Algorithms, data and a new labour agenda

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Lately there is much talk about platform work as the new precarity wave of capitalism: about the lack of rights, theuberization of the economy and offshoring. All these termsbelong to a technology-based paradigm, which includes evergrowing job insecurity. However, little attention has been paidto the debate about algorithms and their social impact on allspheres of life, above all on employment.

Algorithms have been around for some time. They have becomea part of every sphere of our lives. When we pick up our mobilephones, when we check something, when we use an automatedprocess or when we are judged by a machine, we aresurrounded by mathematical equations, and we know littleabout how they are designed and diagrammed. They are like a‘black box’, into which the rules of the game of global capitalismare woven; they take decisions which shape our lives and whichwe are unable to audit, because they are protected byintellectual property standards.

The black box

Source codes cannot be accessed by ordinary citizens, and evenfor the judiciary this is an extremely complex issue. The blackbox of the rules of the game governing the economy of thefuture is locked by a network of safeguards for companies,which have led to controversy in a number of industriesworldwide, such as the pharmaceutical industry.

Employment is no exception to this reality. Labour forcemanagement has become increasingly automated. This hasbeen possible thanks to the enormous quantity of data that we,theworkers, are generating: GPS surveillance around the clock,the contents on the screens of our computers at work, themonitoring of the time we take to prepare a coffee or go to thetoilet, our health conditions, our productivity; these are onlysome worker-related statistics which companies manage.Intelligent buildings collect data 24 hours a day, purportedly tomake us feel more comfortable at work. But will the data beused for this purpose only?

Platform work is the other main feature of this reality. Thedevice from which we access a platform has become our workplace; sometimes platforms are accessed via private socialnetwork accounts, linking the private and public spheres in waysthat constitute an outright intrusion into workers’ lives. Thisdata is handled by a labour-management algorithm, whichqualifies workers and decides whether they will be promoted,contracted, dismissed or warned. It has become commonpractice to use artificial intelligence to filter CVs during jobapplications and thus ‘stop wasting time’ on interviewinghundreds of job applicants.

Such algorithms are programmed following clearly definedcriteria. It is a mistake to believe that they are neutral and basejudgments on exhaustive information in a fair system.Programming follows criteria defined by the person takingdecisions in the company, then implemented by programmers.

So, how is the data assessed? Which data is taken into account?Is there any systemic discrimination? We can’t know due to thepowerful codes, which make it impossible to carry out state,institutional and social audits. The new rules of the gameconcerning employment are automated systems whoseprogramming criteria we don’t know. Therefore, we are at thedoorstep of the automation of exclusion and inequality, withoutrespect for fundamental rights which we managed to achieve.

What can be done about this reality? Sit and wait won’t be asolution, as it hasn’t been in the past. There are many actionsthat states and trade union movements can take to regulatelabour-management technology.

Auditing algorithms

First, there are the algorithms. Even though the protectiongranted by intellectual property standards makes it impossible
to get to know the programming criteria, we don’t need to knoweverything. We can begin by designing standards which willenable us to know what the algorithms do and what criteriawere followed during programming. These would also allow usto request mandatory reports from companies and institutionsthat operate with this kind of management, asking them toexplain what the algorithm does and what it cannot do, and toask for an audit in the event of inconsistencies. The contents ofthe base code comes as additional information; companies mayrefuse to reveal it, but they must be in a position to explain whata program is capable of doing and what it cannot do.

Both state and trade unions can also start to cooperate indeveloping data bases which will be able to detect systemicanomalies of algorithmic processes. It will thus be possible tostart analysing each of these companies, and to verify results onthe basis of data obtained following decisions that were takenbefore. If a company decides to lay off people, does this decision
apply equally to women and men? Are trade union, political, social, cultural and gender standards taken into account in the company decisions? Such information will be valuable when it comes to contrasting the results with the information requested from the company, in order to find out if there is algorithm-based systemic discrimination.

However, the protection of workers’ data will be even more important. This data is the fundamental input into algorithms. Therefore it will be sensible to start protecting workers’ privacy to make sure that the algorithmic black box of worker management does not commit any abuses. Once it has been decided which data may be collected and used, and which may not, we will be able to limit abuse by such algorithms.

Workers should be informed which data were collected as well as when, where, according to which criteria and for which purpose they were collected. It should be strictly forbidden for a company hiring a person or contracting their services to collect and check data which is not part of performance evaluation and which belongs to their private sphere, such as health, leisure activities, or political, sexual and other orientations. The worker must give their explicit consent and must be informed about which data is collected and for which purposes. They must also decide whether or not such data may be sold to other companies. Furthermore, they should have the right to ask for the data to be deleted after the working relationship with the institution is terminated. UNI Global Union (2017) has worked extensively on this.

Actions like these would start moulding inputs in such a way that indiscriminate abuse by companies and their worker-management algorithms would be impossible. Discrimination would become more difficult, as the data for discriminating would not be available.

Protecting digital footprints

This is important, because the algorithm-based workforce is not simply available; the enormous quantity of information we leave in our digital footprint can also be used by employers to discriminate against specific workers. A bad health record or outspoken political orientation on social networks could lead to a worker being laid off following a decision which need not be based on an algorithm, but on the will of an arbitrary boss who considers such views serious misconduct. The protection of workers’ data is paramount to prevent such abuses.

However, the main problem is the enormous data quantity which we generate everywhere, without being aware of it. The digital footprint that we take with us as part of the digitization of life may become a serious problem. Those who came into contact with this revolution as adults have sometimes managed to protect themselves with the help of limited-access permissions. By contrast, the generation who has been growing up submerged in such an environment of exposure may not be aware that their information will stay there forever to possibly eventually be checked when an employer has to decide about employing a person.

It will be necessary to start informing the population through awareness-raising public policies about the digital footprint and privacy of young adults, children and adolescents, so as to protect them from adverse effects in an ever-more-controlled future, like the Chinese social credit system where citizens are judged on the basis of countless aspects of their lives, leading to higher or lower qualifications. Such qualifications provide access to a number of benefits, such as transport, health, and loans.

Are we heading towards a new controlled society? Although such a paradigm might seem far away, facial recognition systems have already become part of the reality of some cities in Latin America, while platform employment is leaping ahead. Intelligent buildings are constructed every day, bringing workers increasingly under control. It would be sensible to initiate a debate among all of us about regulations to ensure that workers don’t lose out in the digital revolution, as they are subject to yet-unknown forms of discrimination.

The agenda of workers’ rights expands with the expansion of the frontiers of production probabilities stemming from the 4.0 revolution. It’s the right moment in Latin America and elsewhere to develop timely strategies. According to the Inter-American Development Bank (Basco et al. 2018), the most thorough transformations which might be triggered by artificial intelligence have not yet arrived here due to high costs and recession. Therefore it seems to be the right moment to develop new agendas for the protection of workers, so as to make sure that the technological revolution will not be synonymous with loss of labour rights and economies characterized by systemic inequalities.

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References:
