

CWA Committee on Artificial Intelligence

Model Legislation on AI in the Workplace

CWA engages in legislative advocacy at the federal and state levels to advance workers' interests, including on the impact of digital technology in the workplace. Legislation can set baseline protections against abusive use of digital technologies. This document sets out criteria for legislation that CWA would support, provides examples of good bills, and offers resources for legislative activists.

Principles for what good legislation achieves¹

CWA is particularly focused on legislation that protects against harmful surveillance and automated management. Good legislation in this area should:

1. Cover AEDS (Automated Employment Decision Systems). AEDS primarily make or assist in employment decisions, and automate decision-making processes.
 - Transparency Requirements
 - Disclosure of Use
 - Algorithmic Transparency
 - Access to audit results
 - Bias and Fairness Protections
 - Bias Testing
 - Corrective Measures
 - Union Oversight, including the right to independently evaluate AEDS for adverse impacts
 - Human Oversight and Appeals
 - Workers must have the right to request a human review of any decision
 - Require clear processes for appealing automated decisions, including unfair terminations, scheduling, and discipline
 - Non-Discrimination in Union Activities
 - Ensure AEDS cannot be used to make anti-union decisions, such as favoring non-unionized workers for promotions in 'right to work' environments.
 - Ban the use of AEDS to identify, monitor, or penalize union organizers or union-supportive activities
2. Cover ESAM (Electronic Surveillance and Automated Management). ESAM primarily monitors employees and collects data, which can be used later for decision making, including by AEDS.
 - Legislative elements could include:
 - Data Minimization: Only collect data to the extent necessary to achieve a legitimate purpose.
 - Harm Prevention: Don't use technology that threatens workers' health, safety, or rights.

¹ Based on a presentation by the Center for Democracy and Technology to the CWA AI Committee.

- Transparency: Be up front with workers about technologies being used and WHY they are being used.
 - Auditing: Require auditing to identify and mitigate sources of harm before they arise.
3. Include strong transparency requirements in any comprehensive technology legislation – transparency is often a good starting point for lawmakers.

Other categories of legislation to protect workers against abusive applications of digital technologies include bills addressing:

- Job security for workers in specific sectors, protecting against harmful uses of AI to displace workers;
- Requirements of notice and retraining for displaced workers, often building on existing programs like the WARN Act and the Trade Adjustment Assistance Program;
- Setting rules for how humans work alongside digital technologies in certain industries, such as health care, autonomous vehicles, the legal profession, and publishing;
- Protections against bias and discrimination tied to AI across a range of areas, beyond the workplace;
- Studies of potential impact of AI on public sector workers.

Examples of pro-worker legislation:

- An AFL-CIO affiliate committee has put together [a menu of model legislation](#) to address automated surveillance and management.
- UC Berkeley Labor Center is developing model legislation that would provide a policy “menu” for use by lawmakers and labor groups.
- Colorado – [SB 24-205](#) covers decisions in a wide range of settings, not just in employment (housing, healthcare etc).
 - Developers and deployers must perform basic due diligence when selling or using AEDSs;
 - Consumers receive notice when subjected to AEDS and an explanation if there’s an adverse decision;
 - Enforcement mechanisms are included in the bill.
- Consumer Reports is developing model legislation that improves on Colorado SB 24-205 to introduce in friendly states.
- Massachusetts – [H 1873](#) addresses worker data protection and restrictions on automated decision-making. It was incorporated into a study bill with policy recommendations forthcoming.
- California – [SB 1047](#) would have regulated advanced AI models by requiring safety measures, third party audits, whistleblower protections for tech workers, and a “kill switch” for high-risk systems. The bill was approved by the legislature in 2024 but was [vetoed by Governor Gavin Newsom](#) following opposition from companies including Google, Meta, and OpenAI.

- New York – The BOT Act ([SB 7623](#)) was also a good start, but was gutted in committee and has not yet moved forward.
- Unions have pursued bills to prevent digital technology from displacing workers' jobs, such as proposals prohibiting AI from replacing community college faculty (a 2024 [California](#) law), eliminating core job functions of call center workers (a 2024 [California](#) bill), replacing or supplementing a teacher's role in the classroom (a 2024 [Texas](#) bill), or replacing care functions in health care settings (a 2023 [Maine](#) bill).

Broader landscape of state policy proposals on tech and work

- UC Berkeley Labor Center landscape analysis
<https://laborcenter.berkeley.edu/tech-and-work-policy-guide/>
- Center for Democracy and Technology policy tracker
<https://cdt.org/cdt-ai-governance-lab/cdt-ai-policy-tracker/>
- National Conference of State Legislators AI Legislation Tracker
<https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation>

Bad Legislation to be aware of:

- The “Workday Bills”
 - ‘Model’ [bills pushed by tech giant Workday](#) dealing with AI decisions. Model legislation [has been shopped to multiple states](#), and bills have been introduced in at least 11 (CA, CO, CT, GA, IL, NY, OK, RI, VA, VT and WA)².
 - These bills represent an attempt by the tech industry to say ‘regulate us’ without lawmakers realizing that it does little to regulate the industry or protect workers.

² Center for Democracy and Technology presentation to CWA Committee on AI, October 1, 2024.