

Derechos Digitales' comments to the AIAB deep dive on the Future of Work

Partially delivered by Jamila Venturini on May 13th, 2024.

We'd like to recommend caution with assumptions related to the idea that “worker displacement that may be caused by the introduction of AI tools and systems may be offset by the reinstatement of the same workers into higher-value positions that require human creativity, emotional intelligence, and problem-solving abilities”. We know those positions are and will continue to be few and reserved to elite workers, despite reskilling efforts that can be implemented in countries.

From a Latin American perspective, marked by relatively high rates of unemployment and a labor environment marked by informality, the advance of AI can imply:

- the emergence of “new tasks” within the AI production chain which are often not ruled by existing labor legislation or operate in its margins (e.g. labeling of data, content moderation, etc.), thus implying further precarization and informalization. We already have evidence of violations when it comes to labor conditions in such sectors. They refer, for instance, to restrictions to freedom of association, which led an ongoing investigation in Colombia, and replicate concerning cases in other parts of the world.
- In this sense, the global character of AI implies a risk for workers to be replaced – not only by machines, but also by others in countries with lower standards for labor conditions. **A global governance framework for AI should therefore establish minimum conditions for AI workers within all parts of its production chain and advance mechanisms to hold contractors accountable for complying them. This could, for instance, include certification mechanisms related to decent work. We encourage the AIAB to put more emphasis to assuring that the AI production chain respects labor rights and explore mechanisms to support States in enforcing labor laws in the face of global corporations.**
- At the same time, considerations regarding labor rights should permeate the full AI lifecycle and be included as part of the criteria considered within human rights impact assessments. **For that it is essential that organizations such as the International Labor Organization, workers' and unions' representatives, and experts on labor are included in the AIAB so as to meaningfully contribute to the advance of such criteria and standards in a way that is aligned with recognized rights and concrete demands.**
 - The final report should also **explicit recommend that workers and their representatives are included in decisions regarding the deployment of AI in the workspace and on policy decisions regarding AI more broadly. It should also recommend States to implement strict protections to the right to freedom of peaceful assembly and association, as well as to the right to privacy in the face of increasing digitalization and of the implementation of surveillance technologies in the workplace.**
 - Regarding the later, Derechos Digitales has recommended the AIAB final report to **explicitly recommend States to adopt strong personal data protection rules and to recognize at least the core data protection principles of legality, necessity, proportionality, minimization, purpose limitation and transparency.**

As indicated by Janine and by a recent research developed by Algorithm Watch, with which we contributed “Automation is not only about job loss and dequalification, but especially about shifting power relations. Here, it becomes necessary to strengthen worker negotiating power in algorithmic decision-making processes.”

- In this sense, specific recommendations for States to guarantee **transparency and accountability regarding AI management within work relations** should also be explored and included in the AIAB final report, as opaque automated management can seriously affect work relations and the ability of workers to have their voices heard. This is particularly an issue for platform workers, although not exclusive to them.

Finally, another concerning trend we have mapped in Latin America with potential impacts for the future of workers, has to do with the increasing use of AI for policy making – including within employment and welfare programs – without any consideration on their potential impact to human rights and equality. While these initiatives can generate further discrimination and leave hundreds or thousands of people to poverty (as registered in other parts of the world), they come in a moment in which access to decent work may be jeopardized by the advance of technology and, at the same time, they may also affect the working conditions of public employees themselves.

We urge the AIAB to include **concrete recommendations in the final report to guide the State use of AI, including the need to implement HR impact assessments prior to implementation, to predict periodic evaluations of existing policies and to allow independent auditing of systems – always with due participation of different stakeholders including workers representatives.**