MET Sector Social Dialogue
Competitiveness and Employment Working Group
8 March 2021

Final minutes

1. Welcome and approval of the agenda

The agenda was approved with some changes to the order (see attached as enclosure)

2. Platform work

Nikolay Stoyanov (DG Employment, European Commission) presented the first phase of consultation of the social partners on improving working conditions for platform work. The Commission insisted on the fact that there are many types of platform work and different definitions depending on EU countries.

As to the Commission's consultation procedure, N. Stoyanov explained that if the EU social partners do not agree to negotiate on this topic, the Commission will come up with a legislative proposal by the end of 2021.

For Jarkko Ruohoniemi (Technology industries of Finland, Ceemet), the Commission would step on national competences if it would propose a definition/classification of what a person working through platforms "should be considered" from an employment point of view. Mr. Ruohoniemi mentioned that there are different definitions at national level and that the EU should not come up with a proposal classifying platform workers.

Victor Bernhardtz (Unionen, industriAll Europe) explained that the collective bargaining model should be sufficient to manage the issues and the new realities around platform work. In Sweden, for example, Unionen has signed three collective bargaining agreements with platform companies in the white-collar private sector, and the trade union representing the transport sector has signed a collective bargaining agreement with food delivery company Foodora. (Press release in Swedish: foodora och Svenska Transportarbetareförbundet skriver historiskt kollektivavtal | Transportarbetareförbundet) He further insisted that it is important to differentiate between "on location platforms" and "digital platforms", as these realities are different. Normally blue-collar workers work for on-location platforms in different areas of a specific location (i.e. typically – riders). Digital platforms usually concern white-collar workers in front of a computer.

Georg Grundei (GPA/industriAll Europe) mentioned the case of Austria, where a wide range of employees (in sectors such as UBER) are covered by collective bargaining/contracts. Online digital platforms are not such a wide phenomenon in Austria. Mr. Grundei further explained that from the point of view of trade unions, people working through platforms are in a normal employment relationship and they are, therefore, not self-employed. The Austrian Trade Unions are of the opinion that the rule should be that you have to prove that you are not a self-employed, as the vast majority of platforms are acting like employers.

Marie Journot (UIMM/Ceemet) explained that in France approximately 200 000 people are estimated to use on-demand platforms. Among them a significant number are engaged in other labour activities and/or studying. So, in the vast majority of cases, platform work is a complementary activity. For Marie Journot, UIMM is of the opinion that platform work is not really present in the sector. There are no figures about platform work in the MET industries in France. In the MET industries, platforms are used for other services. For example, UIMM has a link with a platform that gives support for improving the 'internet service' (services coming to the industry).

Ms. Journot further stressed that economic dependence is not sufficient to prove the existence of an employment relationship when speaking about platform work. She ended her intervention stressing that the variety of platforms will make uniform EU legislation inappropriate.

Juan Blanco (CCOO industria/industriAll Europe) said that platform work is not very common in the MET industries. However, he referred to some examples of platform work in the MET industries in Spain. In some sectors, there is a replacement of temporary work agencies by platform work. For example, in the lift/elevators/airport escalators industries, CCOO has observed that some companies are outsourcing activities linked to maintenance/assembly/installation activities that are being taken over by platforms. The companies that are working with platforms do not "have a classical employment relationship" with the workers and this is impacting negatively on social dialogue/collective bargaining.

Decision:
It was agreed to continue monitoring the developments in the industry in order to see if the traditional relationship remains the norm in the MET industries.

This issue will continue to be discussed within the social dialogue.

3. **Reinforcing Social Dialogue at EU level**

Ms. Andrea Nahles (special adviser to Commissioner Schmit on social dialogue) presented her report on how to reinforce social dialogue at EU level (*see link).*

Parts of her recommendations on how to improve social dialogue have been integrated into the Action Plan on the European Pillar of Social Rights that was released on 4 March 2021 (*see link*).

In response to the comment made by **Isabelle Barthes** (industriAll Europe Secretariat) that her recommendation to appoint "a social dialogue coordinator in the different Commission DGs" has not been included in the EPSR Action Plan, Ms. Nahles replied that this issue will be followed-up by the Commission. Commissioner Schmit supports the idea of having a coordinator in every DG. The fact that it is not in the Action Plan does not mean that it will not be established. Andrea Nahles is of the opinion that in two or three months' time, a social dialogue coordinator will be appointed in every Commission DG.

Reijo Paanamen (Nordic In/industriAll Europe) mentioned that the EU should also support the development of social dialogue at national level. Ms. Nahles very much agreed with this and pointed

out that any initiative aimed at supporting collective bargaining and social dialogue at national level is important. She further stressed that even though she has been appointed as special adviser to improve EU social dialogue, she is very much aware that social dialogue needs to be reinforced at national level. Without a lively culture of national social dialogue, we cannot have EU social dialogue, she concluded

Ms. Madlena Barumova/Ms. Tsvetana Yankova (BBCM/Ceemet) mentioned that in the case of Bulgaria, EU funds should be allocated in the field of social partnership at the sectoral level also, in order to improve social dialogue, and not only at the cross sectoral level. Ms. Yankova is of the opinion that it is important that the European Social Fund (ESF) also finances sectoral activities.

Ms. Nahles replied that she is aware of the challenges around the allocation of EU funds at national level, but this issue is linked to the structure of the EU and that it can only allocate "monies" through EU-funded projects, as well as to the national rules on the allocation of EU funds.

Klas Wåhlberg (Tekniföretagen/Ceemet) said that it is a paradox that the EU wants, on the one hand, to improve social dialogue and, on the other hand, proposes binding legislation that does not really support the autonomy of social partners and collective agreements.

Arto Helenius (Teollisuusliitto ry/industriAll Europe) mentioned that for the Finnish trade unions, it is important to explore ways in which to support young people to become interested in social dialogue and also social partnership.

Ms. Nahles understands the problem, but does not have so many solutions, since in her opinion, there are many instances where young people are unaware of the benefits of unionisation, but at the same time they take advantage of TU membership for their wages, for example, those that are based on social dialogue agreements.

Delphine Rudelli (Ceemet Secretariat) concluded this item, emphasising that Ms Nahles' report is of value, as it shows the importance of EU social dialogue. Ms Rudelli further insisted on the fact that it is important not mix up cross-sector and sector social dialogue. Also, EU and national social dialogue are not the same, since we cannot reach the same level of outcome. It is thus important that when we speak, we mention what kind of dialogue we are referring too.

Both industriAll and Ceemet agreed that social dialogue is of high relevance, but at the same time organising social dialogue in some EU Member States continues to be challenging. The MET social partners should thus support those countries where there are more difficulties in promoting sectoral social dialogue.

Ms Nahles thanked industriAll Europe and Ceemet for inviting her to the meeting and for the members' comments. She said that she would be available to introduce her report at national level.

4.   Artificial intelligence (AI).

Reijo Paanen (Nordic IN/industriAll Europe) opened the afternoon session and introduced the speakers. He then passed the floor to **Inese Podgaiska** (IDA). Ms. Podgaiska presented the report

Addressing ethical dilemmas in AI: Listening to Engineers. She emphasised that engineers are currently at the frontline in developing and deploying AI and can therefore give informed information about their first-hand experiences.

The report identifies a trend in the discussions on AI to blame engineers for everything that goes wrong. For IDA, it is only natural to step in here, as it is a traditional trade union's role to protect its members. The IDA argues that it is not the individual engineer who should be held liable for maldevelopments, but that it is always the company or the organisation behind the engineer that should carry the professional responsibility. On the other hand, IDA's mission is to raise awareness among its members of the consequences their work has or may have.

The report identifies - as one of the major challenges for engineers - that there is no ethical framework for AI in place. Engineers are therefore often at the frontline of the discussions and have to take political decisions. Ms. Podgaiska pointed out that the recent dismissal of ethics engineers at Google shows how precarious their situation often is, especially in a field without strong unions.

A trade union's role in this field could be to contribute to the work on:

- The horizontal regulatory proposal from the EU, which will be presented on 21 April, as this will be a window of opportunity to influence the debate;
- The governance of algorithms, as this field is currently unregulated;
- Raising awareness among shop stewards as an unused resource, and to make use of their experiences;
- Influencing political bodies that deal with the topic, i.e. the Special Committee on Artificial Intelligence in a Digital Age (AIDA) at the European Parliament.

More specifically, three gaps have been identified that should be closed:

- Translation gap between societal understandings of ethics and the practice of engineers;
- Implementation gap: ethics by design vs. putting in practice upon roll-out;
- Accountability and liability.

Recommendations from the report:

- A governance framework on AI should be put in place without further delay;
- Responsibilities and accountabilities should be defined without delay;
- Create different types of space for engineers:
  - **Space for education** – specific courses on ethics, GDPR and data protection should be provided; Trade Unions could include those seminars with their educational programmes;
  - **Safe spaces** – outside the workplace, where engineers can exchange about the challenges they face; Trade Unions could be the place for such a safe space;
  - **Space for discussion** – bring expert knowledge together and wrap it up for politicians to inform them;
- Speed up work on the explainability of AI.

Tomasz Wyszynski (Schneider Electric) presented the case of Schneider Electric and its approach to the deployment of AI and how AI is changing the way of working. One of the main challenges for Schneider Electric is to explain to its customers what AI actually is, and what lies within the possibilities of this kind of technology, as there is often only an obscure perception of AI and its potential. It is

therefore important to have engineers developing AI, who are also deploying AI in the field and can therefore build on hands-on experience.

Mr. Wyszynski pointed out that Schneider Electric considers ethical responsibility to be one of its key commitments. This becomes especially relevant when discussing platform and cloud infrastructure and discussions around data privacy. Schneider Electric finds it therefore important to collaborate closely with start-ups, not to miss out on innovation, and to collaborate with universities to follow the latest trends in algorithmics.

Mr. Wyszynski emphasised that, when speaking of Artificial Intelligence, the expected efficiency gains and the expected increases of revenue are huge. Many companies though have no exact concept of AI, but a rather obscure hope that collecting huge chunks of data will do the trick. Many projects fail accordingly, as the technology and methodologies deployed are not fit to satisfy the expectations. In fact, 85% of current AI projects do not deliver as promised, or fail all together.

One problem identified by the speaker is that many companies focus too much on technologies. Yet, in order to master AI, one needs to change the way decisions are taken. The development of autonomous vehicles, or the optimisation of transport routings, is in fact a challenge to decision taking and it forces companies to find new solutions off the beaten path.

At Schneider Electric, the approach is to develop augmented decision taking. This means that the AI would recommend decisions, but the human will take the final decisions. In this process, both agents are learning. The AI learns which decisions the human takes and the human has a better basis of decision making. To facilitate this, the company tries to bring together people with sales experience and people with technical experience to jointly work on projects.

A main challenge for AI developers is to tackle bias. It is therefore of utter importance to carefully select the people who train the AI, to make sure that the AI does not simply replicate, i.e. HR criteria of the past.

Mr Wyszynski concluded his presentation by emphasising that AI will bring about a fundamental shift in business and public life. To make this a success, a joint effort by technicians, engineers, companies, SMEs and public administrations is needed.

Isabelle Barthès (industriAll Europe Secretariat) pointed out that both speakers have mentioned that it is important not to demonise AI, as it is not in itself a black box, but first and foremost data. There are people behind the AI and we need to make sure that there are ethical rules and transparency in place which set the rules under which AI is developed. GDPR will certainly be one instrument which will help protect workers' data at the work place.

Question to Inese Podgaiska: Are the recommendations that you have presented already translated into collective agreements?

Question to Tomasz Wyszynski: You pointed out that the AI is to support workers. How do you ensure that it does not end up giving orders to the worker? How do you equip people to question the decisions of the machine?

Inese Podgaiska responded that the IDA's work on AI is twofold: on the one hand, influencing decision taking at EU level, on the other hand, the close collaboration with their member organisations. There is no collective agreement on AI in place yet, but NITO, IDA's Norwegian member, is currently working

on a joint project with the employers' organisation to discuss how the recommendations can be implemented. The Norwegian case will be the pilot phase to see how the recommendations can be implemented at national level.

Tomasz Wyszynski responded that, as of now, the AI is not capable of taking control of people. It might be possible at some point, but for the moment, it is still speculation. The important point, especially for managers, is to realise that AI is a means to assist the worker, not to regulate it, as this would lead to dissatisfaction. We therefore try to include a feedback function in every tool that we provide. The feedback goes back to the algorithm, the algorithm learns and will give a better recommendation the next time. But the worker is, in any case, in control.

Jan Brauburger (industriAll Europe Secretariat) asked how it can be ensured that workers' representatives can take informed decisions on AI, even if they do not understand the algorithms in detail.

Tomasz Wyszynski responded that it is important to train workers and workers' representatives, and then to jointly decide with the workers' representatives which kind of data sets are being introduced and used. It is therefore not necessary that they understand the exact algorithms, but that they understand the data sets that are being used, and that they agree on them. A future of AI in companies without strong workers' representatives at the table, negotiating on the data sets is, in his opinion, not possible.

Inese Podgaiska agreed with Mr Wyszynski and pointed out that it is important that workers' representatives understand GDPR and learn how to deploy it at company level.

Reijo Paananen (Nordic IN/industriAll Europe) concluded the session by illustrating the challenge of AI, using the example of the GPS navigation system. It can happen that such a system advises a driver to turn right, even though there is no proper route the driver could possibly take. It is the driver who then has to take the decision not to follow the obviously wrong advice. This shows that the human has to be in the lead to supervise the decision making of the machine.

Ceemet and industriAll Europe Secretariats announced, subsequent to the meeting, that both organisations are committed to continue working jointly on AI and that both Secretariats would set up a joint ad-hoc working group on which more information will be circulated in due time.

5. AOB

There was no AOB

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