

Digitalisation, artificial intelligence and algorithmic management in the workplace – shaping the future of work

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The European Parliament adopted by 451 votes to 45, with 153 abstentions, a resolution with recommendations to the Commission on digitalisation, artificial intelligence and algorithmic management in the workplace – shaping the future of work.

The **recommendations** made to the Commission seek to address gaps in existing legislation and aim to provide legal certainty and predictability, while ensuring innovation respects fundamental rights and Europe's social model.

Parliament believes that a proposal on algorithmic management in the workplace, to be presented by the Commission after carrying out an impact assessment, supplemented by a competitiveness test and an SME test, should incorporate the following recommendations:

- ***Human oversight and control***: the proposal should improve working conditions and to promote the transparent, fair, accountable and safe deployment and use of automated monitoring and decision-making systems used to take or to support decisions at the workplace, ensuring human oversight, the protection of workers' fundamental rights, and the protection of workers in relation to the processing of their personal data.

The proposal should ensure continuous, meaningful and effective human oversight at all times over all decisions taken or supported by algorithmic management systems.

- ***Transparency and right to information***: the proposal should ensure that employers provide the workers affected and the workers' representatives concerned with information, in writing and in an accessible format, concerning the use or planned use of systems for algorithmic management at the workplace. The information should be provided at the latest on the first working day of the affected workers, prior to the introduction of changes substantially affecting their working conditions, and at any time upon the request of the workers or the workers' representatives.

- ***Consultation***: the proposal should ensure that the deployment and use of new systems of algorithmic management, or updates to existing systems, which directly affect workers' remuneration, evaluation, working arrangements, task allocation or working time, are deemed to be decisions likely to lead to substantial changes in work organisation or in contractual relations.

- ***Prohibited practices***: the proposal should prohibit the collecting, storing, monitoring, sale or any other processing of, *inter alia*: (a) emotional, psychological or neurological states, cognitive activity or biometric data of the workers;

(b) private communications; (c) data of workers while off-duty.

- ***Occupational health and safety***: the proposal should ensure that employers integrate, in cooperation with workers' representatives, the evaluation of the risks of algorithmic management systems into their safety and health systems, as regards possible risks of work-related accidents, psychosocial and ergonomic risks as well as undue pressure put on workers. Employers should use algorithmic management systems in

a manner that respects workers' wellbeing and does not put at risk their safety or their physical and mental health. They should take mitigating actions where appropriate.

- ***Non-Regression and More Favourable Provisions:*** the rules and safeguards resulting from these recommendations should provide a level of protection that is at least equivalent to that provided by existing Union law, including the Platform Work Directive, the Artificial Intelligence Act, the Digital Services Act, and the General Data Protection Regulation.