by the coronavirus pandemic, with AI being used to facilitate management of remote working.

If we seize this moment, we can ensure that dignity at work, fair rewards and workers' voice are at the heart of the agenda.

But if we fail to act, we run the risk that rather than delivering benefits for all, these new technologies will entrench inequalities, unfair treatment and unsafe working practices.

Our prediction is that left unchecked, the use of AI to manage people will also lead to work becoming an increasingly lonely and isolating experience, where the joy of human connection is lost.

In this manifesto, we highlight the values we should all adopt to make sure that technology at work is for the benefit of everyone, and to reassert the importance of human agency in the face of technological control.

Work is a huge part of all our lives. It matters to all of us that we get this technological revolution right.

The time for action is now.

This is our manifesto. Please support our values and proposals for change by [signing up to it here](#).

**Frances O'Grady**  
TUC General Secretary



## PART 1

# OUR VALUES



**These are the values that we consider are fundamental to ensuring technology at work is for the benefit of all. In particular, we invite all employers to adopt these values when they consider introducing new technologies to recruit and manage people at work.**

### Worker voice

Worker concerns and interests should always be at the heart of the development, application and implementation of AI at work.

Everyone at work should have a say in deciding whether AI is introduced to make important decisions about people. There

should be genuine and active consultation with unions and workers before new technologies are introduced.

Employers and trade unions working together to put in place collective agreements on new technologies and data is the most effective way to ensure worker interests are respected.

### Equality

No unlawful discriminatory decisions should be made using technology.

We know workers are suffering discrimination and other forms of unfairness resulting from use of AI at work. For example, there may be discriminatory outcomes when

facial recognition technology has been trained on data comprising only white faces. Discrimination by algorithm must stop.

There must also be equal access to AI at work for all, regardless of characteristics such as age or disability.

## Health and wellbeing

No new technology should be introduced at work that has a negative impact on workers' physical or mental health, or their safety.

## Work/home boundaries

When implementing new technologies, employers should respect the importance of clear work/home life boundaries. Without these boundaries, work intrudes on private life. Workers report to us that they increasingly feel constantly scrutinised and monitored, which can lead to stress and ill-health.

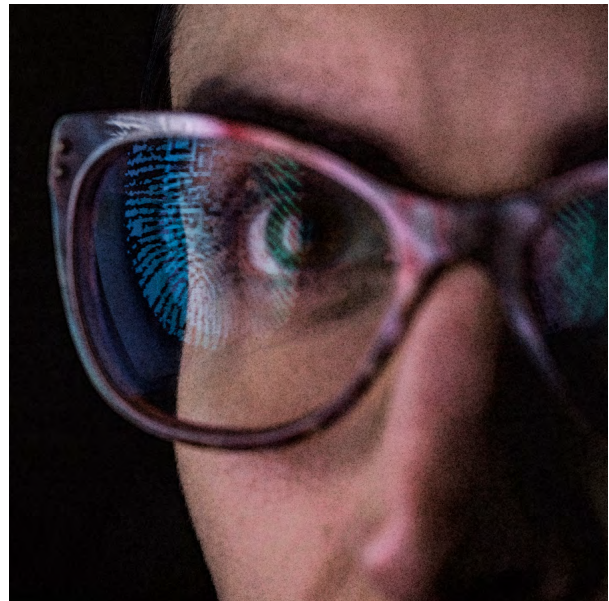
## Human connection

It is crucial to maintain some degree of human involvement in decision making at work. Without this, unfair decisions made by technology are more likely to go unchallenged and unquestioned.

We also acknowledge the fundamental importance of human contact and interaction at work, and the value of human agency. Human beings should not feel they are subject to absolute technological control.

## Transparency and explainability

It should be clear to people when technology is being used to make decisions about them at work. The way in which these decisions have been made must also be easy to explain and understand. And there should



Workers should be educated about the value of personal data, how this is used by their employer, and how data is used to inform AI systems.

be enough information available to workers and job applicants about the technology to ensure they can trust it will operate fairly.

Otherwise, it will be impossible for workers to challenge unfair and discriminatory decisions made by technology, or to know when inaccurate or misleading data has been used.

## Data awareness and control

Workers should be educated about the value of personal data, how this is used by their employer, and how data is used to inform AI systems. They should also have control and influence over how their data is used.

Data that is used in AI systems must be fair and accurate.



☞ We all need to help educate each other about technology, artificial intelligence, algorithms, machine learning and the power of data. ☞

### **Data reciprocity**

Data equality and justice is a principle that all modern, forward-looking workplaces should support. There is an increasing public expectation of equal power and rights over data, and this should be reflected in the workplace. As employers collect and use worker data, workers should have a reciprocal right to collect and use their own data.

Trade unions are uniquely placed to help workers and employers redress the imbalance of power over data at work.

### **Education and communication**

We all need to help educate each other about technology, artificial intelligence, algorithms, machine learning and the power of data, and equip ourselves with the language to communicate about this.

When we all understand these terms and can communicate effectively about technology, we will be a significant step closer to solving the problems associated with it.

### **Collaboration**

We all stand to benefit or lose from this technological revolution, whether it is at work, or in other aspects of our lives. We need to work together to make sure that all our different interests are represented.

The journey will be so much easier if we all collaborate and share our knowledge, perspective, experience and influence.

We invite everyone - workers, politicians, coders, union reps, employers, regulators, the public, tech leaders and government bodies, international partners - to actively engage with us and help us develop and implement our proposals.

### **Action from you**

Please show your support for these manifesto values and our proposals for change by [signing up here](#).



## PART 2

# OUR PROPOSALS



**These are our proposals to implement the values we have outlined in Part 1 of our manifesto.**

### Target 'high-risk' decisions

We don't want to inhibit innovation, but we do want to prevent unfairness.

To strike this balance, as a starting point we suggest targeting high-risk AI/automated decision making (ADM) for more regulation.

Our view is that 'high-risk' should be defined as broadly as possible without inhibiting harmless uses of AI and ADM and should be focused on the worker impact.

We would like sector-specific guidance on the meaning of high-risk AI/ADM, with full input from unions and civil society.

### Worker voice

#### Collective bargaining

We encourage all employers and unions to work together to put in place collective agreements that reflect the values and proposals we outline in this manifesto.

#### A new duty to consult

There should be a statutory duty to consult trade unions in relation to the deployment of high-risk AI and ADM systems in the workplace directly or through a third party.

## Workers, employees and the self-employed

The voice of all working people matters to us, and that includes job applicants, workers, employees and the self-employed.

Many of the proposals in this manifesto relate to 'workers' and 'employees'. This is because employment status as a 'worker' or 'employee' is often the basis of eligibility for legal protection under existing legislation. However, we emphasise that we wish as many people as possible to benefit from the values and proposals we make in this manifesto.

## Equality

### Amendments to legislation to protect against discrimination

- › The UK's data protection regime should be amended to state that discriminatory data processing is always unlawful.
- › The burden of proof in relation to discrimination claims that challenge high-risk AI or ADM systems in the workplace should be expressly reversed.
- › Provision should be made to ensure that all actors in the 'value chain' leading to the implementation of AI and ADM in the workplace, are liable for discrimination subject to a reasonable-steps defence.

### Amendments to legislation to protect against unfairness

- › The Employment Rights Act 1996 should be amended to create a right, which can be enforced in the employment tribunal, for workers not to be subject to detrimental treatment, including dismissal, due to the processing of inaccurate data.



☞ The voice of all working people matters to us, and that includes job applicants, workers, employees and the self-employed. ☞

### Equality impact audits and data protection impact assessments

- › Equality Impact Audits in the workplace should be made mandatory as part of the Data Protection Impact Assessment (DPIA) process and made readily accessible to workers, employees and their representatives.
- › Employers should also be obliged to publish DPIAs.

### Additional guidance

- › There should be joint statutory guidance on the steps that should be taken to avoid discrimination in consequence of AI and ADM at work. Statutory guidance should be developed with input from Acas, CBI, CDEI, EHRC, ICO, and the TUC.





☞ There should be a statutory right for employees and workers to disconnect from work, to create ‘communication-free’ time in their lives. ☞

## Human connection

### New right to human review

- › There should be a comprehensive and universal right to human review of decisions made in the workplace which are high-risk.

### New right to human contact

- › There should be an express statutory right to personal analogue engagement – an ‘in-person engagement’ – when important, high-risk decisions are made about people at work.

## Work/home boundaries

### Guidance

Although current law (Article 8 European Convention of Human Rights) does protect workers against intrusive AI/ADM that infringes privacy, there is inadequate legally binding guidance to employers explaining how these rights actually work in practice.

- › There should be statutory guidance for employers on the interplay between AI and ADM in relation to Article 8 and key data protection concepts in the UK GDPR.

### Right to disconnect

- › There should be a statutory right for employees and workers to disconnect from work, to create ‘communication-free’ time in their lives.

## Transparency and explainability

### Amendment to legislation to ensure access to information

- › To ensure that a worker has ready access to information about how AI and ADM are being used in the workplace in a way which is high-risk, employers should be obliged to provide this information within the statement of particulars required by Section 1 of the Employment Rights Act 1996.

### Action from employers

- › Employers should be obliged to maintain a register which contains this information, updated regularly. This register should be readily accessible to existing employees, workers, and job applicants, including employees and workers that are posted to sites controlled by organisations other than the employer.



### **Amendments to legislation to ensure technology is understandable**

- › UK data protection legislation should be amended to include a universal right to explainability in relation to high-risk AI or ADM systems in the workplace, with a right to ask for a personalised explanation, along with a readily accessible means of understanding when these systems will be used.

### **Trade deals**

- › No international trade agreement should protect intellectual property rights from transparency in such a way as to undermine the protection of employees and workers' rights.

## **Data awareness and control**

### **Guidance**

Data protection law provides workers with some key protections, including a right to challenge data processing, as well as a right not to be subject to ADM, in specific circumstances.

However, we need better guidance on how these protections operate in practice, to give more clarity to everyone at work.

- › We need statutory guidance on Articles 6, 21 and 22 of the UK General Data Protection Regulation.

This should include guidance on:

- › The circumstances in which an employer can lawfully process data on the basis that it is 'necessary' to the employment contract under Article 6(1)(b) of the UK GDPR.

- › The circumstances in which an employer can lawfully process data on the basis that it is 'necessary' to protect their legitimate interests or those of a third party.
- › The interplay between Article 6(1)(b) and (f) bearing in mind that the lawful basis for data processing dictates the extent to which Articles 21 and 22 can be invoked and these provisions include important safeguards in relation to the use of AI-powered technologies and ADM.
- › The circumstances in which Articles 21 and 22 can be disapplied.

### **Data reciprocity, innovation and opportunity**

The use of AI at work presents many opportunities for workers. Our proposals for data reciprocity will redress the imbalance of power over data at work but will also enable workers to benefit from AI-powered tools themselves. For example, by undertaking analysis of data that can evidence and support trade union campaigning for better terms and conditions at work.

Our proposals are intended to help trade unions and workers realise these opportunities.

### **New right to data reciprocity**

Employees and workers should have a positive right to 'data reciprocity', to collect and combine workplace data.

### **New role for trade unions**

- › Trade unions could argue for a formal data gathering role in relation to member data so that they can effectively monitor the use of high-risk AI and ADM in the workplace.
- › Trade unions could also seek recognition as data subject representatives under the UK GDPR.

- › Trade unions could investigate ways to collect and make use of worker data, including engaging data scientists and developing AI-powered tools.

## **Collaboration**

### **Ethical guidelines**

To encourage ethical behaviour at all stages of the AI production and implementation chain and establish a common understanding of the acceptable uses and deployment of new forms of technology, we suggest collaboration between the TUC and other stakeholders to agree comprehensive ethical guidelines.

- › Establish employment-focused ethical principles in relation to high-risk AI and ADM systems.

### **Further details**

For anyone who would like to read more about the background research that has informed our values, and/or the details behind our proposals, [see our research and legal reports here](#).

If you are interested in discussing our work with us, or collaborating with us over any aspect of this manifesto, [please contact us here](#).



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