

Mind the gap

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The digitalisation of work, despite its potential, risks becoming an impersonal means by which employers tilt the balance of power.

Since we have come to live with the coronavirus around the globe, 'digital work' has been enjoying an unprecedented boom. To ensure social distance, we had to work in a kind of isolation for months (and still have to or will have to again), but it works. Thanks to digitalisation, we use more and more tools to work, communicate and collaborate productively, even from home. Yet realising the goal of 'good mobile work' depends closely on the labour-law framework and collective agreements—including over working time, privacy and surveillance and individual circumstances such as childcare.



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We are working on bridging this gap. And at least employers have to admit now that flexible work, allowing employees more self-determination, is successful and doesn't ruin the company. Prejudices regarding the motivation and work discipline of 'home-office' workers have not been confirmed. That's the good message.

Turning the tables

But employers are already starting to turn the tables: companies are reducing office spaces, to create a 'more distributed workforce'—and to cut costs, because, as we know, work at home works. But what does it mean for the future of office work? Do employees have to work out of office because they have lost the daily 'hot-desking'? Shall we have to book a ticket for the use of an office? And will the further availability of working space or equipment for employees depend on their performance—all monitored by artificial-intelligence (AI) systems?

The nature of 'mobile work', including work at home as an opportunity for self-determined flexible work, would then change fundamentally. Under German labour and constitutional law, it is not possible simply to transfer work to the private rooms of employees. If employees work at home regularly it has to be linked to certain provisions, to safeguard occupational health and safety, which means additional efforts on the part of employers.

Employers are trying to prevent exactly this. They are declaring 'home office' as mobile work—suggesting a new, limitless freedom—to circumvent regulation.

Dealing with the digitalisation of work, we witness the power of employers to set ‘the facts’, as we have known it for ages. At the same time, technology is being used to change work, and power, structures. And the coronavirus crisis seems to be being exploited as an accelerator, to enforce employers’ or shareholders’ interests—particularly through job cuts via automation and a new level of surveillance.

Massive job losses

On the one hand, many companies are obviously under pressure due to the pandemic. So while the digital push can engender new, collaborative forms of work, managers can use the opportunities offered by digitalisation to cut jobs as far as possible via automation. Trade unions and workers are already facing massive job losses and job security is a high priority in many areas. The pressure will likely only increase.

This scenario is linked to the new wave of AI systems at workplaces. It’s no coincidence that there are initiatives such as IBM’s ‘Human Friendly Automation’, demanding a higher awareness of the impacts of AI in the workplace, especially regarding the number and quality of jobs. ‘Change impact plans’ to assess the consequences of AI systems for employees, as proposed in March by the German trade union confederation, the DGB, are not mandatory but they should be—and the sooner the better.

While policy-makers focus on assistance systems and the much-invoked human-centred design, corporate strategies seems to have changed significantly. The assumption of increasing risks to workers makes regulation all the more necessary—for example, in relation to AI systems affecting workers’ rights and job security—as proposed in the European Commission *White Paper on Artificial Intelligence*.

The crisis shows in particular that a shift in the balance of power at the expense of employees must be countered politically. This applies to the legal framework, especially regarding co-determination and the negotiating position of employees, works councils and unions.

Surveillance software

On the other hand, the upheaval caused by the pandemic has been accompanied by increasing use of surveillance software. Here we can witness a link to AI systems, too: the ‘spyware’ is not only being used to track or control employees but offers opportunities to measure individual productivity and workers’ behaviour. This form of ‘management by algorithm’ shows that new, remote-control systems are emerging.

Disguised as support for the workforce, it’s as if workers are themselves being turned into machines. And while AI systems provide an appearance of objectivity, this cannot be verified appropriately due to the lack of transparency. If such systems were to be established in the world of work on a large scale, there would be far-reaching consequences in terms of the balance of power, remuneration systems, occupational health and safety and so on.

Of course, there are safeguards in data-protection law (GDPR) and certain co-determination rights (in Germany), although there are loopholes and gaps. But experience shows companies tend to test the limits and often breach them. Moreover, not all employees are protected by collective agreements or works councils.

This is not painting a future dystopia but the evidence of today. Managers talk about a ‘new normal’ in the world of work but this must not mean that appropriate regulation is no longer required. German employers’ associations have been calling for a softening of labour law for years—and are exploiting the crisis to assert these claims from the last century.

Appropriate framework

Policy-makers have to act and set out an appropriate framework to foster good digital work by using technology. Here we can see another gap, however—between the political discourse and the reality created by business. The lively debate on the use of AI at work is engendering much dialogue but no tangible results, in terms of regulation to resolve what are inevitably conflicting goals.

There is an urgent need for a modern framework for the work of the future: fostering transparency and traceability of technology, bargaining on an equal footing, protecting privacy adequately and empowering workers. In this context, additional training opportunities for employees should be supported and publicly funded to a much greater extent.

So far digitalisation has been a great promise on the political stage. It would be a disaster if it turns out to be an empty one—and the much-vaunted possibilities for self-determination result in more insecurity, alienation and inequality.

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About Oliver Suchy

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