



Initiating activities to implement the European Social
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Exercising digital rights at work

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Starting point

To what extent can trade unions improve the exercise of the digital rights at the workplace?

To what extent can trade unions acquire better understanding of the deployment of AI systems
In the workplace?

etui.

Personal data and Personal sensitive data

The employer cannot collect and process employee sensitive data from the employee

ARTIFICIAL INTELLIGENCE PROPOSED DEFINITION EP

June 14

“The notion of **AI system** should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments.

The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension ”

What are the digital rights? GDPR

- Information and of access
- Rectification and erasure
- Restriction of processing
- Portability
- Object
- Automated individual decision-making including profiling

Identify the most appropriate legal basis, depending on the purpose

- ~~Consent: the individual has given clear consent for processing their personal data for a specific purpose.~~
- **Contract:** the processing is necessary for a contract with the individual, or because the individual has asked for specific steps to be taken before entering into a contract.
- **Legal obligation:** the processing is necessary to comply with the law, not including contractual obligations.
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary to perform a task in the public interest or for the organization's official functions, and the task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

Data subject rights available under the GDPR



Right of access



Right to rectification



Right to be forgotten



Right to restrict processing



Right to data portability



Right to object to processing



Automated decision-making

Requires the organization to:

Provide data subjects with access to their personal data in a readable format

Rectify or correct data subjects' personal data

Erase data subjects' personal data

Segregate data subjects' personal data and restrict its further processing

Transfer data subjects' personal data in a readable format to another organization

Respond in accordance with data subjects' objection to processing of their personal data

Restrict the automated processing of and decision-making related to data subjects' personal data

What are the possible risks?

- Weakening of labour protections
- Not being able to detect risk related to the processing of their personal data.
- Not being involved in negotiations about the implementation of software that uses personal data.
- Not being able to detect possible risks related to psychosocial, health or safety.
- Not being involved in risk assessment and management strategies.

What are the opportunities?

- Trade unions have an additional area of work
- Workers reps need to be vigilant their digital dimension and to become data reps too.
- Safety and data reps need to become AI literate
- Training is important but not the only avenue being critically literate,
- Understanding the implications of jobs and tasks of implementations of software, AI models, and converging technology workplaces. Becoming AI literate.
- Collective bargaining

What provisions for collective bargaining?

- Employee privacy policies
- Description of the data collected (from workers)
- Flow of the data in and outside the company
- Cyber security measures (encryption, anonymization)
- Privacy organizational measures
- Possible risks – assessment, prevention, management
- How to exercise worker's digital rights

Thank you

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