

# Identifying and Addressing Workplace AI

## *What is AI?*

Artificial Intelligence (AI) has no universally accepted definition. In everyday conversation, the term is often used for any machine or computer system that performs complex tasks usually performed by humans, such as predicting, recommending, decision-making, summarizing, learning, and generating creative output.<sup>1</sup> However, this definition is not useful as a way to identify or describe a consistent set of technologies over time as conventional understandings of human and computer roles are likely to evolve. This definition also allows companies to use “AI” as a marketing term to over-sell the capabilities of older technologies (this is often referred to as “AI-washing”).

AI systems may instead be defined by how they perform tasks, which generally involves the analysis of large data sets to identify patterns without explicit instruction or programming. AI systems use these patterns to infer an output (such as, for example, a prediction about the future or a chatbot response).<sup>2</sup> AI systems are not capable of exercising independent thought or judgement when producing output and will reproduce errors and biases that exist within the data set.

Employers often implement AI systems to cut costs and pad profits in shortsighted ways that hurt workers, customers and communities. Employers generally have a bias toward using AI to automate, speed-up, and de-skill work, instead of augmenting skills and empowering workers to do their jobs better.<sup>3</sup> However, AI need not result in reduced job quality or job loss. Efficiencies gained by the safe and responsible use of AI have the potential to help workers become more effective; free workers to tackle more complex, engaging work; create new types of positions for which workers can be trained; and create new value that can be captured by workers as improved compensation and benefits.

***It's critical for unions to be engaged in the use of AI by employers. Workers, customers and communities will benefit if frontline workers have a voice in the development and implementation of AI.***

## *How Do Employers Use AI?*

1. **Monitoring Employees:** With the proliferation of computer systems, workers across all job categories produce a wide range of data in the workplace that can be tracked and analyzed by AI tools. This can include:

- Computer keystrokes and mouse movements
- Employee communications through webchats, phone calls and video conferencing software
- Images from webcams and security cameras,
- GPS data from phones, tablets, and company vehicles

AI can also be used by employers to track digital information produced by employees outside of the workplace as well, such as tracking union-related keywords on social media posts. AI allows employers to automate the surveillance of these digital data streams, tracking productivity and employee behaviour in new ways that may be invasive of their privacy.

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<sup>1</sup> Examples of definitions like this can be found from technology companies such as [IBM](#), [Microsoft](#), and [Google](#).

<sup>2</sup> This reflects the definition of AI used by the [Organisation for Economic Co-operation and Development](#) and [U.S. National Artificial Intelligence Initiative 15 U.S.C. 9401\(3\)](#).

<sup>3</sup> 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>

## **CWA Committee on Artificial Intelligence**

- 2. Managing Employees:** AI tools can be used to automate tasks typically performed by managers, such as coaching, job assessment, and the assignment of work or shift scheduling. AI tools may also be used to automate company personnel decisions such as hiring, firing, transfers and promotions. These tools can be subject to errors and can reproduce discrimination from historical data sets. The tools may also be based on analysis methods or frameworks that are controversial or lack scientific basis, for instance AI systems that purport to analyze human emotions based on speech analysis.<sup>4</sup>
- 3. Eliminating Bargaining Unit Tasks and Positions:** Despite concerns about the quality of AI outputs, employers may use AI tools to perform increasingly complex tasks (e.g., customer interaction, data analysis, and content creation) with little or no human oversight or quality control. The introduction of automating AI tools may redefine or even eliminate bargaining unit job roles. Workers may also be asked to perform new job duties where they are insufficiently experienced or trained.

## ***Union Power to Bargain on AI***

Unions should demand bargaining over AI tools in the workplace. Depending on a number of factors, including the language of your collective bargaining agreement and the nature of the technology at issue, the union's demand may be for "decisional bargaining" to determine whether and how the AI tool will be implemented or "effects bargaining" over changes to terms and conditions of employment that will result from the use of the AI tool.

## ***Action Steps For Union Locals***

- 1. Request Information:** Demand that employers disclose how AI is being used, the data it collects, and the impacts it has on members. ([Here is a template RFI](#))
- 2. Review Your Contract:** Check for language related to management rights and new technology to understand what limitations the contract has on your employer's right to implement new technology unilaterally. Keep in mind that legacy language on workplace technology likely did not contemplate the capabilities of new AI tools and new arbitration decisions may be required to determine how this language should be applied. ([Here is a factsheet on Using Your CBA Language to Fight AI](#))
- 3. Demand Bargaining:** File a demand for bargaining ahead of AI implementation. A demand for effects bargaining should cite potential changes to working conditions, privacy, or job security. Under your CBA, you may be in a position to demand decisional bargaining over whether and how the tool will be used.
- 4. Develop AI-specific proposals:** New language may be needed to address potential impacts on jobs, compensation, benefits, worker privacy, and other working conditions. ([Here are examples of CWA contract language on AI issues](#))
- 5. Engage and Educate Members on AI in the Workplace:** Ensure members are aware of how AI impacts their jobs. Leverage members as "eyes and ears" to report AI-related changes in the workplace (e.g., new software, shifts in tasks). Create a feedback loop where workers regularly report on observed effects of AI tools on their roles or the workplace environment. Mobilize members in workplace actions on AI issues to force employers to the negotiating table in order to secure improved protections.

***Proactive and mobilized members can have a voice in how AI is implemented in their work, ensuring that AI benefits, rather than harming or displacing, them.***

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<sup>4</sup> Edward B. Kang, On the Praxes and Politics of AI Speech Emotion Recognition, Association for Computing Machinery Digital Library (Jun. 12, 2023) <https://doi.org/10.1145/3593013.3594011>