TO: Permanent Representatives to the European Union
CC: Social Attachés

Dear Ambassador,

The ETUC welcomes the efforts made by the Slovenian Presidency to work on a gender-responsive approach towards Artificial Intelligence. For way too long, the digital transformation, and specifically Artificial Intelligence has been incorrectly deemed gender neutral, while the opposite is true.

In view of the Draft Council Conclusions on the Impact of Artificial Intelligence on Gender Equality in the Labour Market, forwarded to the EPSCO Council on 6 December 2021 for approval, I am contacting you to share some key concerns with you.

The Draft Council Conclusions correctly identify the need to overcome the gender gap in STEM fields in ICT professions as a means to counter vertical and horizontal segregation of the labour market and as a condition to tackle existing gender bias in Artificial Intelligence that is linked to a predominantly male workforce that programs and shapes Artificial Intelligence.

However, the Draft Council Conclusions fail to take into account and deal with the particular threats AI tools present to fundamental rights at work caused by the power imbalance in the employment relationship. So much of the presumed protections rely on consent of the worker but in reality, the majority of workers who are not in a trade union have little chance to refuse their consent.

Allow me to underscore the following concerns:

The use of **emotional monitoring tools** allows employers to increasingly measure employees' emotions as they go about their work. From emotion-sensing cameras to cars with sensors to digital wristbands, the field of emotion detection technologies is growing. Allowing employers to monitor, track, control and discipline workers for their felt emotions is a substantial threat to fundamental rights. Women workers have always been put under pressure to smile at work, but with these tools women workers will be required to constantly feel happy too. **Therefore, ETUC calls for an effective ban on the use of emotional monitoring by employers on their workforce.**

Artificial Intelligence is misused for surveillance. Whereas the Draft Council Conclusion refer to "*changes in working patterns caused by the COVID-19 crisis and the resulting increase in digitalised and AI-based solutions*", I recall that the COVID-19 pandemic has triggered an increased use of employers of surveillance tools that remain unaddressed in the Draft Council Conclusions.

When used in recruitment & management processes, Artificial Intelligence **reproduces gender bias**, targeting women, as well as people of colour and / or people with disabilities, to give only a few examples. Workers and their unions must have the guarantee of a 'right of explanation' when AI systems are used in human-resource procedures, such as recruitment, promotion or dismissal, with a procedure to appeal to a human about decisions made about them by AI.

To address and prevent the dangers that are posed by Artificial Intelligence, it is of outmost importance that workers and their unions are fully consulted on the use of AI in the workplace. In addition, adequate safeguards of the use of Artificial Intelligence must be built in collective agreements.

I regret to see that the Slovenian Presidency missed the chance to adequately protect women workers from the negative – and deeply gendered impacts of Artificial Intelligence.

Yours sincerely,

Esther Lynch
Deputy General Secretary