Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2345 (2020)[1]

Artificial intelligence and labour markets: friend or foe?

Parliamentary Assembly

1. The world of work will be increasingly exposed to the spread of artificial intelligence (AI) technology. Whether this game-changing innovation will bring new opportunities and benefits, or harm and disruption, to the way our society organises work depends on the values and vision pursued through the technology, as well as how it is regulated and applied. Policy makers at national and European levels must take a strategic look at the challenges in the making and propose adequate regulatory options so as to preserve the social value of work and uphold labour rights enshrined in national, European and international legal instruments, notably labour codes, the European Social Charter (ETS Nos. 35 and 163) and the conventions of the International Labour Organization (ILO).

2. The Parliamentary Assembly notes that AI crystallises fears that the number of humans replaced in their jobs by AI will exceed the number of jobs it creates. This generates uncertainty about AI's potential impact on whether and how workers will be able to access the labour market, make a living and have a fulfilling career in the future. AI used unwisely has the potential to disrupt the labour market, fragmenting professional lives and exacerbating socio-economic inequalities. Both commercial and public entities already employ AI to analyse, predict, reinforce and even control human behaviour. While AI can assist and facilitate human work and render it more efficient, it can also have the effect of manipulating human decisions or decisions affecting humans, violating human dignity, breaching equal opportunities and perpetuating bias in the context of employment and access thereto.

3. The Assembly is moreover concerned that AI technology is deployed on a wide scale without keeping users adequately informed, and without giving them the choice to refuse such uses, or to seek remedies when decisions affecting them as workers involve algorithmic decision making. The Assembly therefore concurs with the recommendations of the European Commission's High-Level Expert Group on Artificial Intelligence that the use of AI for recruitment and in situations impacting workers' rights should always be treated as "high risk" and hence heightened regulatory requirements should apply.

4. Concerned about legal and ethical aspects of AI within the existing human rights framework, the Assembly welcomes the Council of Europe's efforts, in particular through its Ad hoc Committee on Artificial Intelligence (CAHAI), on a comprehensive mapping exercise, with a view to exploring the feasibility of a standard-setting instrument, possibly a convention. The Assembly underscores the importance of the ethical benchmarks so far identified by the international scholarly community. It is particularly important to ensure substantive human oversight in the implementation of AI technology that affects labour markets and individual social rights, seeing as our society is organised around work.

5. The Assembly thus supports the recommendations of the ILO's Global Commission on the Future of Work, which calls for human-centred strategies to cushion the impact of AI, and urges investment in people's skills, lifelong learning (acquiring know-how, reskilling and upskilling) and institutions for learning, as well as in decent and sustainable work, in order to ensure "work with freedom, dignity, economic security and equality" for all.

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1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 22 October 2020 (see Doc. 15159, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach).
See also Recommendation 2186 (2020).

6. The Assembly believes that member States should better anticipate the transformative effects of AI on the nature of human work and devise national strategies to accompany a rights-compliant transition towards more man–machine types of work, where AI is used as an enabler for working differently – in new and more flexible ways, to positive effect. To confront the uncertainties of the future with AI, there is a need for public policies that tap human potential fully, narrow the gap between labour market needs and workers' qualifications and cultivate essential ethical values, such as inclusiveness and sustainability.

7. Accordingly, the Assembly calls on member States to:

7.1. draft and publish national strategies for responsible AI use, if they have not yet done so, covering, *inter alia* challenges for labour markets, labour rights and skills development;

7.2. ensure sovereign participation in and control of algorithmic developments, guaranteeing the full respect for existing legal norms and standards by AI developers and users in the context of employment, and avoiding regulatory capture by influential AI businesses;

7.3. develop official policies and guidance for AI developers with a view to putting AI at the service of human needs and well-being, and not vice versa;

7.4. put in place a requirement for AI developers to always notify users whenever they are in contact with AI applications, and guarantee that any use of surveillance techniques at the workplace is subject to special precautions in terms of consent and privacy protection;

7.5. design a regulatory framework that promotes complementarity between AI applications and human work, and ensures proper human oversight in decision making;

7.6. ensure that algorithms used in the public sphere, such as in employment services, are understandable, transparent, ethical, gender sensitive and, as far as possible, certified at European level; only mature and rights-compliant algorithms should be authorised for use in the public sphere;

7.7. consider the need for social innovation to accompany the spread of AI technology in labour markets by:

7.7.1. studying options for securing a permanently guaranteed basic income floor "as part of a new social contract between citizens and the State", as called for in the Assembly's Resolution 2197 (2018) on the case for a basic citizenship income;

7.7.2. examining "social" taxation options such as a "robot tax" (so-called "automation tax"), as well as "carbon taxes", in order to alleviate the negative impact of automation on human workers and foster resource-saving rather than labour-saving innovation, thus helping to address simultaneously climate change and inequalities;

7.8. rethink and adapt national education and training systems in order to:

7.8.1. introduce "AI literacy" through digital education programmes for young people and lifelong learning/training paths for all;

7.8.2. emphasise the differences between human and artificial intelligence;

7.8.3. develop critical thinking, creativity and emotional intelligence;

7.8.4. introduce the concept of personal training accounts for all workers, entailing positive obligations for all employers to set up skills development plans or training;

7.8.5. put more emphasis on a broad range of competences that preserve employability in the AI era, and ensure certification and a greater portability of competences;

7.8.6. soften some occupational licensing requirements which hinder cross-sector and cross-country mobility of professionals;

7.8.7. make proposals for revising Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business in order to reflect the above concerns on the potential effects of AI.

8. The Assembly furthermore encourages the European Committee of Social Rights to explore the ethical and legal implications of increasing AI penetration into the delivery of public services, the functioning of labour markets and social protection.