Model Contract Language for AI Surveillance Protections

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INTRODUCTION

As AI surveillance technologies become increasingly common in the telecommunications and media industries, workers are at heightened risk of privacy invasion, unfair treatment, and job insecurity. To protect union members from these risks, we propose the following model contract language to be included in collective bargaining agreements. This language is informed by the Communication Workers of America (CWA) AI Principles, the tentative agreement between ZeniMax Workers United–CWA Collective and Microsoft, as well as section 5 of the Writers Guild of America West (WGAW) 2023 minimum basic agreement (MBA).

This language aims to ensure transparency, protect worker privacy, and guarantee fair treatment in the use of AI surveillance technologies.

1. DISCLOSURE OF AI SURVEILLANCE PRACTICES

Language

The Employer agrees to provide full disclosure to the Union representative and all affected employees before implementing any AI surveillance technologies. This disclosure shall include, but is not limited to:

▸ The specific technologies and tools to be used;
▸ The types of data to be collected;
▸ The purposes for which the data will be used;
▸ The duration of data retention; and
▸ Any third-party vendors involved in data processing.

Rationale

Transparency is essential to ensure that workers understand how they are being monitored and to prevent the misuse of personal data. This clause empowers the Union and employees to have a say in the implementation of AI technologies in the workplace.

2. DATA PROTECTION AND SECURITY STANDARDS

Language

The Employer shall implement stringent data protection measures to safeguard employee information collected through AI surveillance. This includes:

- Minimizing data collection to what is strictly necessary for the stated purposes;
- Anonymizing or de-identifying data where possible; and
- Ensuring data is stored securely and protected against unauthorized access or breaches.

Rationale

Strong data protection standards are necessary to prevent the misuse or loss of sensitive employee information. This clause helps safeguard workers' privacy and reduces the risk of data breaches.

3. FAIRNESS AND NON-DISCRIMINATION

3.1 Prohibition of Discriminatory Practices

Language

The Employer shall not use AI surveillance technologies in any manner that results in discrimination based on race, gender, age, disability, or any other protected characteristic. The Employer agrees to conduct regular audits to identify and eliminate any biases in AI systems.

Rationale

AI systems can perpetuate and even exacerbate existing biases. This clause ensures that AI surveillance is used in a manner that promotes equality and prevents discrimination, protecting workers from unfair treatment.

3.2 Right to Explanation and Appeal

Language

Employees subject to decisions made by AI systems, such as performance evaluations, disciplinary actions, or job assignments, shall have the right to:

▸ Receive a clear and understandable explanation of the decision-making process; and

▸ Appeal any decision they believe to be unfair, inaccurate, or biased through a transparent and fair process.

Rationale

AI systems can make decisions that significantly impact workers' lives. This clause ensures that employees have the right to understand and challenge decisions made by AI, promoting fairness and accountability.

4. IMPACT ASSESSMENTS AND REPORTING

Language

The Employer shall establish an ongoing monitoring system to assess the impact of deployed AI systems on workers. Monitoring shall include periodic reviews of the AI system's effects on privacy, fairness, non-discrimination, and job security. The Employer shall provide detailed reports on the outcomes to the Union and employees on a quarterly basis.

Rationale

AI systems can evolve over time, and their impact on workers may change. Regular monitoring and reporting ensures that the Employer remains accountable for the AI system's effects throughout its deployment. It also provides a mechanism for ongoing correction and adjustment, allowing for continuous protection of workers' rights and interests.

5. WORKER PARTICIPATION IN AI SURVEILLANCE GOVERNANCE

Language

The Employer agrees to establish a joint AI Surveillance Oversight Committee, composed of equal numbers of representatives from the Union and management. This committee will:

▶ Review and approve any AI surveillance technologies before they are implemented;

▶ Monitor the use of AI surveillance on an ongoing basis; and

▶ Address any concerns or issues raised by employees related to AI surveillance.

Rationale

Involving workers in the governance of AI surveillance technologies ensures that their voices are heard and that their rights are protected. This clause fosters collaboration between the Union and management, promoting a fair and ethical approach to AI surveillance.

CONCLUSION

Including these AI surveillance protections in collective bargaining agreements will help safeguard union members from the risks associated with AI technologies. By ensuring transparency, protecting privacy, and promoting fairness, this model language empowers workers and strengthens their rights in an increasingly digital workplace.

Unions should actively pursue the adoption of this language in all future contract negotiations to protect members from the growing influence of AI surveillance in the telecommunications and media industries.

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