

Developments in Algorithmic
Management from an IR-perspective
EU-level

Updated Version April 2024

Ursula Holtgrewe (ZSI)

Sander Junte (QUIT)

Barbara Glinsner (ZSI)

Leonie Dworsky (ZSI)



Project co-funded by the European Commission-
DG Employment, Social Affairs and Inclusion
under grant agreement nr VS/2021/0216



Quit

Content

Section I – The regulation of AI on the EU level	3
1.1. Artificial Intelligence and the European institutions	4
1.2. Last milestones under the Presidency of von der Leyen: White Paper on AI and Proposal for the Artificial Intelligence Act	5
1.3. The AI Act’s Relation to social rights.....	6
1.4. Platform Work	7
1.5. The Platform Work Directive	8
Section II – Positions of the social partners and civil society regarding Artificial Intelligence and Employment	
2.1. Trade union and labour-oriented positions	10
2.2. Employer organisations’ positions	12
2.3. The EESC	14
Section III – European Social Dialogue on AI and AM	14
Section IV – Conclusions	16
References	18

Section I – The regulation of AI on the EU level

This report is an updated version of the 2022 paper by Ursula Holtgrewe, Sander Junte and Barbara Glinsner. Since EU legislation on AI and algorithmic management was very much in flux at the time, the authors felt that an update would add value. For this, Leonie Dworsky (ZSI) provided further insight into platform work and the Platform Directive. For firsthand insights into social partners' own views on the practice and regulation of AI and AM in Europe and their organisations' strategies, also see the related paper

Holtgrewe, U., & Dworsky, L. (2024). European social partners' approaches to Artificial Intelligence and Algorithmic Management. INCODING case study reports. UAB. <https://ddd.uab.cat/record/290690>

Over the course of the last five years, there has been a growing debate within the EU institutions about Artificial Intelligence (AI). From 2022 onwards, with the wide and rapid diffusion of applications such as ChatGPT, AI debates gained additional traction. Typically, position papers and draft regulations present varieties of the “opportunities and risks” dualism well-known from technology debates. On the one hand, there are the economic and societal benefits that AI is expected to bring about. On the other hand, the discourse focuses on the challenges and risks for European citizens and their fundamental rights such as privacy, non-discrimination, and civil liberties. Benefits range from the successful treatment of chronic diseases or fighting climate change by rendering resource use more efficient to AI technologies' potential to boost the competitiveness of the European Union in relation to other parts of the world (in particular, the United States and China). In some views, the emergence of AI is considered as ground-breaking as the steam engine and electricity were at their time (The European Commission, 2018), and is expected to contribute to resolving various challenges such as the Green transition, inequality, or the development of the welfare state.

Both sides of the discourse have been converging on the concept of “Trustworthy AI” which is expected to provide a framework to both reap the fruits of AI and mitigate the associated risks and preserve the fundamental rights of European citizens. The trustworthiness of AI is supposed to close the gap between “social” and “economic” arguments by translating the EU's legal and ethical standards into competitive advantages with potential global impacts. The EU approach on AI has been laid down in several documents. Before sketching out the context and the mutual relations of these documents, we provide a short summary of the most important ones.

- **AI Strategy:** In April 2018 the EU Commission published their Communication “Artificial Intelligence for Europe” to set out the AI Strategy. The aim of the strategy is threefold. In the first place, to boost the EU's technological and industrial capacity and AI uptake across the economy. Secondly, to prepare the EU for socioeconomic changes that AI will bring about (among other, for the labour market). Thirdly, to ensure an appropriate and legal framework.
- **Reports published by the High-Level Expert Group on Artificial Intelligence (AI HLEG).** As a part of the before mentioned AI Strategy and to support the implementation of the European approach on AI, the EU Commission set up the AI HLEG in June 2018. Since then, AI HLEG has published several documents. Their most cited one is their first deliverable: The Ethics Guidelines for Trustworthy AI (April 2019).

- White Paper on AI: In order to stimulate the debate about a policy framework on AI at European level, in February 2020 the EU Commission published its White Paper on AI. In the document, the EU Commission aims to create AI-ecosystems around “excellence” and “trust”. To do so, the White Paper formulated six action points, and sketched the outlines of a future regulatory framework.
- Proposal for the AI Act: In April 2021, the EU Commission presented their proposal for a European regulatory framework on Artificial Intelligence. In contrast to the previous steps taken by the EU-institutions, the AI Act is a regulation, which means it will directly be binding and applicable. The proposal classifies AI systems depending on the risk they present for health and safety and fundamental rights of natural persons, prohibiting all AI systems that present an “unacceptable risk”, and force AI systems that are considered having a “high risk” to comply with a set of requirements for assessment.

The AI Act primarily focuses on regulating the market of AI applications, with regulation of their impacts on work and employment more of an afterthought. Work and employment and digital technologies are already being addressed by regulations at the EU level. The GDPR establishes boundaries to data access along the principles of lawfulness, fairness, transparency, purpose limitation, data minimisation and accuracy, and encourages more specific legislation by member states in its Art.88. EU Directive 2002/14/EC generally provides information and consultation rights to workers’ representatives. Occupational safety and health (OSH) legislation requires employers to assess health and safety risks of technology at work, including psychosocial risks. Anti-discrimination legislation prohibits discrimination on legally recognised grounds. The draft Directive to improve the working conditions in platform work (Platform Directive = COM (2021) 762 final) addresses the algorithm-based assignment and organisation of work by platforms (see section 1.5). However, all of the provisions in force already are so far implemented and enforced unevenly among member states and also in varied sectors of the economy. SMEs, less unionised and low-wage sectors, and the spheres of atypical employment are especially affected by gaps in enforcement (De Stefano & Wouters, 2022).

1.1. Artificial Intelligence and the European institutions

Within the EU research agenda, the topic of robotics has had a special place since 2004 (European Commission, 2020), and debates and regulations of data protection and privacy, digitalisation at large and digital services have continued through these years. However, a debate about the challenges of the appearance of AI for citizens and society only started quite recently. A key document that played a role in taking up this debate was the Resolution signed by the European Parliament (2017) (Stix, 2021; Niklas & Dencik, 2020). In the same year the European Council exhorted the EU Commission to develop “a sense of urgency” in addressing emerging trends such as AI “while at the same time ensuring a high level of data protection, digital rights and ethical standards”, and invited the EU Commission to put forward a European approach to AI (European Council, 2017).

The European Strategy for AI was thus launched in response to the resolution of the European Parliament and the invitation of the European Council, in April 2018. It articulated the threefold objective of boosting the EU’s industrial capacity (1), preparing the Union for the socioeconomic changes (2), and ensuring an appropriate and legal framework (3). As a part of the last objective, the EU Commission set up a High-Level Expert Group (AI HLEG), consisting of 52 members (ranging from academics to representatives of the technology industry, and – notably – one trade unionist, ETUC’s Confederal secretary Thiébaud Weber.)

The AI HLEG published several documents. Their most cited is the Ethics Guidelines for Trustworthy AI with the final version published in April 2019. In the Guidelines, three components of AI “through which it should be met through the system’s entire life cycle” are formulated, namely its being lawful, ethical, and robust. Furthermore, the AI HLEG identified seven key requirements that AI should meet in order to be trustworthy: human agency and oversight (1), technical robustness and safety (2), privacy and data governance (3), transparency (4), diversity, non-discrimination, and fairness (5), societal and environmental wellbeing (6), and accountability (7). Overall, the AI HLEG played a key part in framing the “social” side of AI policy and governance in terms of trust, accountability, and ethics.

1.2. Last milestones under the Presidency of von der Leyen: White Paper on AI and Proposal for the Artificial Intelligence Act.

Building on these steps previously taken by the EU institutions, newly appointed President von der Leyen announced her ambition to put forward legislation for a coordinated European approach on the human and ethical implications of AI as a priority during her first hundred days in office. This commitment has been reflected first in the White Paper on Artificial Intelligence (February 2020) and then the Proposal for the Artificial Intelligence Act (AI Act) (April 2021).

The White Paper sets out the aim to work towards both an “ecosystem of excellence” and an “ecosystem of trust” in the use of AI systems. This echoes the dualism of opportunities and risks. To further build an “ecosystem of excellence”, the White Paper formulates six action points to develop European AI technology (among others, investments in AI research and Digital Innovation Hubs and public-private partnerships). The bulk of the White Paper concentrates on the steps to work towards an ecosystem of trust. In the perspective of the EU Commission, a lack of trust is a main factor of “holding back a broader uptake of AI”. The Paper is concerned with the issues of privacy, personal data protection, consumer rights and non-discrimination.

The proposal for this European legal framework was presented in April 2021. The Proposal for the AI Act further elaborated the ideas already presented in the White Paper, namely: a risk-based approach (in analogy to health and safety regulations) related to the impact of AI systems upon health and safety and to fundamental rights of natural persons. The proposal prohibits AI systems that are considered to carry an unacceptable risk (for example, social scoring by public authorities or real time biometric identification in public spaces). AI systems that are considered high-risk are permitted, “but subject to compliance with certain mandatory requirements and an ex-ante conformity assessment” (p. 13). The requirements they formulate are based on the guidelines by the AI HLEG (data governance, documentation and record keeping, transparency and provision of information to users, human oversight, robustness, accuracy, and security). For AI that are considered low- or minimum risk, compliance with these requirements remains voluntary.

Intended AI uses related to “employment, workers management, and access to self-employment” generally fall into the high-risk category. “Employment” addresses the use of AI-based systems on an employer’s external labour market: job advertising, selection and assessment of job candidates. “Workers management” refers to the existing workforce and to both HR and work organisation: AI-based decisions on “promotion and termination of work-related contractual relationships” and AI uses for task allocation and for performance and behaviour appraisal. AI-based decisions on access to education or vocational training or on student and candidate assessment are also considered high-risk-uses. Such uses are to be internally assessed, documented and monitored by tech providers with regard to appropriate data governance and management practices,

transparency of procedures, human oversight and ‘an appropriate level of accuracy, robustness, and cybersecurity’.

In June 2023 the European Parliament adopted its amendments to the AI Act. It added stronger requirements for fundamental rights impact assessment and transparency, and also strengthened “red lines” for unacceptable AI uses such as real-time biometric surveillance in public spaces, biometric categorisation, emotion recognition, and social scoring (Chander & Jakubowska, 2023). Civil society organisations and also trade unions found that their inputs and demands were taken on board by the Parliament. Multi-purpose and complex foundational models such as ChatGPT were required to follow due diligence procedures to mitigate risks and assess impacts on fundamental rights as well as the environment, and to ensure the quality of training data to prevent bias.

Tech companies lobbied to avoid or limit regulation of foundational models and were joined by European AI start-up companies such as French Mistral AI and German Aleph Alpha (Vranken, 2023). The Computer and Communications Industry Association demanded a more circumscribed approach to regulation and the definition of risk:

“In order for Europe to become a technology incubator, the Act should only regulate specific applications of AI systems that pose a clear threat” (CCIA, 2023).

In a similar vein, in an open letter, ca. 150 representatives of tech companies, other businesses and tech industry associations demanded a softer regulation of generative AI, that is, foundational models:

“In a context where we know very little about the real risks, the business model, or the applications of generative AI, European law should confine itself to stating broad principles in a risk-based approach. The implementation of these principles should be entrusted to a dedicated regulatory body composed of experts at EU level and should be carried out in an agile process capable of continuously adapting them to the rapid pace of technological development and the unfolding concrete risks emerging. Such a procedure should be developed in dialogue with the economy.”¹

The “trilogue” negotiating process between the Commission, the European Parliament and the Council then took longer and required some more intense negotiations than expected. As a result, the risk-based approach received some additional conditions to assure that the high-risk category was not overextended in the Council’s view. Some exceptions for uses deemed “unacceptable” by the European Parliament were introduced in the field of safety at work and for law enforcement in cases of terrorist attacks or emergencies (Ponce Del Castillo, 2023).

1.3. The AI Act’s Relation to social rights

In the AI Act and its preparatory documents, human rights are mentioned frequently, but mostly in terms of individual rights to privacy and non-discrimination and with reference to some procedural provisions to ensure consent and transparency. However, the risk management approach of the AI Act suggests a balancing of these risks against the technologies’ economic and potentially social opportunities:

¹ <https://drive.google.com/file/d/1wrtxfvcDgFwfNfWGDL37Q6Nd8wBKXCkn/view?pli=1>, last visited February 27, 2024.

“Providers do not have to eliminate the risk, they are simply expected to notice it, monitor it, and provide information about it.” (Ponce Del Castillo, 2021, p. 5)

Observers from legal and civil society perspectives and also the OECD’s study of ethical implications of workplace AI (Salvi del Pero et al., 2022) recommend a stronger priority on human rights at large, including workers’ and citizens’ rights to representation, organisation and participation. Beyond the focus on individual rights, Niklas & Dencik (2021) point out that collective and social rights such as equal opportunities, access to the labour market, fair working conditions, social protection and inclusion only play a marginal role in the debate. In the consultation on the White Paper, some 1,215 citizens and stakeholders responded, including 130 business associations and 22 trade unions (Niklas & Dencik, 2021). In these authors’ analysis of comments on the White Paper, very few stakeholders addressed social and collective rights, such as participation and consulting rights or rights to fair working conditions. Ponce summarises the “regulatory narrative” of the Commission’s efforts as follows:

“This regulation addresses risks and, in so doing, creates trust; member states invest in AI and innovate and, in so doing, create excellence; and the result is an acceleration of the uptake of AI. Protecting fundamental rights, which should be the core objective, comes secondary. Protecting workers’ rights is absent altogether.” (2021, p.4)

After the trilogue agreement in December 2023, she concludes that, with the exceptions added to the Act, it remained a “deregulatory regulation” (Ponce Del Castillo, 2023).

Vice versa, recent EC documents on social rights address AI somewhat cursorily but make some inroads into digital rights. “Strong Social Europe for Just Transitions” (European Commission, 2021a) expects AI-related structural changes in the labour market, supports digital skills, and favours the development of digital technologies that avoid “new patterns of discrimination” and risks to health and safety, and improve conditions for platform workers. The “Action Plan for the Pillar of Social Rights” (European Commission, 2021b) mentions surveillance, data use and algorithmic management tools, the right to disconnect, digital education and the adaptation of social security to technological change (Niklas & Dencik, 2021).

1.4. Platform Work

The concept of platform work, also known as ‘gig work’, means a heterogenous pool of “economic activities completed through a digital platform”, and “a type of work where an online platform serves as an intermediary between platform workers, who provide services, and paying clients” (Pape, 2022). Platforms present themselves as services that match demand by clients and supply of certain tasks or services and manage the matching and the work through the platform’s algorithms. Work often consists of smaller and discrete tasks, and workers or service providers are paid based on performance and accomplished tasks (Eurofound, 2023).

Due to the strong uptake of digital and remote services during the COVID-19 pandemic, the sector of platform work has been growing and gaining more importance within the EU economy (Pape, 2022). While in 2021 more than 28 million people were working through platforms, this number is projected to rise to 43 million by 2025 (ibid.). Revenues from the platform economy in the European Union between 2016 and 2020 grew from an estimated €3 billion to around €14 billion (European Commission, 2021). It remains to be seen whether that growth will continue. Well known examples of platform work are driving and food delivery services that together make up around 63% of platform work performed in the EU (European Council, 2023a). Another large

share (19%) corresponds to domestic services such as cleaning and crafts. Most of the tasks require a low skill level and many of the predominantly male workers are over-qualified (European Council, 2023a). Higher skilled work in the creative industries (e.g., graphic design), professional services (e.g., accounting or translation), and domestic work in health- and childcare are also delivered through specialised platforms.

A central regulatory question is to what extent platform-based types of work constitute employment or can be governed by service contracts and self-employment which challenges the application of labour law to platform work (Garben, 2021). Indeed, in food delivery for example, in many countries employment- and self-employment-based platforms coexist and compete for both business and workers (Kowalik et al., 2023). While for some people with other sources of income or obligations outside of work the self-employment status allows for flexibility, it can mean precariousness, and poor-quality working standards for others (European Commission, 2021). As platform work allows for geographically dispersed activities, it has become easier for firms to outsource certain tasks all around the world (Rani & Singh, 2019). Because of concerns about the quality of work and the risks of platform work eroding regular employment, prominent legal disputes on classification of workers gained much attention (Bart & Freytag, 2022). Furthermore, platform workers have been widely protesting for better working conditions in many different countries. This is reflected by the Leeds Index of Labour Protests (2023), which records platform labour protests around the globe. In the EU, France (92), Spain (130) and Germany (69) are the countries with the highest numbers of protests among delivery workers since 2017 (Leeds Index of Platform Labour Protest, 2023; Neumann, 2023). These figures demonstrate platform workers' dissatisfaction with the work and their desire for better working conditions.

Some of these initiatives are bottom-up and self-organised by workers, others are supported by established trade unions. Indeed, trade unions' interest in organising and representing this new, heterogeneous and mobile constituency is increasing in spite or because of the challenges (Aloisi & Gramano, 2019; Geyer et al., 2023; Joyce & Stuart, 2021; Lamannis, 2023).

1.5. The Platform Work Directive

On 9 December 2021, the European Commission proposed a directive to improve platform work. It aims to address the problem of misclassification of subordinate work as self-employment by presuming platform workers' employment status by default for them to benefit from employment rights and social benefits. The onus of proof that self-employment is lawful is assigned to platforms. Furthermore, the Platform Work Directive aims to ensure fair working conditions through transparency and accountability in algorithmic management, and to render developments in the realm of platform work more transparent, traceable, and visible to improve enforcement of applicable rules for platform workers (European Commission, 2021a).

The Proposal originally created a presumption of employment for workers currently classified as self-employed on condition that their working conditions meet at least two out of five criteria for subordination (European Commission, 2021b). These five criteria include

- upper limits on the amount of money workers can receive
- supervision of their performance, including by electronic means
- control over the distribution or allocation of tasks
- control over working conditions and restrictions on choosing working hours
- restrictions on their freedom to organise their work and rules on their appearance or conduct (European Council, 2023).

After months of negotiations within the European Parliament, the EP's Committee on Employment and Social Affairs (EMPL) approved the platform workers' directive on 2 February 2023, with 376 in favour and 212 against (Bourgery-Gonse, 2023). The EP adapted the 'presumption of employment', completely removed the list of criteria, and indeed shifted the burden of proof of lawful self-employment to platforms: workers, trade unions and national authorities were empowered to claim the presumption of employment if they deemed it fair. Platforms would have the right to rebuttal proceedings to prove that a worker is in fact genuinely self-employed, following a newly established list of criteria on rebuttal proceedings (Bourgery-Gonse, 2023; Bérastégui, 2022).

In the next step, the European Council again proposed stricter rules to define employment status of workers, namely reintroducing the criteria and now requiring three out of seven criteria to be met for employment status (European Council, 2023b). These criteria added "restrictions on their [workers'] ability to turn down work, and rules governing their appearance or conduct" (European Council, 2023b). The Council's mandate on the platform directive was approved in June 2023 after an 18-month long process (ETF, 2023).

Trilogue between the European Parliament, the European Commission, and European Council began on 9 November 2023 with the aim of reaching provisional agreement before the end of the current legislative term of the European Commission and Parliament in 2024 (European Council, 2023b). On 13 December 2023 the European Parliament and the European Council reached a provisional agreement. This reverted to a legal presumption of employment if the original two out of five indicators were met. Member states may also add further indicators to the list, as a matter of national law (ibid.). With regard to algorithmic management, the approved text requires "that workers are informed about the use of automated monitoring and decision-making systems". Further, personal data are to be protected, and data processing of specific data in the context of worker monitoring and decision-making (emotional state, biometric data, data to predict actual or possible trade union activity etc.) is to be prohibited (European Council, Press Release 13 December 2023).

However, the 'Committee of the Permanent Representatives of the Governments of the Member States to the European Union' ('Coreper') which prepares the Council's final decisions, failed to reach the necessary majority on the provisional agreement. In the final version accepted by the European Parliament on April 24th, 2024, member states are required to adopt an effective presumption of employment, based on 'facts indicating control and direction' rather than the previously discussed indicators (Aloisi & De Stefano, 2024). Member States have two years to incorporate the directive into national legislation (European Commission, press release 13 December 2023).

Section II – Positions of the social partners and civil society regarding Artificial Intelligence and Employment

Social partners and civil society organisations have brought their own positions to the debates around the AI Act and Platform directive. In this section the position of the trade unions (2.1.), the employers' organisations (2.2), the European Economic and Social Committee (2.3) will be outlined. In the last section (2.4) we present the current joint position papers concluded in the European Sectoral Social Dialogue.

All of these documents start with the familiar duality of technological opportunities to be reaped and risks to be addressed. They aim for win-win-configurations of AI and digitalisation uses that enhance productivity, employment and working conditions. Emphases vary, in particular with sector-specific implementation modes and actual and potential uses of digital and AI-based technologies.

2.1. Trade union and labour-oriented positions

Trade Unions are among the most active actors voicing the concerns related to the impact of Artificial Intelligence, by raising awareness of the risks of de-skilling and automation of jobs, addressing the surveillance possibilities of new technology, the risks for discrimination and biased decisions, for decreases in job quality and for workers' rights to voice and representation. Since they have hardly been represented or mentioned in the EC's strategy and the AI Act, the major trade unions on the European level have been publishing Policy Briefs and/or resolutions to voice their concerns regarding the deployment of AI in the workplace and working with the European Parliament and the EESC to feed them into EU policy. The European Trade Union Institute (ETUI) in particular has been an active voice in the debate about AI and working conditions (Ponce Del Castillo, 2018, 2020, 2021, 2023) in cooperation with labour-oriented experts. Ponce Del Castillo argues that AI and AM uses in the workplace require a distinct stand-alone directive that addresses the specific risks in the employment relationship in the light of the speed of development of the technology as well as the known capabilities and expertise of social partners to shape technological change.

ETUC – the umbrella trade union confederation on European level – adopted a resolution on AI in June 2020, affirming that any EU framework should pay attention to workplace related situations and tackle possible abuses. According to ETUC, a recognition of the power-imbalance between employers and workers is missing in the AI Act (ETUC, 2020). They call for a bigger role for trade unions and competent authorities in scrutinizing the use of AI within the workplace and considered that the proposal for the AI Act falls short in protecting the rights of workers. ETUI similarly argued that the proposed regulation “fails to address the specificity of AI uses in employment” and criticised the European Commission's focus on “trust”:

“it is not about being afraid or not trusting AI or any other technology but about objecting to specific uses that have been demonstrated to be excessive, disproportionate or which contravene fundamental rights”, particularly in the context of employment (Ponce del Castillo, 2021, p. 8).

UNI Europa's ICTS group and industriAll have published their own position papers on the AI Act (IndustriAll 2019; UNI Europa 2019, 2021). As we might expect, position papers by trade unions are ambitious regarding the principle of “humans in control”. industriAll state that “humans should never become the underlings of machines” (industriAll, 2019) and demand comprehensive information, consultation and agreement rights on data, metrics, training data, biases and statistics on reliability and accuracy of machine learning systems. They also argue that the GDPR logic of “informed consent” cannot be applied in a work context since individual consent may not be entirely voluntary if a job or advancement depend on it. Hence such consent in employment relationships should only be possible collectively. UNI Europa (2021) translate human oversight into clear chains of responsibilities from system developers to companies that use algorithms.

industriAll (2019) put forward a wider view on possible impacts that extends beyond “risks” into the political economy of data access and property rights: sensors and monitoring devices gather data at work and ownership may be ill-defined between users and providers of the systems, leading to a further expansion of digital monopolies.

“A private capture of machine-generated data in a professional environment would be particularly damaging, because this data embeds the professional experience of workers, so that the data monopolist would de facto capture this experience” (p. 5).

Enabling such data to be used in workers' or the wider public interest would require "a regime of mandatory nonexclusive licensing of machine-collected data".

European trade unions generally welcomed the Platform Work Directive and the presumption of employment. On this subject, ETUC and the European Transport Federation (ETF) in particular have stated their positions (ETUC, 2023; ETF, 2023). ETF stated that presumption of employment in the European Parliament's version "is the best way to ensure that workers are classified correctly to get access to their employments, social, and pension rights" (ETF, 2023). Indeed, the presumption of employment for platform work has been a long-standing demand of trade unions and workers' representatives as well as labour-oriented researchers in the field (Graham & Shaw, 2017). Unions considered the Council's version with its higher threshold as a step backwards from both the Commission's and the Parliament's approach (ETF, 2023). Furthermore, ETF stated that the Council's text further weakened the presumption in leaving responsibility to Member States to decide whether the presumption of employment by the Directive would lead to tax, criminal and legal proceedings against platforms misclassifying their workers. This derogation of national law from the directive was promoted by some member states such as the French government and in ETF's view creates legal loopholes for platform companies to exploit (ETF, 2023).

The view that criteria at large, and national derogation on top of this shift the burden of proof back to workers is supported by Aloisi et al (2024):

"In systems where the presumption comes into play only after the worker has demonstrated the existence of specific criteria, as we already see in Portugal or Croatia, this legal device functions as a mechanism for shifting the burden of proof: the claimant must establish facts and circumstances identified by the lawmaker as eminently indicative of 'control of the performance of work' and, indirectly, of an employment relationship."

However, Aloisi and De Stefano (2024) note that the final version's emphasis that national regulations have to consider platforms' "control and direction" of work is more likely to be helpful to workers than varying criteria.

Overall, unions', labour and internet law experts' and civil society organisations' comments on AI/AM governance favour a more "systemic" and dynamic approach to the governance of AI and AM. This would give human, social and workers' rights more of a priority and bring AI governance up to the standard of the more ambitious legislation on worker rights, anti-discrimination and data protection.

Effective enforcement is considered a key issue (Salvi del Pero et al., 2022), the more so since key technological players in IT and platforms have a track record of disruptive business models that involve some social dumping:

"Most of their comparative advantage of platforms is gained through sustained efforts to undermine existing regulation, mostly employment and social security rules, often resulting in unfair competition and in an unlevel playing field" (Potocka-Sionek & Aloisi, 2021).

In the light of existing regulation, observers from trade unions, labour law and civil society backgrounds consider the provisions of the AI Act somewhat weak. The risk-assessment approach with its roots in product safety legislation is seen as inadequate to a dynamic and "self-learning" general purpose technology with uncertain outcomes (Colclough, 2022; Edwards, 2022). In this context, the categorisation of risks in the AI Act appears too static. The AI Act makes it difficult to change as AI uses take shape in Europe, new risks may emerge and others may be successfully mitigated (Circiumaru, 2022). Edwards (2022) also points out that the AI Act puts the onus of risk assessment on technology providers. This is at odds with common lifecycles and

value chains in AI development where both open and commercial modules may be combined, AI deployers may create own adaptations, and responsibilities are likely hard to assign (cf. UNI Europa, 2021).

The self-assessment of high-risk uses in employment and work by providers may lead to mere “box-ticking” exercises and a lack of context-specific risk prevention. Unions and civil rights and data protection experts demand provisions for independent monitoring by (adequately funded) national and European bodies such as AI boards, ombudspersons etc. They also demand higher standards of explainability of AI- or algorithm-based decisions. This should entail “an understanding of how an algorithm has pushed, nudged or influenced matters in a certain direction” (Ponce Del Castillo, 2021, p.7), and in addition, efforts to develop “AI literacy” among workers. Currently, much of the focus of ensuring explainability appears to lie on technical provisions (Salvi del Pero et al., 2022).

Unions and civil society actors focus on participation of those who are affected by AI uses. This means workers and their representatives but also consumers and citizens in their roles as patients, clients of public services, education etc. (Edwards, 2022), who could form evaluation and stewardship bodies (Colclough, 2020). In line with the provisions in social partners’ Joint Declarations, these authors argue that the AI Act needs better provisions for complaints, grievance and redress procedures.

In addition, the fit of the AI Act with other European legal provisions appears somewhat incoherent. Critics argue strongly for a more consistent, mutually enhancing regime that strengthens rule of law, human rights and the rights and participation of all types of workers and their representatives (De Stefano & Wouters, 2022; Ponce Del Castillo, 2018, 2020).

In this context, the GDPR has some clearer and better provisions on data uses (Aloisi & Gramano, 2019) and also on governance, foreseeing repeated reviews. However, its principles of purpose limitations and data minimisation are at odds with the logic of AI and its potential to draw inferences from heterogeneous and unstructured data (Salvi del Pero et al., 2022). Some authors (as well as the union industriALL) also point out that its principle of “informed consent” is not easy to apply in an employment context with its asymmetrical power relations (Ponce Del Castillo, 2021).

A key concern is that in the AI Act (other than the GDPR’s Art. 88) there is no provision for more specific regulations by member states. Such provisions might then be considered obstacles to the development of the single European market and of innovation in AI-based technologies and business models, in effect superseding more ambitious regulation (De Stefano and Aloisi 2021).

2.2. Employer organisations’ positions

From the side of employers’ organisations, BusinessEurope published several position papers on AI. Overall, their focus is on the importance of research and investment to ensure its success; especially taking into consideration the advantages that the United States and China are expected to have (BusinessEurope, 2019). Besides reiterating the importance of a skilled workforce, and the role of education in providing the necessary skills, they do not comment on any impact it might have on working conditions. With reference to the AI Act, BusinessEurope welcomed the initiative but warned about the unintended consequences and administrative burdens it might put on investment into AI which might slow down innovation and put the competitiveness of the EU in danger (BusinessEurope, 2021). The organisation welcomed the trilogue agreement of December 2023, but its Director General warned that

“The potential lack of legal certainty is a concern for companies and may hamper AI investments in Europe, hurting our global competitiveness.”²

Considering the Platform Directive, industry representatives generally argue in favour of balancing the opportunities of technological innovation for Europe with the protection of workers' rights within the framework of the Directive (Bart & Freytag, 2022). They argue that the directive should be aligned and fully consent with the proposed AI Act and the EU GDPR. All additional rules on online labour platforms should be carefully assessed and justified (WEC Global, 2022), or the directive should be a non-binding orientation for Member States to implement into national labour law (BusinessEurope, 2022).

BusinessEurope argue that firstly, platform work needs to be acknowledged in its growing popularity and importance for Europe's economy in terms of revenue and thus employment opportunities that should not be harmed by the directive. Secondly, regulation would entail higher compliance cost for businesses that would put the competitiveness of especially small and medium-sized enterprises (SME) at risk. While BusinessEurope supports the idea of improving working conditions for platform workers, they argue that a legally binding directive is the wrong approach to doing so “as it goes well beyond this objective and intends to impose a one-size-fits-all solution to a very nuanced issue” (BusinessEurope, 2022, p.1).

Another point raised by industry representatives is the transparency and information requirements set out by the directive. In their view they are already addressed in the GDPR and thus need a realignment of the requirements. Related to that, compatibility with other legislation should be assured, especially with the single market treaty articles to support “the harmonious development of platform work and overall provision of services across Europe” (BusinessEurope, 2022).

In this vein, BusinessEurope objected to the rebuttable presumption of employment as an unacceptable and unbalanced approach (BusinessEurope, 2022) in favour of maintaining the current choice of platforms between self-employment and employment of their operatives. They referred to the Service Directive that states the right of Member States to distinguish between employees and self-employed workers, depending on whether work is performed in a relationship of subordination or outside of it (Service Directive 2006/123/EC, Article 39, 43, 49).

For BusinessEurope, criteria of employment should be non-binding, and the burden of proof remain with workers. Furthermore, they call for more flexibility in collective bargaining and would like the algorithmic transparency obligations set out by the directive to be aligned with other EU legislation (see BusinessEurope, 2023).

The World Employment Confederation-Europe (WEC Europe) represent staffing agencies. This industry is faced with some labour market intermediation competition by platforms. WEC supported the Commission's approach to the presumption of employment but raised some concerns: the variety of platform work might not be amenable to regulation on only one legal basis, and “genuine self-employment [...] via online labour platforms should be fully recognised and remain possible”. (WEC Global, 2022). They did not see the need for a dedicated status for platform workers, as temporary employment already provides a well-regulated and comprehensive form of employment, with people working through digital platforms being either workers or self-employed.

With regard to AI and AM in recruiting and staffing, the comments of the WEC are of interest as well. They focus on AI's potential to combat and mitigate bias in hiring decisions and warn EU legislators that heavy

² <https://www.buinessurope.eu/publications/buinessurope-reacts-political-deal-eu-ai-act>

regulatory burdens might stifle AI innovations that could contribute to more inclusive labour markets. Hence, they suggest restricting the high-risk classifications to AI systems that directly support hiring decisions whereas systems that support searching, competence assessment, matching, or career management should be considered less risky, especially as the GDPR still applies to them (WEC Europe, 2022).

2.3. The EESC

Since the emergence of the EU-debate on AI, the European Economic and Social Committee has been outspoken about the impacts of AI on employment and work organisation. Already in 2017, they emphasised the importance of a human-in-control approach, a code of ethics, a standardisation system for verifying, validating, and monitoring AI systems, and a European governance infrastructure (EESC, 2017). They proposed a strong collaboration between the EU, national governments, and social partners to jointly identify the job sectors that were expected to be most affected by AI to find solutions to emerging problems.

The proposal for the AI Act was welcomed by the EESC, but it also raised some concerns (EESC, 2021). As the AI Act opens the door to AI systems that are considered high-risk, the EESC warned of a normalizing effect of such uses. Even though these AI uses must comply with a set of requirements, the EESC questioned the effectiveness of the regulation in mitigating social risks. It suggested some extensions of unacceptable risks such as the prohibition of social scoring not only by public authorities, but also by semi-public authorities and private organisations. They also put forward a need for full information and consultation of workers and the social partners on the use of AI in the workplace, as well as on AI development, procurement, and deployment.

Section III – European Social Dialogue on AI and AM

Up until early 2024, Joint Declarations have been concluded in the telecommunications industry and the insurance sector (ETNO & UNI Europa, 2020; UNI Europa Finance et al., 2021) – both sectors with long histories of digitalisation and utilisation of “big data”. AI is also addressed in the overarching European Social Partners’ Framework Agreement on Digitalisation concluded by BusinessEurope, SMEunited, CEEP, ETUC, and Eurocadres/CEC (BusinessEurope et al., 2020) and in the joint position papers on digitalisation by CEEMET, the employer association of the Metal, Engineering and Technology Industries (MET) and the manufacturing unions’ federation industriAll (CEEMET & industriAll, 2020). The social partner joint papers all address the familiar social partnership issues of employment and employability, in particular skills, reskilling and upskilling, and the uses of technology to “enhance rather than replace human abilities”. Skills are treated as more of a subject of digitalisation at large than of AI specifically and are indeed a traditional subject of building consensus among social partners.

Positions on skill enhancement are much in line with the EC 2020 New Skills Agenda, and the AI focus adds little to that. Insurance, telecommunications and MET industries social partners as well as the Framework Agreement agree on improving VET systems and advancing skills mapping and anticipation on the sectoral, cross-sectoral and company level. The aim is to deliver a combination of technological and transversal skills that also comprises AI skills. The insurance sector declaration explicitly addresses possible “responsible” AI uses (in combination with a “people plan”) to tailor trainings and provide employees with tools to assess their own skills, identify career paths and training possibilities. The telecoms declaration sees skill development as more of a central, cross-sectoral concern (and possibly, bottleneck), especially with regard to the roll-out of

the 5G mobile communications standard which is to provide the technological infrastructure for ongoing digitalisation across sectors. This means addressing up-to-date technological and transversal skills along value chains and involving multiple industries and stakeholders in skill building. In the telecommunications sector itself, skills initiatives have two target groups: the re-training and skill upgrading of existing workforces and the recruitment of newer, more diverse employees to an ageing, male- and often autochthonous-dominated workforce.

AI-specifically, all joint position papers and declarations make positive reference to the HLEG papers and the concept of “trustworthy AI”, which entails lawful, ethical, robust, socially and ecologically sustainable AI uses, and human rights considerations. They also refer to compliance with the GDPR and refer to its Art.88 in particular that allows for more advanced regulations by member states. As befits the providers of central digitalisation infrastructures, the telecommunications declaration is the most politically ambitious: it extends trustworthy AI to an overall ecosystem of “trusted innovation” and raises the aspiration to extend AI standards beyond the EU.

The principle of “humans in control” is also referenced across the joint declarations and frameworks. The insurance sector phrases it in the following way:

“Using AI should therefore not, a priori, exclude its results being challenged, intervened with, ignored or further completed by humans. It is also important to make sure that AI systems and solutions do not jeopardise but rather augment human involvement and capacities at work.” (UNI Europa Finance et al., 2021, p. 3)

However, a situation of “humans receiving instructions from algorithms” is noted as a point for discussion in this agreement rather than something to be avoided. A possible explanation is that in financial services, services and products have been digitised for decades. For example, customer advisors are commonly supported or guided by computer-generated, but not necessarily AI-based, sales recommendations.

Risks of AI are generally seen in terms of monitoring, privacy, and “algorithmic bias” or discrimination. Automated, extended and intensified monitoring of workers can become more intrusive if, for example, facial recognition or biometric data are used. Whereas the actual processing of sensitive personal data is covered by the GDPR, AI-based “profiling” allows indirect guesses at such data (e.g. health risks, sexual orientation) and thus might undermine the GDPR’s provisions. Whereas unions generally argue for prohibition of such uses, the joint declarations agree on awareness raising and discussion of ethical boundaries.

Another central risk is seen by both social partners in unfair biases in AI-based or AI-supported HR decisions with regard to recruitment, promotion or termination of employment with impacts on workers’ well-being and health and safety as well as human rights. Generally, as in the AI Act, prevention of such risks is aimed for, but alertness to unfavourable outcomes, mitigation or redress of unwanted effects are also foreseen. The insurance joint declaration foresees assessment and mitigation of such biases by humans and regular reviews, and the telecoms sector aims to “provide for robust mechanisms that mitigate the unwanted effects of AI-based decisions and that help employees to ensure the negative impact of AI on their rights is averted or corrected” (p. 3). In line with the “human in control” principle and the GDPR, all declarations aim for procedures of complaint and redress but notably do not make reference to existing European anti-discrimination legislation.

Generally, the Joint Declarations aspire to enhance human capabilities and achieve positive feedback between productivity, employment and job quality. Yet, in the ways they address risks and unwanted outcomes, some ambiguities in wording suggest that pursuing the general aspiration may require some effort or even conflict.

Social partners do not appear entirely confident that a level European playing field with strong provisions for workers' rights translates into competitive advantages. The MET industry joint paper aims to strike a "balance" between data protection and ensuring competitiveness. The telecommunications social partners point out that "human oversight models should be proportional to the risks involved by the AI application at hand" (ETNO & UNI Europa, 2020). An interesting wording that deviates from a stronger prevention principle is found in both the BusinessEurope et al. framework agreement (2020) and the joint declaration of the insurance sector (2021):

"Potential tensions between respect for human autonomy, prevention of harm, fairness and explicability of decision making should be acknowledged and addressed."

This appears somewhat counterintuitive as these uncontroversial aims appear rather more compatible than the likelier conflicts of interest over surveillance, worker monitoring and participation rights.

It is the unions' own position papers (see above) and the joint papers by the more unionised sectors, i.e. telecommunication and MET industries that emphasise the need to strengthen the role of social partners to shape AI uses favourably. The cross-sectoral framework agreement (BusinessEurope et al., 2020) designs an iterative, practice-focused process to jointly map and assess developments in skills, working conditions, work relations and work organisation, adopt digital transformation strategies and develop concrete, context-specific actions and measures. Similarly, the MET social partners aim for a jointly managed approach that also makes space for new actors that represent new forms of work. The telecommunications social partners aim to bring their sector-specific expertise and strong industrial relations tradition to the development of norms and implementation mechanisms. UNI Europa, with regard to the very limited involvement of unions in the High-Level Expert Group, demand a structural and systematic involvement of unions and workers' representatives, and industriAll aim for a mode of governance in which legislation provides a general framework and detailed implementation of AI regulation takes place in collective agreements on the appropriate level and/or legislation.

Section IV – Conclusions

Whereas Artificial Intelligence has drawn much attention in recent years with the visible diffusion of general purpose applications into work, education and everyday life, European regulation remains patchy. The European AI strategy and the AI Act prioritise market creation and regulation for AI over workers' rights. Much political rhetoric frames the issues of work and employment in terms of a fundamental trade-off between innovation and regulation in which a "balance" must be found. In this context, job creation, skills and employability, and non-discrimination are the most market-compatible employment issues that orient policy. The Platform Directive is a more targeted attempt to regulate employment and work with some clarifications of employment status and workers' rights. However, in both instances, more comprehensive regulation was demanded by the European Parliament but then watered down in the trilogue where especially liberal business interests were promoted by large member states, frequently on behalf of expected national champion AI companies. How the actual governance structures in both regulations will be mandated, how consulting bodies will be recruited and how regulations will be enforced still leaves many open questions – but the presence of trade unions in the consultations leading to the AI Act was clearly limited.

Social partner initiatives in the private sector mirror the polarisation of digital-intensive labour markets. The joint declarations have been concluded only in the traditionally data-intensive telecommunications and

insurance sectors, and a joint position achieved in the metal engineering sector. Umbrella organisations have concluded a process-oriented framework agreement on digitalisation (Business Europe et al., 2020). Employer associations and unions jointly aim for win-win configurations with skill provision, AI enhancing, not replacing human abilities, prevention and mitigation of discrimination and unfair bias. They go beyond the AI Act in also foreseeing somewhat clearer procedures of complaint and redress.

Yet behind the rhetoric of “balances” between competitiveness and workers’ rights lie very likely conflicts around information asymmetries, uncertainties over possibilities and practices of control and monitoring, and the transparency of algorithm-based decisions. These may well present quite fundamental challenges to social dialogue in the authors’ view since mutual trust and shared definitions of the situation are essential to any kind of bargaining (for more detail, see Holtgrewe & Dworsky, 2024). Only trade unions’ position papers and the joint declarations of the most unionised telecommunications and metal engineering sectors aim to strengthen social dialogue itself with regard to AI and AM.

It is the labour side of unions, labour and internet law experts and civil society organisations who favour a more “systemic” and dynamic approach to the governance of AI and AM with regard to the world of work. This may well require a distinct body of legislation that gives human, social and workers’ rights more of a priority and bring AI governance up to the standard of the more ambitious legislation on worker rights of information and representation, anti-discrimination and data protection.

References

- Aloisi, A., & De Stefano, V. (2024, March 16). 'Gig' workers in Europe: The new platform of rights. <https://www.socialeurope.eu/gig-workers-in-europe-the-new-platform-of-rights>, last reviewed 14.04. 2024
- Aloisi, A., & Gramano, E. (2019). Artificial intelligence is watching at work: Digital surveillance, employee monitoring, and regulatory issues in the EU context. *Comparative Labor Law & Policy Journal*, 41(95), 101-127.
- Aloisi, A., Rainone, S., & Countouris, N. (2024, January 25). Platform-work directive: The clock is ticking. <https://www.socialeurope.eu/platform-work-directive-the-clock-is-ticking>
- Bart, M. & Freytag, M. (2022). Platform work: Walking the line between technological innovation and protecting workers' rights. EURACTIV: url: <https://www.euractiv.com/section/economy-jobs/opinion/platform-work-walking-the-line-between-technological-innovation-and-protecting-workersrights/>, last reviewed 01.12.2023.
- Bérestégui, P. (2022). EU parliament reached an agreement on the platform work directive url: <https://www.etui.org/news/eu-parliament-reached-agreement-platform-work-directive>, last reviewed 01.12.2023.
- Bourgery-Gonse, T. (2023). EU Parliament adopts position on platform workers directive. EURACTIV: url: <https://www.euractiv.com/section/gig-economy/news/eu-parliament-adopts-position-on-platform-workers-directive/>, last reviewed 29.11.2023.
- BusinessEurope. (2019). Position paper: Artificial Intelligence Recommendation. url: <https://www.businesseurope.eu/publications/artificial-intelligence-recommendations>, last reviewed 26.02.2024.
- BusinessEurope, SMEunited, CEEP, ETUC, & Eurocadres/CEC. (2020). European social partners' framework agreement on digitalisation. url: <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=12033&langId=en>, last reviewed 30.11.2023.
- BusinessEurope. (2021). Position paper: The Artificial Intelligence Act (AI Act). url: <https://www.businesseurope.eu/publications/artificial-intelligence-act-ai-act-businesseurope-position-paper>, last reviewed 26.02.2024.
- BusinessEurope. (2022). Position Paper: Commission proposal for a directive on improving working conditions in platform work. url: https://www.businesseurope.eu/sites/buseur/files/media/position_papers/social/2022-06-20_pp_platform_work.pdf, last reviewed 30.11.2023.
- BusinessEurope. (2023). BusinessEurope Headlines No. 2023-18. Social partnership: essential for a successful Europe. url: <https://www.businesseurope.eu/publications/businesseurope-headlines-no-2023-18>, last reviewed 29.11.2023.
- Cantero Gamito, M., Ebers, M. (2021). Algorithmic Governance and Governance of Algorithms: An Introduction. In: Ebers, M., Cantero Gamito, M. (eds) *Algorithmic Governance and Governance of Algorithms. Data Science, Machine Intelligence, and Law*, vol 1. Springer, Cham. https://doi.org/10.1007/978-3-030-50559-2_1

- CCIA. (2023, June 14). AI Act: EU Lawmakers Abandon Risk-Based Approach, Start Final Negotiations - CCIA. <https://ccianet.org/news/2023/06/ai-act-eu-lawmakers-abandon-risk-based-approach-start-final-negotiations/>
- CEEMET, & industriAll. (2020). The impact of digitalisation on the world of work in the MET industries. An industriAll Europe and Ceemet joint position. CEEMET / industriAll.
- Chander, S., & Jakubowska, E. (2023, June 19). European Parliament on AI Act: Still rights gaps to fill. <https://www.socialeurope.eu/european-parliament-on-ai-act-still-rights-gaps-to-fill>
- Circiumaru, A. (2022). People, risk and the unique requirements of AI. 18 recommendations to strengthen the EU AI Act. Policy Briefing. url: <https://www.adalovelaceinstitute.org/policy-briefing/eu-ai-act/>, last reviewed 30.11.2023.
- Colclough, C. (2020). Towards Workers' Data Collectives – A Digital New Deal. url: <https://projects.itforchange.net/digital-new-deal/2020/10/22/towards-workers-data-collectives/>, last reviewed 26.02.2024.
- Colclough, C. (2022). AI and Human Rights. Thewhynotlab.Com. url: <https://www.thewhynotlab.com/post/ai-and-human-rights>, last reviewed 26.02.2024.
- De Stefano, V., & Wouters, M. (2022). AI and digital tools in workplace management and evaluation. An assessment of the EU's legal framework. European Parliamentary Research Service. url: [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729516/EPRS_STU\(2022\)729516_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729516/EPRS_STU(2022)729516_EN.pdf), last reviewed 26.02.2024.
- De Stefano, V. & Doellgast, V. (2023). Introduction to the Transfer Special Issue. Regulating AI at Work: Labour Relations, Automation, and Algorithmic Management. Transfer: European Review of Labour and Research 29, Nr. 1: 9–20. url: <https://doi.org/10.1177/10242589231157656>, last reviewed 26.02.2024.
- Doellgast, V.; Wagner, I. & O'Brady, S. (2023). Negotiating limits on algorithmic management in digitalised services: cases from Germany and Norway. Transfer: European Review of Labour and Research 29(1): 105–120.
- DIRECTIVE 2006/123/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2006 on services in the internal market, The European Parliament and the Council of the European Union. ELI: <http://data.europa.eu/eli/dir/2006/123/oj>, last reviewed 26.02.2024.
- Edwards, L. (2022). Expert opinion: Regulating AI in Europe. Ada Lovelace Institute. url: <https://www.adalovelaceinstitute.org/report/regulating-ai-in-europe/>, last reviewed 26.02.2024.
- ETNO, & UNI Europa. (2020). The Telecom Social Dialogue Committee Joint Declaration on Artificial Intelligence. ETNO. url: <https://etno.eu/news/8-news/691-the-telecom-social-dialogue-committee-joint-declaration-on-artificial-intelligence.html>, last reviewed 26.02.2024.
- ETUC. (2020). ETUC Resolution calling for an EU Directive on Algorithmic Systems at Work. European Trade Union Confederation. <https://www.etuc.org/en/document/resolution-european-strategies-artificial-intelligence-and-data>
- ETUC. (2020). Resolution on the European strategies on artificial intelligence and data. url: <https://www.etuc.org/en/document/resolution-european-strategies-artificial-intelligence-and-data>, last reviewed 26.02.2024.

ETUC. (2021). Commission's proposal for a regulation on Artificial Intelligence fails to address the workplace dimension. url: <https://www.etuc.org/en/document/commissions-proposal-regulation-artificial-intelligence-fails-address-workplace-dimension>, last reviewed 26.02.2024.

ETUC. (2023). Council platform proposals won't help workers. url: <https://www.etuc.org/en/pressrelease/council-platform-proposals-wont-help-workers>, last reviewed 29.11.2023.

European Transport Workers' Federation (ETF). (2023). Council breakthrough, an important step forward in the process, but text weakens worker's hand. url: <https://www.etf-europe.org/council-breakthrough-an-important-step-forward-in-the-process-but-text-weakens-workers-hand/>, last reviewed 29.11.2023.

Eurofound. (2023). Platform work. url: <https://www.eurofound.europa.eu/en/topic/platform-work>, last reviewed 29.11.2023.

European Commission (2020a): Communication: A Strong Social Europe for Just Transitions. COM (2020) 14 final, (2020).

European Commission. (2020b). White Paper on Artificial Intelligence. European Commission: Brussels.

European Commission. (2021a). Proposal for a regulation of the European parliament and of the council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain union legislative acts. The European Commission: Brussels.

European Commission (2021b). Proposal for a Directive of the European Parliament and of the Council on Improving Working Conditions in Platform Work. url: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021PC0762>, Brussels, 9.12.2021.

European Commission. (2021c). Communication on Better Working Conditions for a Stronger Social Europe: Harnessing the full benefits of digitalisation for the future of work. European Commission. <https://ec.europa.eu/social/BlobServlet?docId=24994&langId=en>

European Commission. (2021d). Communication: The European Pillar of Social Rights Action Plan. COM (2021) 102 final.

European Commission. (2023). Press release: Commission welcomes political agreement on improving working conditions in platform work. url: https://europa.eu/newsroom/ecpc-failover/pdf/ip-23-6586_en.pdf, Brussels, 13 December 2023.

European Council. (2023). EU rules on platform work. url: <https://www.consilium.europa.eu/en/policies/platform-work-eu/>, last reviewed 20.12.2023.

European Council. (2023). Press release: Rights for platform workers: Council and Parliament strike deal. url: <https://www.consilium.europa.eu/en/press/press-releases/2023/12/13/rights-for-platform-workers-council-and-parliament-strike-deal/>, last reviewed 20.12.2023.

European Council. (2023a). Infographic – Spotlight on digital platform workers in the EU. European Union, 2022. url: <https://www.consilium.europa.eu/en/infographics/digital-platform-workers/>, last reviewed 23.03.2023.

European Council. (2023b). Rights for platform workers: Council agrees its position. url: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/12/rights-for-platform-workers-council-agrees-its-position/>, last reviewed 29.11.2023.

European Economic and Social Committee. (2016). Artificial Intelligence – The consequences of artificial intelligence on the (digital) single market, production, consumption, employment and society. url: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/artificial-intelligence-consequences-artificial-intelligence-digital-single-market-production-consumption-employment-and>, last reviewed 26.02.2024.

European Economic and Social Committee. (2021). Regulation on Artificial Intelligence. url: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/regulation-artificial-intelligence>, last reviewed 26.02.2024.

European Parliament. (2017). European Parliament resolution of 16 February 2017 with Recommendations to the Commission on Civil Law Rules on Robotics (2018). Brussels: Official Journal of the European Union.

European Union. (2023). Types of legislation. url: https://european-union.europa.eu/institutions-law-budget/law/types-legislation_en, last reviewed 29.11.2023.

Garben, S. (2021). The regulation of platform work in the European Union: Mapping the challenges. Ch. 9, p. 145-161 in: *A Modern Guide To Labour and the Platform Economy*, Edward Elgar Publishing.

Geyer, L., Vandaele, K., & Prinz, N. (2023). Riding together? Why app-mediated food delivery couriers join trade unions in Austria. *Economic and Industrial Democracy*, 0143831X231195151. url: <https://doi.org/10.1177/0143831X231195151>, last reviewed 26.02.2024.

Graham, M., & Shaw, J. (Eds.). (2017). *Towards a fairer gig economy*. Meatspace Press. url: http://ia800605.us.archive.org/26/items/Towards-a-Fairer-Gig-Economy/Towards_A_Fairer_Gig_Economy.pdf, last reviewed 26.02.2024.

Holtgrewe, U., & Dworsky, L. (2024). European social partners' approaches to Artificial Intelligence and Algorithmic Management. INCODING case study reports. UAB. <https://ddd.uab.cat/record/290690>, last reviewed 25.04.2024

industriAll. (2019). Artificial Intelligence: Humans must stay in command. Policy Brief 2019-01. industriAll. url: https://news.industriall-europe.eu/content/documents/upload/2019/2/636849754506900075_Policy%20Brief%20-%20Artificial%20Intelligence.pdf, last reviewed 26.02.2024.

Joyce, S., & Stuart, M. (2021). Trade union responses to platform work: An evolving tension between mainstream and grassroots approaches. In J. Drahekoupil & K. Vandaele (Eds.), *A Modern Guide To Labour and the Platform Economy*. Edward Elgar Publishing. url: <https://doi.org/10.4337/9781788975100.00021>, last reviewed 26.02.2024.

Kowalik, Z., Lewandowski, P., & Kaczmarczyk, P. (2023). Job Quality Gaps between Migrant and Native Gig Workers: Evidence from Poland. *SSRN Electronic Journal*. url: <https://doi.org/10.2139/ssrn.4471349>, last reviewed 26.02.2024.

Lamannis, M. (2023). Collective bargaining in the platform economy. ETUI. url: <https://www.etui.org/publications/collective-bargaining-platform-economy>, last reviewed 26.02.2024.

Leeds Index Of Platform Labour Protest. (2023). url: <https://leeds-index.co.uk/explore/>, last reviewed 20.12.2023.

Neumann, D. (2023). Platform Labour Protest in Germany. Published in: Leeds Index Country Report #2. url: https://leeds-index.co.uk/wp-content/uploads/2023/02/LI_Country_Report_2_Germany.pdf, last reviewed 20.12.2023.

Niklas, J., & Dencik, L. (2021). What rights matter? Examining the place of social rights in the EU's artificial intelligence policy debate. *Internet Policy Review*, 10(3). url: <https://policyreview.info/articles/analysis/what-rights-matter-examining-place-social-rights-eus-artificial-intelligence>, last reviewed 26.02.2024.

Pape, M. (2022). Improving the Working Conditions of Platform Workers. Briefing to the European Parliament. 13 Oct. 2022, url: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698923/EPRS_BRI\(2022\)698923_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698923/EPRS_BRI(2022)698923_EN.pdf), last reviewed 26.02.2024.

Piasna, A. (2020). Counting gigs. How can we measure the scale of online platform work? ETUI. url: <https://www.etui.org/publications/counting-gigs>, last reviewed 26.02.2024

Ponce Del Castillo, A. (2018). Artificial intelligence: A game changer for the world of work. Brussels: ETUI. url: https://www.etui.org/content/download/34652/340695/file/F-B_05_EN_WEB.pdf, last reviewed 26.02.2024.

Ponce Del Castillo, A. (2020). Labour in the age of AI: Why regulation is needed to protect workers. Brussels: ETUI. url: <https://www.etui.org/publications/foresight-briefs/labour-in-the-age-of-ai-why-regulation-is-needed-to-protect-workers>, last reviewed 26.02.2024.

Ponce Del Castillo, A. (2021). The AI Regulation: Entering an AI regulatory winter? Why an ad hoc directive on AI in employment is required. Brussels: ETUI. url: <https://www.etui.org/publications/ai-regulation-entering-ai-regulatory-winter>, last reviewed 26.02.2024.

Ponce Del Castillo, A. (2023, December 11). The AI Act: Deregulation in disguise. SocialEurope. <https://www.socialeurope.eu/author/aida-ponce-del-castillo>

Potocka-Sionek, N., & Aloisi, A. (2021). 'Festina Lente': The ILO and EU Agendas on the Digital Transformation of Work (SSRN Scholarly Paper ID 3694754). Social Science Research Network. url: <https://doi.org/10.2139/ssrn.3694754>, last reviewed 26.02.2024.

Rani, U., & Singh, P. J. (2019). Digital Platforms, Data, and Development: Implications for Workers in Developing Economies. *Comparative Labor Law & Policy Journal*, 41(1), 263–288.

Statista. (2023). SMEs in Europe - Statistics & Facts. url: <https://www.statista.com/topics/8231/smes-in-europe/#topicOverview>, last reviewed 29.11.2023.

Salvi del Pero, A., Wyckoff, P., & Vourch, A. (2022). Using Artificial Intelligence in the workplace: What are the main ethical risks? OECD Social, Employment and Migration Working Papers 273 (OECD Social, Employment and Migration Working Papers, Vol. 273). OECD. url: <https://doi.org/10.1787/840a2d9f-en>, last reviewed 26.02.2024.

Stix, C. (2021). The ghost of AI governance past, present and future: AI governance in the European Union. In: Bullock, J. & Hudson, V. (2021). *Oxford University Press Handbook on AI Governance*. Oxford University Press.

Ulnicane, I. (2022). Artificial intelligence in the European Union: Policy, ethics and regulation. In *The Routledge Handbook of European Integrations* (pp. 254–269). Routledge.

UNI Europa. (2019). UNI Europa ICTS Position on Artificial Intelligence. UNI Europa. url: <https://futurium.ec.europa.eu/en/european-ai-alliance/document/uni-europa-ai-position-voice-workers-ai-debate>, last reviewed 26.02.2024.

UNI Europa. (2021). Comments on the Commission proposal for a regulation laying down harmonized rules on Artificial Intelligence (AI Act) – June 2021. UNI Europa. url: https://uni-global.optima-staging.co.uk/old-uploads/2021/08/20210621_Comments-AI-act-long-FV.pdf, last reviewed 26.02.2024.

UNI Europa Finance, Insurance Europe, AMICE, & bepar. (2021). Joint declaration on Artificial intelligence by the European social partners in the insurance sector. url: <https://www.insuranceeurope.eu/publications/1639/joint-declaration-on-artificial-intelligence/download/Joint+declaration%20on%20artificial%20intelligence.pdf>, last reviewed 26.02.2024.

Vranken, B. (2023, November 24). Big Tech lobbying is derailing the AI Act. <https://www.socialeurope.eu/big-tech-lobbying-is-derailing-the-ai-act>

World Employment Confederation-Europe. (2022). Position Paper: EU Commission proposal for a Directive on platform work. url: <https://wecglobal.org/uploads/2022/02/WEC-Europe-position-Commission-proposal-platform-work-Feb-2022.pdf>, last reviewed 29.11.2023.

World Employment Confederation-Europe. (2023). Platform work: WEC-Europe welcomes Council's progress on proposed EU Directive. url: <https://wecglobal.org/news-post/platform-work-wec-europe-welcomes-councils-progress-on-proposed-eu-directive/>, last reviewed 29.11.2023.