



2020/2216(INI)

22.3.2021

OPINION

of the Committee on Employment and Social Affairs

for the Committee on the Internal Market and Consumer Protection

on shaping the digital future of Europe: removing barriers to the functioning of the digital single market and improving the use of AI for European consumers (2020/2216(INI))

Rapporteur for opinion: Konstantinos Arvanitis

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SUGGESTIONS

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

- A. whereas the Fourth Industrial Revolution, digitalisation and artificial intelligence (AI) are leading to fundamental and structural changes in the labour market, the workplace, work patterns and the work profile of workers, as well as in consumer behaviour and the way people live in general; whereas these changes are expected to benefit citizens and society by improving quality of life and creating new employment opportunities and more sustainable business models, while also posing a number of risks and challenges that will require constant and dynamic evaluation and adaptation of the relevant legislative frameworks in accordance with EU rules and principles such as the European Pillar of Social Rights, the Charter of Fundamental Rights of the EU and the European Social Charter, as well as the High-Level Expert Group on AI's Ethics Guidelines for Trustworthy AI¹;
- B. whereas new opportunities brought by the digital transformation and the digital single market should empower all EU citizens and enable them to prosper;
- C. whereas digitalisation and AI have the potential to substantially change the way people receive information, communicate and think;
- D. whereas in view of the considerable challenges posed by its synergies with the labour market, the education system should better anticipate the future needs of the labour market and be able to adapt accordingly;
- E. whereas AI has the potential to provide safer and more inclusive workplaces and labour markets;
- F. whereas AI and digitalisation plausibly facilitate human-machine synergies and offer economic and societal benefits as well as new opportunities for businesses and workers, while also giving rise to a number of ethical, legal and employment-related challenges; whereas the use of AI in the workplace can contribute to inclusive labour markets and improve occupational health and safety, while also serving 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 and 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; whereas this can enable social groups that were previously excluded, such as persons with disabilities, to have greater access to the workforce and whereas the risks associated with the disappearance of certain employment sectors should be balanced by creating new employment opportunities and more and better jobs than those that are lost;
- G. whereas on average, 16 % of workers in the EU fear that digitalisation will render their

¹ European Commission, 'Ethics guidelines for trustworthy AI', 8 April 2019.

skills outdated²;

- H. whereas AI is a strategic priority whose full potential can only be realised if users and consumers are aware of the possible benefits and challenges it can bring; whereas there have been cases of AI being applied in breach of existing regulations, such as on data protection;
- I. whereas it is necessary to incorporate potential opportunities and risks into the education process, including for combating digital exclusion, and to conduct European information campaigns to provide an adequate understanding of the key features of all aspects of AI development;
- J. whereas technology-enabled surveillance, monitoring and control in the workplace³ can exert undue pressure on employees to be quicker and more efficient and track their behavioural patterns;
- K. whereas enterprises, workers and workers' representatives are seldom aware of AI applications or their underlying functions and data;
- L. whereas in view of the growing demand for specific AI skills and high-level expertise in the labour market, all EU citizens need to have the requisite understanding of AI to be able to conduct their everyday lives;
- M. whereas today's rapid technological change is often accompanied by the spread of false information, hoaxes and misinterpretations that can undermine the positive aspects and opportunities of technological development;
- N. whereas the General Data Protection Regulation (GDPR) (recital 71) recognises the right to not be subject to e-recruiting practices without human intervention;
- O. whereas the digital divide has specific socio-economic gender, age, geographic and accessibility aspects which must be addressed;
- P. whereas the COVID-19 pandemic has underlined the importance of digital solutions, including teleworking, in addition to its technical and social implications; whereas there are no common provisions at EU level as regards the application of AI in the workplace, which could lead to market distortions and competition disadvantages; whereas AI should be subject to an appropriate regulatory framework;
- Q. whereas the algorithmic management of work, workplaces and workers can create imbalances in power and opacity about decision-making and must be transparent in order for workers to challenge these decisions through effective procedures; whereas AI – including high-risk AI⁴ – is increasingly used not only in the workplace, but also for

² Cedefop, 'Artificial or human intelligence? Digitalisation and the future of jobs and skills: opportunities and risks', p. 3.

³ Such as prediction and flagging tools, remote monitoring and time-tracking and algorithmic management. See Mateescu, A., Nguyen, A., 'Explainer: Workplace Monitoring & Surveillance', *Data & Society*, 6 February 2019.

⁴ Commission white paper of 19 February 2020 entitled 'Artificial Intelligence – a European approach to excellence and trust' (COM(2020)0065), p. 18.

other administrative processes; whereas simple and intelligible information should be provided regarding the use of AI in work-related processes, as an understanding of the basic features of algorithms is a pre-condition for ethical usage;

- R. whereas the Organisation for Economic Co-operation and Development (OECD) has drawn up recommendations on AI⁵;
- S. whereas under Article 22(1) of the GDPR, workers have the right not to be subject to a decision based solely on automated processing, which means that there must be human oversight;
- T. whereas human oversight and transparency are an essential element in ensuring that AI systems conform with the relevant legislation;
- U. whereas the Council encourages the promotion of an ethical and human-centred approach with regard to AI⁶;
- V. whereas European social partners have concluded a framework agreement on digitalisation, which includes a chapter on AI and guaranteeing the human in control principle⁷;
- W. whereas efforts to tackle gender bias and inequality in the digital sector are insufficient; whereas the gender gap persists across all digital technology domains, not least with regard to AI, thereby cementing a male-biased trajectory for the digital sector in the foreseeable future;
- X. whereas in its resolution of 17 December 2020 on a strong social Europe for Just Transitions⁸, the European Parliament called for the prohibition of the use of AI in recruitment processes;
1. Stresses the importance of a common European approach to the ethical aspects of AI; stresses the urgent need to apply the ethics-by-default principle as a leading principle for the design and use of AI; underlines that the EU's regulatory framework must ensure that AI is human-centric and that workers' human dignity and fundamental rights are fully respected in the digital economy; stresses, in addition, that the European AI framework⁹ must respect EU rules and principles, such as the European Pillar of Social Rights;
 2. Welcomes the positive impact that AI could have on European labour markets, including job creation, safer and more inclusive workplaces, the fight against discrimination in recruitment and pay, and the promotion of better skill-matching and workflows, provided that risks are mitigated and regulatory frameworks are updated regularly as the digital wave progresses;
 3. Underlines that AI has to be human-centric, transparent, safe and secure and must

⁵ OECD Legal Instruments, 'Recommendation of the Council on Artificial Intelligence', 22 May 2019.

⁶ Council conclusions of 16 June 2020 on shaping Europe's digital future, OJ C 202 I, 16.6.2020, p. 1.

⁷ European Social Partners Framework Agreement on Digitalisation, June 2020.

⁸ Texts adopted, P9_TA(2020)0371.

⁹ European Commission, 'Ethics guidelines for trustworthy AI', 8 April 2019.

comply with fundamental rights and applicable laws and regulations, including the GDPR, throughout the entire life cycle of the system, in particular when it is deployed in the workplace; calls for the development of a robust certification system based on test procedures and guided by the precautionary principle to enable businesses to demonstrate that their AI products comply with fundamental rights and EU standards;

4. Points out that the development, deployment and implementation of AI systems should be preceded by a comprehensive risk assessment to evaluate the impact on fundamental rights and working conditions, including in terms of occupational health and safety, as well as the social consequences; stresses that such assessments should cover risks related to human decision-making and social discrimination, as well as the evaluation of any occupational risks that may arise;
5. Underlines that competent authorities should have access to all the 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;
6. Underlines that the digital transition must be better reflected in education and training systems and go hand-in-hand with improvements as regards democracy at work, good governance and good-quality public services;
7. Reiterates the importance of education and continuous learning to develop the qualifications necessary in the digital age and tackle digital exclusion; calls on the Member States to invest in high-quality, responsive and inclusive education, vocational training and lifelong learning systems, as well as reskilling and upskilling policies for workers in sectors that may be severely affected by AI; highlights the need to provide people 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;
8. Underlines that AI systems and algorithms must always be human-centric and serve above all as an aid to human development; stresses that AI should not be used to manipulate or undermine rational choice or behaviour or for undue surveillance;
9. Recognises the opportunities and challenges of the digital era and the wide-ranging impact of the digitalisation process on society, the economy and employment in the EU; stresses the need for a broad and democratic digital policy dialogue with citizens, social partners and other relevant stakeholders in order to develop principles, frameworks and instruments that address impacts on workers and society; underlines that new technologies including AI should foster a sustainable and inclusive labour market and help to improve skill-matching and fill vacant jobs;
10. Underlines that AI and any related legislation must in no way affect the exercise of fundamental rights as recognised in the Member States and at EU level, including the right or freedom to strike or to take other action covered by the Member States' industrial relations systems, in accordance with national law and/or practices, nor must it affect the right to negotiate, conclude and enforce collective agreements or to take collective action in accordance with national law and/or practices;

11. Underlines that AI can help to facilitate active and healthy ageing, enabling elderly people to remain active in our society and stay on the labour market for longer should they wish;
12. Calls on the Commission and the Member States to adopt information strategies on AI in order to prevent the spread of misinformation and hoaxes; stresses the need for social dialogue as regards the application of AI at company level; considers it essential that workers and their representatives be consulted and be given sufficient information before AI is deployed; underlines that the use of AI needs to be transparent and that AI systems in the workplace must respect workers' privacy and dignity; urges the Commission and the Member States to ensure that trade unions have access to the workplace and the workers themselves, including where work is carried out digitally; stresses the need to guarantee that all workers, including those in the digital economy, have the right to collective bargaining and to take collective action; recommends the use of digital solutions to promote collective bargaining;
13. Recalls the importance of cooperation between academics, industry, social partners and governments regarding the digital transition, including research and innovation in digital technologies, so that all social and human aspects are taken into account⁶ and proper and rigorous testing schemes for AI systems and training frameworks for workers are rolled out with the deployment of AI; reiterates the importance of such cooperation for better and timely evaluation of data with the aim of anticipating new types of jobs and necessary skills and, more generally, the short and long-term impact of AI on the labour market; stresses the need to ensure stable and adequate funding for European research programmes on AI;
14. Stresses the need for users and workers to be informed whenever AI systems are employed in the workplace or for the purposes of personalised products or services, including the parameters applied by the algorithms and how AI is used; stresses the importance of a better understanding on how algorithms process and value data; highlights the need for the development of skills on AI in the workplace through training and education for workers and their representatives to enable them to better understand the implications of AI solutions;
15. Calls on social partners at company level to work together to monitor the deployment of AI; underlines that special attention must be paid to data collected in the workplace with the help of AI, in particular if it is used for decisions on human resources; stresses that workers remain the owners of their data even after an employment relationship has ended; calls on the Commission, the Member States and social partners to analyse the need for special provisions on data protection in the workplace in the context of AI;
16. Recalls that the Union's employment and social *acquis* fully apply to AI and calls on the Commission and the Member States to ensure proper enforcement related to digital services in order to prevent the exploitation of workers and undeclared work, among other issues; notes that the Union can become a global leader in promoting a socially responsible use of AI;
17. Recalls that the use and management of AI applications, algorithms and process development affects all aspects of work and workers' rights, such as recruitment

processes, people and workflow management, and must not discriminate against workers or vulnerable groups or reinforce inequalities based on criteria such as gender, age, health condition, disability, nationality, ethnicity, race or motherhood; underlines the need to provide simple and intelligible information regarding the use of AI in work-related processes; calls on the Commission to include adequate safeguards in the future AI regulatory framework to counter discrimination, including gender inequalities and stereotypes by AI, by ensuring that the information or datasets used to run or train AI used in the workplace reflect diversity on the basis of quality data and are not biased, including through tools such as consumer-sourced rating systems; underlines that AI must not reinforce inequalities and stereotypes by transforming analogue biases and prejudices into digital ones through algorithms;

18. Calls on the Commission and the Member States to analyse algorithmic systems and to carry out regular risk assessments in order to evaluate and classify algorithm types and application domains by impact on the workers; encourages the Commission, the Member States and companies to assess and weigh up the potential risks of algorithmic management of people and workers, in particular the lack of transparency, the potential feeling of loneliness and isolation, and the potential challenges to workers' right to privacy¹⁰ against the potential benefits such as early identification of stress, health problems and fatigue, less exposure to harassment and violence, and the overall support of evidence-based prevention, risk assessment and targeted occupational safety and health and inspections¹¹; calls on the Commission and the Member States to ensure appropriate protection for workers' rights and dignity and protection against the potentially harmful uses of algorithmic management tools, such as tools to predict employees' behaviour, remote real-time monitoring of performance and progress and time tracking software;
19. 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 accountable, and that AI decisions, including any managerial decisions suggested by AI, must be contestable and reversible where relevant; 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; reiterates that any use of AI at work must respect and adequately safeguard the right enshrined in Article 22(1) of the GDPR not to be subject to a decision based solely on automated processing;
20. Calls on the Commission and the Member States to invest in structurally targeted policies and programmes to support the digital transformation for workers and citizens through available EU funds; stresses that infrastructure and skills development are pre-conditions for the digital transition;
21. Highlights that access to the right skills and knowledge on AI can overcome the digital divide in society and that AI solutions should support the integration into the labour market of vulnerable groups such as persons with disabilities or those living in remote

¹⁰ van Rijmenam, M., *Algorithmic management: what is it (and what's next)?*, 12 November 2020.

¹¹ European Agency for Safety and Health at Work (EU-OSHA), policy briefing entitled 'Impact of Artificial Intelligence on Occupational Safety and Health', 2021.

or rural areas;

22. Points out that access to AI solutions is closely linked to the availability of high-speed internet and that broadband coverage should therefore be a priority in order to prevent discrimination and unequal access to these technologies, especially in rural, sparsely populated, peripheral and border areas and islands;
23. Notes the potential for small and medium-sized enterprises (SMEs) operating in the digital economy; stresses the need for sufficient financial and organisational support for innovations for companies and for better digital skills for both employers and employees in all sectors and services;
24. Reiterates its call for legal protections for platform workers in order to ensure that their labour rights are respected and to guarantee them access to adequate social protection in line with the Council recommendation of 8 November 2019 on access to social protection for workers and the self-employed¹²; calls on the Member States to improve the working and employment conditions for platform workers and to guarantee decent working environments and lifelong training opportunities; calls on the Commission and the Member States to ensure that platform workers can effectively exercise their right to port their data, including consumer-sourced ratings;
25. Calls on the Commission to propose a legislative framework to regulate teleworking conditions across the EU and ensure decent working and employment conditions in the digital economy;
26. Calls on the Commission to improve labour conditions for platform workers in its upcoming legislative proposal in order to guarantee healthy and safe working environments, quality employment and wages, the right to disconnect, the obligation of employers to offer perpetual digital retraining, and full, transparent checks of employees' online identity;
27. Recalls that the flexibility and self-organisation of workers must not be synonymous with disproportionate surveillance or the misuse of digital technology in a way that causes or fuels discrimination or exploitation;
28. Takes note of the skills gap in the European labour markets; welcomes the Commission's updated European Skills Agenda and the new Digital Education Action Plan (2021-2027), which will help workers to boost their digital skills and get qualified for the future world of work and will help to address the adaptation and acquisition of qualifications and knowledge in view of the digital and green transitions; welcomes, moreover, the recently adopted Council recommendation on VET¹³ and calls on the Member States to implement it swiftly by updating their national vocational and professional training and reskilling, upskilling and lifelong learning programmes with a view to enhancing digital literacy and promoting digital inclusion; underlines the need to include ethical aspects of AI and the development of skills for ethical purposes as an integral part of any education and training curricula for developers and people working

¹² OJ C 387, 15.11.2019, p. 1.

¹³ Council recommendation of 24 November 2020 on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience, OJ C 417, 2.12.2020, p. 1.

with AI; recalls that developers, programmers, decision-makers and companies dealing with AI must be aware of their ethical responsibility; considers it equally important to ensure that end users and consumers are provided with comprehensive information and that there are regular exchanges between all the relevant stakeholders in this regard;

29. Recalls that women are underrepresented at all levels in the digital sector in Europe, from students (32 % at bachelor, master or equivalent level) to top academic positions (15 %), with the largest gap in the ICT sector; stresses that 90 % of jobs require basic digital skills¹⁴ and that women only represent 17 % of people in ICT studies and careers in the EU¹⁵ and only 36 % of STEM graduates¹⁶, despite the fact that girls outperform boys in digital literacy¹⁷; highlights the importance of education, skills and support for employment and career paths for women in order to address gender bias and support gender equality; calls for greater efforts at both national and EU level to tackle this gender imbalance, with particular regard to STEM, the ICT sector and digital education, by actively promoting the participation of girls and women through concrete policy action; calls on the Commission and the Member States to take robust action to tackle the digital gender gap; calls for the above actions and measures to be implemented so as to ensure that existing inequalities are not exacerbated or replicated;
30. Underlines the need to design education and training modules for mid-career professionals to enable them to reskill and prepare for job transitions;
31. Calls on the Commission and the Member States to improve occupational health and safety regulations in the context of human-machine synergies; calls on the Commission to safeguard workers' psychological and mental health through an EU legislative framework on work-related stress and the prevention of psychosocial risks; stresses the need for workers in the digital sector to have access to psychological support, in particular workers involved in content moderation; calls on the EU-OSHA to include psychological work-related aspects in the 2023 EU-wide Healthy Workplaces Campaign dedicated to digitalisation and occupational safety and health;
32. Stresses the need to ensure that people from diverse backgrounds, including women, young people, people of colour and persons with disabilities, are involved in the development, deployment and use of AI; recalls that AI-based technologies in the workplace should be accessible for all, based on the design for all principle; highlights the potential of digital solutions such as teleworking and AI applications to support the integration and career paths of persons with disabilities in the labour market; calls on the Member States to invest in and facilitate the access of persons with disabilities to assistive devices and connectivity such as working aid tools, mobility solutions or intelligent sensor systems, with a view to fostering their social inclusion and ensuring a decent standard of living;
33. Calls on the European Labour Authority to take a leading role in facilitating the

¹⁴ Study compiled for the European Commission entitled 'ICT for Work: Digital Skills in the Workplace', 10 May 2017.

¹⁵ Eurostat, 'Girls and women underrepresented in ICT', 25 April 2018.

¹⁶ European Commission, Directorate-General for Research and Innovation, 'She Figures 2018', February 2019.

¹⁷ International Association for the Evaluation of Educational Achievement (IEA), *International Computer and Information Literacy Study 2018*.

transformation process towards a social-digital economy;

34. Stresses the importance of mobilising EU funds for SMEs in order to boost the uptake of AI and address structural changes in all sectors and regions impacted by the digital transition.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	17.3.2021
Result of final vote	+: 48 -: 2 0: 3
Members present for the final vote	Abir Al-Sahlani, Marc Angel, Dominique Bilde, Gabriele Bischoff, Viliija Blinkevičiūtė, Milan Brglez, Sylvie Brunet, Jordi Cañas, David Casa, Margarita de la Pisa Carrión, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Rosa Estaràs Ferragut, Nicolaus Fest, Loucas Foulas, Cindy Franssen, Heléne Fritzon, Alicia Homs Ginel, France Jamet, Radan Kanev, Stelios Kypouropoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Radka Maxová, Sandra Pereira, 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, Marie-Pierre Vedrenne, Marianne Vind, Maria Walsh, Stefania Zambelli, Tatjana Ždanoka, Tomáš Zdechovský
Substitutes present for the final vote	Konstantinos Arvanitis, Marc Botenga, Johan Danielsson, Jeroen Lenaers, Pierfrancesco Majorino, Alin Miţuţa, Eugenia Rodríguez Palop, Anne Sander

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
ECR	Lucia Ďuriš Nicholsonová
ID	Dominique Bilde, France Jamet, Elena Lizzi, Stefania Zambelli
NI	Daniela Rondinelli
PPE	David Casa, Jarosław Duda, Rosa Estaràs Ferragut, Loucas Furlas, Cindy Franssen, Radan Kanev, Stelios Kypouropoulos, Jeroen Lenaers, Miriam Lexmann, Dennis Radtke, Anne Sander, Eugen Tomac, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Sylvie Brunet, Jordi Cañas, Radka Maxová, Alin Mituța, Dragoș Pîslaru, Monica Semedo, Marie-Pierre Vedrenne
S&D	Marc Angel, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Johan Danielsson, Estrella Durá Ferrandis, Helène Fritzon, Alicia Homs Ginel, Pierfrancesco Majorino, Manuel Pizarro, Marianne Vind
The Left	Konstantinos Arvanitis, Marc Botenga, Sandra Pereira, Eugenia Rodríguez Palop
Verts/ALE	Katrin Langensiepen, Kira Marie Peter-Hansen, Mounir Satouri, Tatjana Ždanoka
2	-
ID	Nicolaus Fest, Guido Reil
3	0
ECR	Margarita de la Pisa Carrión, Elżbieta Rafalska, Beata Szydło

Key to symbols:

+ : in favour

- : against

0 : abstention