



CWA Committee on Artificial Intelligence

Report to the CWA Executive Board on AI Principles and Recommendations

November 2023

Developments in Artificial Intelligence (AI) have the potential to change or disrupt work across CWA industries in ways that can benefit or hurt our members and communities. CWA has a long and proud history of bargaining over new technologies, limiting their negative impacts on workers, customers and the public while ensuring that workers win their fair share of the economic gains that new technology can achieve. Our goal in bargaining is not to stop new technologies but to ensure the benefits of new technologies are broadly shared.

In the policy arena, CWA and its sectors will continue to work with the broader labor movement to engage policymakers about the risks and potential benefits of AI implementation across our industries. Some risks associated with AI are similar to past instances of new technology adoption, and we can look to previous worker demands and regulatory responses for guidance in addressing the potential harms of AI. Yet many gaps remain and new risks have arisen unique to machine learning. Ultimately, systemic reforms to strengthen democracy, including in our workplaces, are needed to ensure accountability for the effects of AI systems. CWA should continue to work with ally organizations to evaluate the broader social impacts of AI and advocate for policies that protect democracy, invest in education, and uphold civil rights.

Principles for Bargaining

1. CWA members and leadership will not accept that the effects of AI systems are inevitable or pre-determined. We will hold company executives and management accountable for their decisions when adopting and implementing these systems and for the results they have on workers, customers, and communities in our messages, mobilizations, bargaining positions and advocacy.
2. CWA members and leadership will be proactive in confronting the issues raised by AI tools and systems in their workplace.

This will require a program of education aimed at every level of the union, from rank-and-file membership to elected leadership. This education program will be focused on providing a basic understanding of the technology as well as the threats and opportunities, emphasizing that technology is not a neutral force, but has the potential to be shaped in ways that empower or disempower workers.

This will require bargaining teams to prioritize and raise these issues at the negotiating table, demanding transparency from our employers through requests for information to understand the technologies that are shaping our work lives.

This should include a re-evaluation of current contract language to identify both how our current contract language can provide protections against these systems and how new AI tools may circumvent established contract protections.

3. CWA members and leadership have an imperative to bargain on all aspects of AI tools and systems. A comprehensive approach is needed. Worker voices should be represented at every stage of the development and implementation process.

This begins with advanced notice from the company¹ regarding the development of new workplace technologies and information sharing that provides the union a full understanding of the proposed systems. This will provide the foundation for meaningful collaboration between workers and management on the development of new AI tools and systems. CWA members should have a voice in defining the goals for these new tools and their role in work processes. CWA members know their work better than anyone, and can shape technology not only to protect workers, but to ensure it functions properly to benefit all stakeholders. Member involvement in the earliest stages of development can ensure that:

- AI tools enhance our ability to complete tasks and apply our expertise to solving problems, rather than replacing job functions or subjecting workers to unreasonable management control.
- Humans are centered in AI processes to add necessary oversight and transparency into machine decision-making.
- The personal data, intellectual property and digital likeness of workers are protected and retained, whenever possible. When management holds the right to worker data or intellectual property, there is transparency and union input on the handling and use of that data, especially over its use to train AI systems.

When AI systems are implemented in the workplace, CWA members will bargain for contract language that protects against the negative effects AI tools and systems can have in workplaces, including invasive surveillance, unfair automated decision-making across all aspects of our members' employment (including hiring, discipline, and pay-setting), unsafe and stressful work intensification and speed-up, the reduction of compensation or benefit levels² and the movement of work functions out of the bargaining unit. Important protections that should be considered, include:

¹ UNITE HERE negotiated a 165 day notice prior to the introduction of new technologies for Marriott Hotel workers. See: Samantha Winslow, "Marriott Hotel Strikers Set a New Industry Standard," Labor Notes, December 20, 2018.

<https://labornotes.org/2018/12/marriott-hotel-strikers-set-new-industry-standard>

² In 2021, UFCW won an NLRB case against Macy's, requiring the company to end its practice of using its "Scan and Pay" mobile app to deny commissions to employees on in-store purchases.

<https://www.uncw.org/press-releases/macys-workers-win-back-pay-in-scan-and-pay-app-case/>

- Protocols to audit AI systems and trigger human oversight and intervention to correct mistakes made by AI systems.
- Protections for worker data and the digital likenesses of workers, ensuring consent and compensation if a worker's data or likeness is used by an AI tool.
- The preservation of work groups in the face of automation. Collective bargaining agreements can require a reduction in outsourcing before AI-driven job cuts impact bargaining unit jobs.³ This will require CWA to advocate and mobilize to pressure companies to use automation in ways that improve service instead of solely for cost cutting.
- A plan for the transition of workers displaced or affected by new AI tools and systems. This can include training and priority bidding for placement into other high-skilled and high-quality work opportunities and fair compensation. Special consideration should be made for our most senior members who will face special challenges if required to transition into new areas, priority should be made to preserve their positions or work functions.
- The ability for workers to refuse work on AI systems they deem unethical and be transferred to a similar position on another project. Workers should be able to request ethics or disparate impact reviews of AI systems.

Finally, new AI systems in our workplaces have the potential to create economic gains when they lead to increases in productivity. As they have done in the past, CWA members will bargain to capture their fair share of those economic gains, ensuring that working families see a rising standard of living and that these technologies do not contribute to the growth of economic inequality in this country. Those economic gains may be captured in the form of higher pay, enhanced benefits, more paid time off or improvements in other working conditions based on the needs and wishes of each bargaining unit.

The Committee on AI recommends the following steps to support effective bargaining over AI:

1. Establishment of an on-going National CWA AI Advisory Committee, consisting of membership across CWA industries, with dedicated resources, funding and staff, that can lead CWA's on-going learning process into AI tools and collaborate with and advise CWA leadership and staff on the development of tools and materials to enhance our ability to bargain on new technologies.
2. Exploration by the National CWA AI Advisory Committee of a national CWA AI ethics policy that reflects a worker-centric approach to AI use and development.
3. Development and ongoing updates of a member education curriculum, which can be incorporated into bargaining mobilization training, new officer training, and steward training.
4. Development of a toolkit with resources for members, local officers and bargaining committees to engage employers on these issues. This should include guidance and recommended questions for frontline members when new technologies are introduced, template requests for

³ A study of digital systems implementation (including AI) in the German information and communication technology (ICT) industry indicates that job losses from AI-based automation were "were often (but not exclusively) concentrated among subcontractors or offshore subsidiaries, where companies had already moved simpler, back office tasks"

<https://www.tandfonline.com/doi/full/10.1080/10301763.2022.2111987?scroll=top&needAccess=true&role=tab&aria-labelledby=full-article>

information, model contract language, and case studies. This may also include recommendations for how AI might be safely and responsibly incorporated into CWA bargaining processes to improve outcomes.

5. Development of a recommended process for CWA bargaining units to engage in member-led digital systems mapping to understand technologies already operating in our workplaces.
6. Establishment of a forum for ongoing collaboration and information sharing between bargaining units, districts, and sectors within CWA to share best practices and knowledge.
7. Collaboration with academic researchers to investigate AI technologies in our workplaces and develop strategies to govern the implementation of AI.

Principles for Public Policy

1. Government policy should recognize the need for collective bargaining and worker consultation to play central roles in adoption of AI and other new technologies, and seek to strengthen and complement workers' bargaining power. Workers are the experts on their jobs and workplaces, and are therefore best positioned to identify risks and guardrails needed.
2. Government policy should set a floor in certain areas so workers can be assured of minimum standards of accountability for AI impacts from their employers, similar to the minimum wage and anti-discrimination laws.
3. Democratic institutions must counterbalance the corporate bias towards investments in technology that automate tasks and speed up work, which leads to loss of jobs, worsening of workplace conditions, and increased economic inequality. Corporations pursue automation of tasks and management even when it does not improve productivity significantly, often in order to limit labor costs and worker power,⁴ leading to greater wealth concentration by shifting profits to the owners and executives of companies. Government policy should intervene to promote investment in labor augmenting technology that creates shared prosperity.
4. All levels of governments should use their authority as employers and market participants to set a standard for ethical and accountable AI adoption, which includes consultation with public sector workers and their unions alongside civil society.
5. Policymakers should continually update protections against misinformation that could impact our political system to match current communication technologies.
6. The criminal legal system must be required to evaluate any uses of AI to protect against bias and unaccountable decision-making.
7. Policymakers at all levels should advance protections against AI systems that may discriminate against people in protected categories.

The Committee on AI suggests the following policy recommendations as a starting place for our collective, ongoing advocacy:

⁴ Daron Acemoglu and Pascual Restrepo, "The Wrong Kind of AI? Artificial Intelligence and the Future of Labor Demand," March 2019, <https://www.nber.org/papers/w25682>. Also see Frederick Guy and Peter Skott, "Power-Biased Technological Change and the Rise in Earnings Inequality," University of Massachusetts Amherst, Economics Department Working Paper Series, 2005.

1. The NLRB should act upon its authority to issue guidance mandating bargaining over implementation of AI, not just its effects, because the adoption of this technology has widespread and complex impacts on our workplaces. Further, lawmakers should seek strategies to shore up workers' ability to engage in meaningful bargaining over adoption of new technologies in the workplace.
2. Federal and state law should prohibit abusive use of AI tools for surveillance and management of workers. For example, the 2022 California [Workplace Technology Accountability Act](#) establishes a [broad framework](#) for regulating employers' collection of worker data and use of electronic monitoring and algorithmic management, and also requires impact assessments. The [Stop Spying Bosses Act](#) and [No Robot Bosses Act](#) in the US Senate together similarly set limits on employers' use of automated surveillance and management and establish the Privacy and Technology Division at the Department of Labor. In general, employers should be limited in the data they collect and workers should have rights over data that is collected on them. Employers should have to follow data minimization principles that limit data collection to the data elements that are directly relevant, that are necessary for a legal purpose, and maintain data for limited time.
3. Policymakers should ensure decisions made by AI that impact workers and the public can be appealed to a human. These protections should include prohibitions on AI systems that result in discriminatory impacts. For example, Illinois requires disclosures of hiring practices where applicants are required to create a video that is then analyzed by AI⁵ and many other jurisdictions are considering protections against AI-driven bias in hiring.
4. Policy frameworks, including the White House [Blueprint for an AI Bill of Rights](#), advocate a principled approach to AI deployment including transparency about how the algorithm works, protections against discrimination and for privacy, notice and explanation to users, human alternatives and fallback. These principles must carry over the workplace. For example, Illinois lawmakers are considering a ban on AI using things like zip code as a proxy for race when using AI in management decisions. Similar legislation from the federal level would give workers additional protections from discrimination in employment.⁶ President Biden's Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence is a good first step and recognizes the critical role of collective bargaining in negotiating the risks and benefits of AI.⁷
5. Policymakers should take action to protect workers' copyrighted material and likenesses, as described in the [Human Artistry Campaign](#), and workers should be able to negotiate any use of their creations or selves. For example, entertainment unions have negotiated to reserve

⁵ 820 ILCS 42, Artificial Intelligence Video Interview Act,
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=4015&ChapterID=68>

⁶ Illinois proposed legislation HB 3773
https://custom.statenet.com/public/resources.cgi?id=ID:bill:IL2023000H3773&ciq=ncsl&client_md=8f7e95823cba8d3a00c86cd500fc8976&mode=current_text

⁷ Executive Order on AI, released October 30, 2023,
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>

elements of the bundle of rights included in copyright protection for workers.⁸ Congress should pass legislation governing the use of an individual's voice or likeness in lieu of work that would otherwise be done by the individual, unless certain specified conditions are met, similar to legislation that has been proposed in California⁹.

6. Federal, state and local governments should use multiple levers to push investment towards labor-augmenting technologies rather than labor-automating technologies. The federal government should adopt recent recommendations from the White House Council of Economic Advisors to (1) facilitate investment in the development of AI that augments workers rather than eliminating jobs and (2) invest in the capacity of regulatory agencies to ensure that AI systems are transparent and fair for workers.¹⁰ All levels of government should use adoption and procurement policy frameworks around AI that can act as models and guardrails for the private sector. This should include bargaining with public agency employees over adoption of AI technologies. Further, AI investments should be transparent in the adoption process and designed to achieve specific goals.
7. Policymakers should advance a “Just Transition” framework for technology change and AI adoption in cases where it creates enough productivity gains for employers and workers to negotiate elimination of some jobs. This includes robust requirements for worker retraining alongside monetary compensation for jobs that are eliminated. For example, legislation introduced by Senator Sherrod Brown requires advanced notice of the change or elimination of jobs due to technology, requires on-the-job training for affected workers, and requires severance for workers whose positions have been eliminated.¹¹ Compensation could be structured as wage replacement similar to the U.S. Trade Adjustment Assistance program, which provides partial wage replacement for workers above a certain age. Research shows the TAA program led to shorter employment gaps and higher earnings overall for workers whose jobs were displaced as a result of trade policies – all while remaining revenue neutral for the government due to the increased tax revenue that comes from returning displaced workers quickly to the labor force.¹² CWA should advocate for programs similar to the TAA program, but geared specifically towards workers who are displaced by AI and other technology advancements.

⁸ For example: Writers Guild of America, “Understanding Separated Rights”

<https://www.wga.org/contracts/know-your-rights/understanding-separated-rights>

⁹2023 CA A 459 as amended, An Act to add Section 927 to the Labor Code, relating to employment.

https://custom.statenet.com/public/resources.cgi?mode=show_text&id=ID:bill:CA2023000A459&verid=CA2023000A459_20230913_0_A&

¹⁰ White House Council of Economic Advisors, “The Impact of Artificial Intelligence on the Future of Workforces in the United States of America,” an economic study prepared in response to the US-EU Trade and Technology Council Inaugural Joint Statement, December 2022, at pages 42-44,

<https://www.whitehouse.gov/wp-content/uploads/2022/12/TTC-EC-CEA-AI-Report-12052022-1.pdf>.

¹¹ “Brown Introduces Legislation to Empower Workers in the Face of Increased Automation”, Press Release, September 11, 2019,

<https://www.brown.senate.gov/newsroom/press/release/brown-introduces-legislation-to-empower-workers-in-the-face-of-increased-automation>

¹² Benjamin Hyman, Brian Kovak and Adam Leive: “Wage Insurance for Displaced Workers”

https://www.andrew.cmu.edu/user/bkovak/HKL_Wage_Insurance.pdf