European Social Partners Framework Agreement on Digitalisation Interpretation Guide

CONFEDERATION **SYNDICAT EUROPEÆN TRADE UNION**

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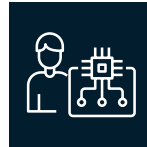
Preface

The negotiations of an autonomous framework agreement on digitalisation were part of the 2019-2021 Work Programme of the European Social Partners. Building on the conclusions of a joint fact-finding seminar in February 2019, the negotiations started in June 2019 and finished in March 2020.

The ETUC (and its liaison committee EUROCADRES/ CEC), BusinessEurope, SGIEurope and SMEunited signed this framework agreement in June 2020 at the Tripartite Social Summit, after approval by the respective decision-making bodies of these organisations. It must be implemented by all member organisations of the ETUC, BusinessEurope, SGIEurope and SMEunited in accordance with the procedures and practices specific to management and labour as specified in Article 155 of the Treaty on the Functioning of the European Union (TFEU) and within 3 years after its signature (i.e. before 22 June 2023).

This interpretation guide provides an overview on the content of the agreement, chapter by chapter, focusing on the main issues at stake as discussed throughout the negotiations. It is intended to support the ETUC member organisations in the implementation of the content of the agreement and to allow better monitoring and evaluation of the results achieved. This guide will also help to enhance the dissemination and awareness of this agreement and its content among social partners, workers and the public at large.

1 Introduction

Text of agreeement	Interpretation / comment
The digital transformation of the economy is a multifaceted topic with large implications for labour markets, the world of work and society at large. It is dealt with in a variety of ways by EU member states, due to different social and economic situations, labour markets and industrial relations systems and existing initiatives, practices and collective agreements.	The introduction to the agreement provides context and outlines, in broad terms, the issue of digitalisation and the role social partners have to play in managing it.
The digital transformation brings clear benefits for employers, workers and jobseekers alike, in terms of new job opportunities, increased productivity, improvements in working conditions and new ways of organising work and improved quality of services and products. Overall, with the right strategies, it can lead to employment growth and job retention.	An important aspect of the agreement is that it seeks to address digital transformation from the perspectives of opportunities and risks. The intention is to maximise opportunities while safeguarding jobs, employment and good working conditions.
The transition also comes with challenges and risks for workers and enterprises, as some tasks will disappear and many others will change. This requires the anticipation of change, the delivery of skills needed for workers and enterprises to succeed in the digital age. Others include work organisation and working conditions, work-life-balance and accessibility of technology, including infrastructure, across the economy and regions. Specific approaches are also needed for SMEs to embrace digitalisation in a way that is tailored to their specific circumstances.	Addressing both the opportunities and risks is a central theme of the agreement, and this has therefore been stressed throughout the introduction. It is essential that digital transformation in workplaces is jointly managed, taking into account all the potential risks to jobs, working conditions and employment prospects, alongside the potential benefits. While the upcoming sections of the agreement highlight certain areas and actions for social partners, the introduction provides a broader overview, highlighting issues such as infrastructure needs and anticipation of change.

Since the gains are not automatic, we need to adapt our labour markets, education and training, and social protection systems to make sure the transition is mutually beneficial for employers and workers. The EU and national governments have an important role to play, by ensuring that the framework conditions allow and support employers and workers to grasp the opportunities and leave them space to find appropriate solutions to deal with the challenges, bearing in mind that they know best the situation on the ground and what measures are needed to benefit enterprises and workers.	This section highlights the need to take joint action as social partners. This agreement is an action-oriented agreement designed to support trade unions to tackle digitalisation together with employers. It is recognised that the EU and national governments also have a role to play, particularly so when it comes to supporting social partners.
It is also important to take into account the climate and environmental impacts.	While this agreement does not directly address the climate and environmental impacts of digital transformation, these aspects will both have an impact on, and be affected by, the organisation of work in response to digitalisation.
Furthermore, a shared commitment is needed on the part of employers, workers and their representatives to make the most of the opportunities and deal with the challenges in a partnership approach, whilst respecting the different roles of those involved.	The social partners recognise the necessity of working together by stating a clear commitment to a partnership approach. Such an approach means that trade unions should be involved in all aspects of the digital transformation of workplaces. The partnership process is further developed in a separate section of the agreement.
This framework agreement is the shared commitment of the European cross-sectoral social partners to optimise the benefits and deal with the challenges of digitalisation in the world of work.	The agreement itself represents the commitment of the European social partners to take action. The agreement was negotiated in the context of the 6th European Social Dialogue Work Programme, 2019-2021.

2 Aims

Text of agreeement	Interpretation / comment
This framework agreement aims to: • Raise awareness and improve understanding of employers, workers and their representatives of the opportunities and challenges in the world of work resulting from the digital transformation; • Provide an action-oriented framework to encourage, guide and assist employers, workers and their representatives in devising measures and actions aimed at reaping these opportunities and dealing with the challenges, whilst taking into account existing initiatives, practices and collective agreements; • Encourage a partnership approach between employers, workers and their representatives; • Support development of a human-oriented approach to integration of digital technology in the world of work, to support/assist workers and enhance productivity.	As stated clearly in the aim, this agreement is an action-oriented framework. Awareness raising is often the first step to taking action, but it is just a first step: In order for the agreement to have a positive and lasting impact, concrete measures need to be taken at all appropriate levels. The agreement seeks to embed a partnership approach to ensure that workers have a decisive voice in managing the digitalisation process in companies and sectors. In supporting a human-oriented approach, the social partners recognise that digitalisation must be human-led to ensure it improves working conditions, while equally enhancing productivity.

By:

- Outlining a joint dynamic circular process, which takes into account the different roles and responsibilities of the different actors and can be tailored to different national, sectoral and/or enterprise situations, industrial relations systems, jobs and different digital technologies/tools;

- Highlighting concrete approaches, actions and measures, which employers, workers and their representatives can use, according to their specific needs and circumstances, to tackle topics such as skills, work organisation and working conditions.
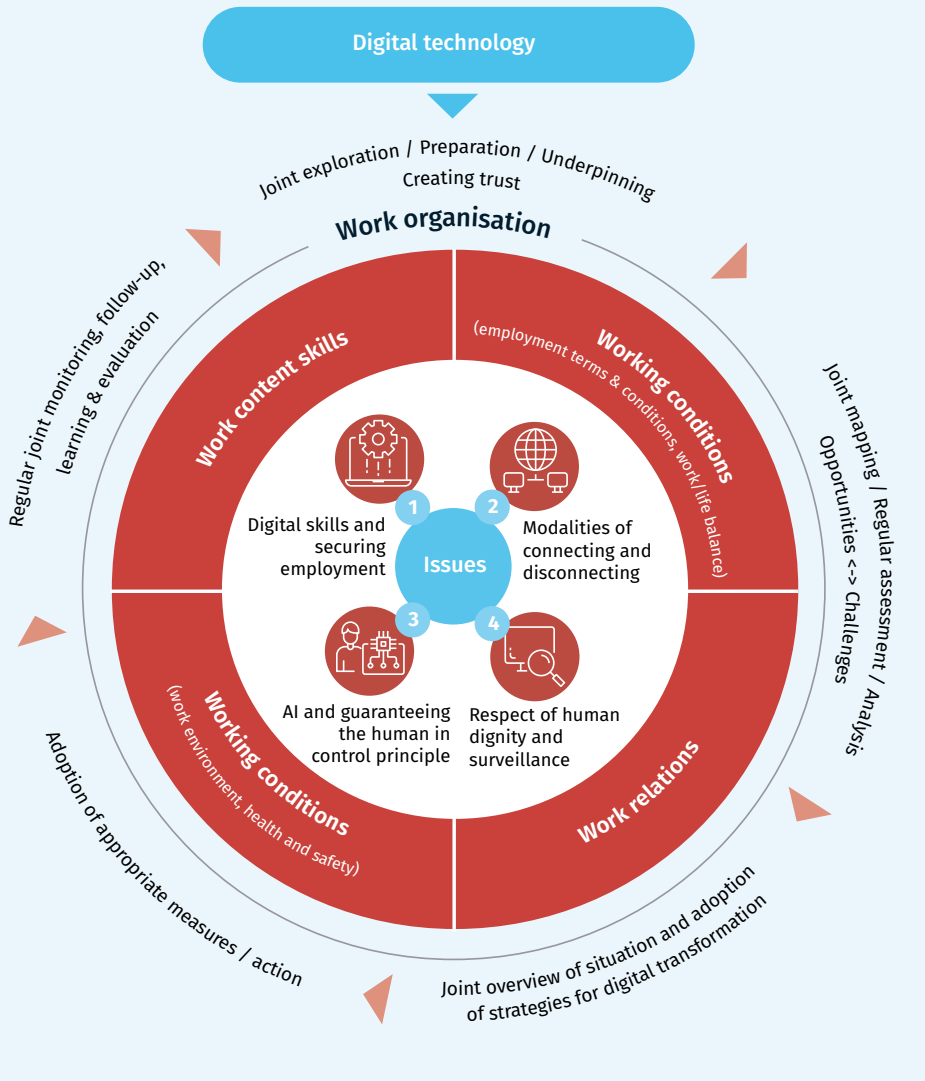
The agreement outlines how to achieve these aims: via a joint dynamic circular process, alongside concrete measures addressing specific topics. Both the process and the topics/measures are further developed at a later stage of the agreement.

3 Scope

Text of agreeement	Interpretation / comment
This Autonomous Agreement has been concluded by the European cross-sectoral social partners and applies to the whole of the EU/EEA.	The agreement was concluded by the cross-industry European Social Partners, ETUC for the trade unions, and BusinessEurope, SGI Europe (formerly CEEP), and SMEunited for the employers.
It covers all workers and employers in the public and private sectors and in all economic activities including in activities using online platforms where an employment relationship exists, as defined nationally.	Here, the Social Partners identify the workers and employers that the agreement is intended to cover – sectors in all economic activities. Given the relevance of digitalisation to the platform economy, it was agreed to highlight that platforms and their workers are also covered by the agreement.
When referring to 'enterprises' in this agreement, we mean organisations from private and public sector.	In relation to the terminology used in the agreement itself, the word 'enterprises' refers equally to both organisations operating within the public and private sector, without making distinction between the two.
When referring to 'workers representatives' in this agreement, the prerogatives of trade union representatives are to be recognised, in accordance with national law and practice.	This means that in no case can the existence of other arrangements be used to undermine trade unions. Similarly, when using the agreement, it is important to note that trade unions are specifically recognised as the organisation representing workers in the workplace. This is also fundamental when it comes to the interpretation of the partnership approach, whereby a true partnership comes from the interests of the workers being represented independently from those of the employer.

Digitalisation partnership process

Digital technology

Joint exploration / Preparation / Underpinning
Creating trust

Work organisation

Regular joint monitoring, follow-up,
learning & evaluation

Work content skills

Working conditions
(employment terms & conditions, work/life balance)

Joint mapping / Regular assessment / Analysis
Opportunities <-> Challenges

Issues

1 Digital skills and securing employment

2 Modalities of connecting and disconnecting

3 AI and guaranteeing the human in control principle

4 Respect of human dignity and surveillance

Working conditions
(work environment, health and safety)

Work relations

Adoption of appropriate measures / action

Joint overview of situation and adoption
of strategies for digital transformation

Work organisation

The work organisation is the distribution and coordination of work tasks and authority in an organisation. Work organisation is the way that tasks are distributed amongst the individuals in an organisation and the ways in which these are then coordinated to achieve the final product service. The work organisation or structure tells you who is doing what, be it in teams or not, and who is reponsible for what.

Work content and skills

Work content is about looking into the impact of digital technology/tools on the content of the job and the skills needed to perform the work and to (digitally) interact with others (co-workers, management, clients, intermediaries). It takes into account aspects such as autonomy, coherence, variation, workload, information, clarity of the role.

Working conditions

Working conditions refers to the working environment (e.g. health, safety, physical and mental demands, wellbeing, climate, comfort, sanitary provisions, work equipment) and aspects of a workers' terms and conditions of employment. The latter covers matters such as: working time (schemes), rest periods, work location(s), work-life balance, leave systems, training and learning opportunities, evaluation mechanisms.

Working relations

The work relations or interpersonal relations have an impact on the performance and the wellbeing of the workers. These encompass the social interaction between workers themselves and between workers and the enterprise (formal and informal relations with the direct supervisor, the management, HR-function...). Relations with clients and other third parties are also part of this. It is important to take into account the quality of the relations (collaboration, integration, contact moments and possibilities, communication, work atmosphere), the management style, the ocurrence of violence or harassment, support procedures and mechanisms...

4 A partnership process between employers and workers' representatives

Text of agreeement	Interpretation / comment
Considering that: The overall goal is to achieve a consensual transition by a successful integration of digital technologies at the workplace and by reaping the opportunities as well as preventing and minimising the risks for both workers and employers and to ensure the best possible outcome for both employers and workers; Multiple topics play a role or should be taken into account. A broad multidisciplinary approach is suggested, which captures the relevant workplace elements; Most of these topics are interlinked and should not be dealt with in isolation; There is a need for tailoring the approach to the size of enterprise and to deal with different situations or circumstances whereas some features are the same for all enterprises independently of their size; A shared commitment by employers, workers and their representatives for an agreed and jointly managed process is important for success.	The digitalisation partnership process suggests a method to be followed when implementing the agreement. This process was the key priority of the employers. For the ETUC, the focus on the different issues to be addressed was central. This chapter is the result of a compromise which combines both the method and the identification of the issues which need to be discussed via the partnership process. The process suggests a tailor-made approach vis-à-vis the size of companies as well as the different sectors. The shared commitment of Social Partners is, as always, a recognition of their joint responsibility.

An agreed and jointly managed dynamic circular process is a suitable way for implementation of the agreement, whilst respecting the roles/responsibilities of different actors including workers' representatives.

The circular process suggests different steps to be followed. The circular dimension gives the possibility to redo the process if there is a need to adapt, to improve some dimensions of the different actions implemented.

The presence or introduction of digital technologies or tools has an impact on several topics that are often interrelated. These topics are shown in the diagram:

- Work content – skills;

- Working conditions (employment terms and conditions, work-life-balance);

- Working conditions (work environment, health and safety);

- Work relations;

- Work organisation.

In the different steps of the process, all these topics have to be discussed and taken into account.

The process puts a strong emphasis on the collective dimension (working conditions, working environment, etc.) which is the constant approach of the ETUC. This approach was also highlighted in previous negotiations such as the agreements on violence or on active ageing.

In relation to the topics referred to above the following issues should also be discussed and taken into account as part of the process:

- Digital skills and securing employment;

- Modalities of connecting and disconnecting;

- Artificial Intelligence (AI) and guaranteeing the human in control principle;

- Respect of human dignity and surveillance.

Digital technologies or tools can also be used/introduced to improve on those topics (e.g. by better work organisation, communication, more learning possibilities, improved work relations, better work-life-balance, gender equality).

The 4 key topics which are identified in this agreement are: (1) Digital skills and securing employment; (2) Modalities of connecting and disconnecting; (3) Artificial Intelligence (AI) and guaranteeing the human in control principle; (4) Respect of human dignity and surveillance.

The ETUC wanted to address other issues such as Health and Safety, which was considered to be important but to be dealt with under other specific processes.

Stages in the Process

The first stage *'Joint exploration/preparation/underpinning'* is about exploring, raising awareness and creating the right support base and climate of trust to be able to openly discuss the opportunities and challenges/risks of digitalisation, their impact at the workplace and about the possible actions and solutions.

The second stage *'Joint mapping/regular assessment/analysis'* is a mapping exercise looking into the topic areas in terms of benefits and opportunities (how successful integration of digital technology can benefit the workers and the enterprise) and in terms of challenges/risks. Possible measures and actions are also identified at this stage. SMEs may need external advice/support.

The third stage *'Joint overview of situation and adoption of strategies for digital transformation'* is the result of the above steps. It is about having a basic understanding of the opportunities and challenges/risks, the different elements and their interrelationships, as well as agreeing on digital strategies setting goals for the enterprise going forward.

The fourth stage *'Adoption of appropriate measures/actions'* is based on the joint overview of the situation. It includes:

- the possibility for a testing / piloting of the envisaged solutions;
- priority setting;
- timing, implementation in sequential time-bound phases;
- clarifying/defining the roles and responsibilities of management and workers and their representatives;
- resources;
- accompanying measures such as (expert) support, monitoring, etc.

The fifth stage *'Regular joint monitoring / follow-up, learning, evaluation'* is where we come full circle to a joint assessment of the effectiveness of the actions and discussion on whether further analysis, awareness-raising, underpinning or actions are necessary.

Workers' representatives will be provided with such facilities and information as necessary to effectively engage in the different stages of the process.

This chapter describes the five key steps of the process:

1. The *'Joint exploration/ preparation/underpinning'* (exploring, raising awareness and creating the right support base and climate of trust);

2. The *'Joint mapping/regular assessment/analysis'* (mapping exercise looking into the key topic areas in terms of benefits and opportunities);

3. The *'Joint overview of situation and adoption of strategies for digital transformation'* (having a basic understanding of the opportunities and challenges/ risks);

4. The *'Adoption of appropriate measures/actions'* (based on the joint overview of the situation);

5. The *'Regular joint monitoring / follow-up, learning, evaluation'* (the joint assessment of the effectiveness of the actions and discussion on whether actions are necessary).

Workers' representatives must be informed and effectively engaged in each of these different steps.

Tailoring	
Although the process steps would remain identical, this process should be tailored to different national, sectoral and/or enterprise situations and industrial relations systems by adjusting the tools used in the process, the content and/or the people/experts involved. It allows to have an approach which is relevant to different jobs, enterprises and sectors.	The process suggests a tailored approach which takes into account both the size of the company and the sectoral dimension.
The agreement acknowledges that a wide range of digital tools, training arrangements and joint procedures have already been introduced, in some cases by social partners. Consequently, these existing tools and procedures should be taken into account in the joint mapping/regular assessment/analysis and where there are concerns about the impacts on working conditions and health and safety needing urgent attention, action is taken.	A wide range of digital tools, training arrangements and procedures already exist and must be considered, especially during the first stage of the partnership process.
It is in the interest of employers and workers to adapt work organisation, where needed, to the ongoing transformation of work deriving from the use of digital work devices. This adaptation should occur in a way that respects workers' interests and employers' prerogatives in terms of work organisation at the enterprise level.	The agreement acknowledges the joint interest in adapting work organisation to the transformation of work linked to digitalisation.

4.1 Digital skills and securing employment

Text of agreeement	Interpretation / comment
Main objective and success factor The main objective is to prepare our current and future workforce and enterprises with the appropriate skills by continuous learning, to reap the opportunities and deal with the challenges of the digital transformation in the world of work.	Technological breakthroughs within industries occur continuously, destroying some jobs and creating new ones. To take one example, the invention of the digital camera has drastically reduced demand for camera film, reducing the number of jobs of those who made it. At the same time, there has been increasing demand for new cameras, which has boosted jobs in this industry. Such transformations may create different jobs in different geographical areas, requiring different skills. This means that those losing the 'old' jobs did not automatically get the 'new' jobs. Those most able to adapt will be those with the highest skills. A wide range of skills are needed for this change, rather than a narrow focus on the specific skills that employers may need in the short term. Trade union negotiators should explore this question when implementing the framework agreement in an industrial setting.
Shared interest of social partners The challenges and opportunities presented by digitalisation mean that social partners have a shared interest in facilitating access to quality and effective training and skills development while respecting the diversity and flexibility of training systems, which vary according to diverse industrial relations practices. This entails employers' commitment to use digital technology positively, seeking to improve innovation and productivity, for the long-term health of enterprises, and for the employment security of the workforce and for better working conditions. Along with workers' commitment to support the growth and success of enterprises and to recognise the potential role of digital technology, if enterprises are to remain competitive in the modern world.	One of the risks of digital technology is that employers could conclude that it will inevitably reduce job numbers and take little or no action to counter this. This clause reminds employers that they are expected to use digital technology to improve the economic performance of their company or organisation, but the framework agreement requires them to protect both the quality and quantity of jobs in the process. Unions and managers with strong relationships and a high degree of trust have achieved this win-win outcome. Employers recognise that, if unions suspect digital technology is simply being used to reduce the number of workers, they will refuse to engage with its introduction. For this reason, so long as employers implement this technology in a way that is positive for workers, unions recognise the potential benefits of the technology.

Identification of skills needs as a key challenge

A key challenge social partners face is to determine which (digital) skills and change of processes are necessary to be introduced and, in consequence, to organise adequate training measures. This is valid for the national, sectoral and enterprise level, in line with the different national industrial relations systems.

Key elements

Involvement of social partners at the appropriate level, as well as HR and line-managers and workers' representatives and (European) works councils, in: motivating staff to take part in training, creating frameworks based on open communication, and in information, consultation and participation, in accordance with national industrial relations systems, should be promoted at all steps of the up-skilling process.

Social partners can play a supportive role for enterprises in their efforts to set up skills plans to accommodate ongoing and future changes. SMEs' particular needs for support have to be taken into account.

Depending on the type of digital tools introduced and the specific national, sector and enterprise situation, a skill set that includes and combines technical, sector-specific skills, as well as a range of transversal and soft skills and competences like problem-solving capacity, critical thinking, collaborative and communicative skills, co-creation and creativity will be needed for the workforce. In parallel, human and social skills and competences, such as people management, emotional intelligence and judgement need to be further developed and enhanced.

Taking into account the speed of change in the labour market, intelligence tools, such as skills anticipation measures, and a regular assessment of a worker's existing skill set as part of a competence development approach to lifelong learning are extremely relevant to correctly identify future skills needs and choose the right training measures in close cooperation with workers' representatives.

A change-over towards a real learning culture in society and in enterprises and mobilising the workforce's positive attitude to change, is essential to make the digital transformation an opportunity, making commitment, creativity and solution-oriented approaches the core of social partners adaptation endeavours, whilst minimising possible risks at the same time.

Workers trust their unions. If unions are positive about digital change and the opportunities it brings, workers are more likely to follow. Employers were keen for the role of unions in motivating their members to take up skills training included in the framework agreement. Unions insisted on full information, consultation and participation in decisions around necessary and desirable skills training.

Some of the new skills needed will be technical in nature, but among the most important skills moving forward are those that are difficult for a machine, even a highly sophisticated one, to replicate. This refers to skills such as empathy, reason and making multi-layered judgements. The need for training in such skills is emphasised.

For this reason, a learning culture, or 'lifelong learning', in which continuous learning becomes the norm, will be increasingly necessary. This has implications; it must be paid for, time off must be given for training, and more and innovative types of flexible working will be necessary. These will all become part of the present and future bargaining agenda.

Text of agreeement	Interpretation / comment
Fostering digital transformation strategies supporting employment The agreement encourages social partners at the appropriate levels and enterprises to introduce digital transformation strategies in a partnership approach, to pursue the following objectives: • Foster employment transitions of workers in enterprises, and more broadly between enterprises and sectors, through investment in skills that ensure skills updating and the continuous employability of the workforce and the resilience of enterprises; • Provide the conditions for digital transformation of enterprises that leads to employment creation, including employers' commitment to introduce technology in a way that benefits at the same time employment, productivity and the work content and improved working conditions.	This section underlines the importance of digital technology being introduced in a way which leads to employment creation, as well as encouraging employment transitions, so that if a worker's existing job cannot be protected, the possibility of a new job for that worker, either within or outside the company, is maximised. Unions were keen to underline the job creation/job retention aspects of digital technology in the agreement, so that any attempt to use this technology to simply reduce job numbers is deemed unacceptable.
A shared analysis and joint commitment to action needs to be supported by social dialogue structures, comprising employer and workers representatives, to assess and identify training needs linked to digitalisation for the enterprise or sector and its workforce. These can be hard skills and soft skills, set out in an agreed skills training approach. **Measures to be considered include:** • The commitment of both parties to upskill or reskill to meet the digital challenges of the enterprise. • Access to and arrangements of training, in line with diverse national industrial relations and training practices and taking into account the diversity of the workforce, such as in the forms of training funds / sectoral funds, learning accounts, competence development plans, vouchers. Training provisions should spell out clearly the conditions of participation, including in terms of duration, financial aspects, and worker commitment.	This section states the principle that the cost of training to do the job must be borne by the employer. It offers a wide variety of venues and times for such training to take place, to be agreed by the employer and the union, but it states the need for this to happen during working time where possible, and for compensation (which would usually mean pay, but is flexible enough for alternative compensation to be considered) when the training takes place out of hours.

- Where an employer requests to a worker to participate in a job-related training that is directly linked to the digital transformation of the enterprise, the training is paid by the employer or in line with the collective agreement or national practice. This training can be in-house or off-site and takes place at an appropriate and agreed time for both the employer and the worker, and where possible during working hours. If the training takes place outside of working time, appropriate compensation should be arranged.

- A focus on quality and effective training: This means to provide access to relevant training responding to the identified training needs of the employer and the worker. A key aspect of this in the context of the digital transformation is to train workers, to help them make the best possible use of the digital technologies that are introduced.

- Training arrangements that provide skills which could support mobility between and within sectors.

- Internal or external training validation solutions.

- The operation of schemes such as short time work that combines a reduction of working hours with training, in well-defined circumstances.

This section also stressed the 'diversity of the workforce'. This is essential: women still undertake the majority of both childcare and care for elderly/vulnerable relatives. Training/retraining must take into account the specific demands on women's time.

This section seeks quality training to allow the worker to maximise opportunities to work with digital technology within the company, but recognises that this will not always be the case and training should support workers to find new jobs in other sectors where this cannot happen.

The section supports internal or external training validation solutions, but unions will be aware that training which is recognised across companies and sectors will be of most benefit to workers and should aim for this where possible.

Social partners should consider measures at the appropriate levels to ensure that the impact on employment is well anticipated and managed in digital transformation strategies supporting employment retention and creation. It is critical that digital technology is introduced in timely consultation with the workforce, and their representatives, in the framework of industrial relations systems, so that trust in the process can be built. An objective of digital transformation strategies is avoiding jobs losses as well as creating new opportunities, including by looking into re-design of jobs. Strategies should ensure that both the enterprise and the workers benefit from the introduction of digital technology, e.g. working conditions, innovation, productivity and share of productivity gains, business continuity, employability. Strategies are built on a shared commitment of social partners to:

• Retraining and upskilling, so that workers can transfer to new jobs or adapt to redesigned jobs within the enterprise, in agreed conditions;

• The redesign of jobs to allow workers to remain within the enterprise in a new role if some of their tasks or their job disappears due to digital technology;

• The redesign of work organisation if necessary, to take account of changed tasks, roles or competences;

• An equal opportunities policy to ensure that digital technology results in benefit for all workers. If digital technology contributes to inequality for example between women and men, this issue must be addressed by the social partners.

The fact that one objective of digitalisation strategies is avoiding job losses as well as creating new opportunities was a key win for union negotiators when delivering this framework agreement. To achieve this, however, companies and their human resources departments need to be creative and union negotiators should expect this of them.

Digital technology will mean that some jobs can be automated and some cannot. In practice, it will probably mean that many, perhaps most, jobs can be automated to some extent, but not fully. This means that if 50% of two people's jobs can be automated, by putting the non-automatable parts of the two jobs together, a new, hybrid job can be created. At first sight, it might have seemed that two jobs were under threat; in fact, only one was. This is a crude example; in reality, 20% or 30% or 70% of some people's jobs might be at risk of automation. The point of this section is to insist that, alongside retraining, the redesign of both individual jobs and wider work organisation should be explored in pursuit of greater productivity and job retention by reimagining existing job content. In larger companies, where a proportion of the workforce is likely to retire every year, this can be combined with a strategy of not replacing workers who retire to minimise or even completely eliminate the need for job losses within a company. There are already examples of agreements between companies and unions that have this as an objective.

Despite progress in recent years, job roles remain stratified; certain jobs are predominantly or more likely to be undertaken by women, others by men. It is important to ensure that, in developing strategies to introduce digital technology, we do not create nor reinforce situations where negative disruption falls predominantly on women. This section of the agreement includes a clause outlining that, if this is discovered to be the case, then it must be addressed by managers and unions in the workplace.

4.2 Modalities of connecting and disconnecting

Text of agreeement	Interpretation / comment
It is in the interest of employers and workers to adapt work organisation, where needed, to the ongoing transformation of work deriving from the use of digital work devices. Achieving clarity on the legitimate expectations that can be placed on workers when using such devices can be supported by collective bargaining at the appropriate levels in the Member States.	This section, addressing the modalities of connecting and disconnecting, is a fundamental part of the agreement which seeks to mitigate the harmful 'always on' culture which has crept into workplaces due to the use of digital tools and work processes. Every worker has a right to disconnect outside of working hours, however the introduction of new technology has brought obstacles to the ability of workers to exercise this right. This section also recognises that collective bargaining can play an important role when managing the impact of new technology in the workplace, in particular the demands that may be placed on workers.
The presence and/or introduction of digital devices/tools in workplaces can provide many new opportunities and possibilities to organise work in a flexible way to the benefit of employers and workers. At the same time, this may create risks and challenges around the delineation of work and of personal time both during and beyond working time.	In line with other parts of the agreement, this section outlines the need to strike a balance between availing of opportunities while preventing and managing risks. It is of the utmost importance that digital tools are introduced in a way that improves working conditions and enhances work-life-balance.
It is the employer's duty to ensure the safety and health of workers in every aspect related to the work. To avoid possible negative effects on workers' health and safety and on the functioning of the enterprise, the focus should be on prevention. This refers to a culture where employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.	This section reiterates the duty of employers regarding health and safety at work, also highlighting the important role of prevention. This section was one of the last parts of the agreements to be finalised due to the difficulties surrounding explicitly mentioning the right to disconnect. It was important for trade unions during the negotiations to ensure that working time and the right to be paid for all work done outside of working hours are fully recognised, and that any burden placed on workers in relation to the introduction and use of new technology does not infringe upon these rights.

Measures to be considered include:

- Training and awareness raising measures;
- Respect of working time rules and teleworking and mobile work rules;
- Appropriate measures to ensure compliance;
- Providing guidance and information for employers and workers on how to respect working time rules and teleworking and mobile work rules including on how to use digital tools, e.g. emails, including the risks of being overly connected particularly for health and safety;
- Being clear about the policies and/or the agreed rules on the use of digital tools for private purposes during working time;
- Commitment from management to create a culture that avoids out of hours contact;
- Work organisation and workload, including the number of staff, are key aspects which need to be identified and evaluated jointly;
- Achievement of organisational objectives should not require out of hours connection. With full respect for working time legislation and working time provisions in collective agreements and contractual arrangements, for any additional out of hours contacting of workers by employers, the worker is not obliged to be contactable;
- And in respect of the bullet point above, appropriate compensation for any extra time worked, and;
- Alert and support procedures in a no-blame culture to find solutions and to guard against detriment for workers for not being contactable;
- Regular exchanges between managers and workers and/or their representatives on the workload and work processes;
- Alert and support procedures;
- Prevention of isolation at work.

This section draws attention to the important issues agreed upon by social partners within the agreement. This is not a closed list, and other measures should also be considered depending on the specific needs of the workers in workplace.

This list of measures was a particularly difficult part of the negotiations as the trade union side sought to provide as much clarity as possible to support negotiators at national level with concrete measures and commitments.

The measures highlight some ways in which the right to disconnect can be respected by taking into account the disruption caused by digital tools. Training measures, provision of information and guidance, and having clear policies in relation to digital tools are important steps.

The recognition that the worker is not obliged to be contactable is of central importance to ensuring the ability to disconnect and maintaining a sustainable work-life-balance. A fundamental point is to empower workers to be able to disconnect freely, without adverse consequences should they choose to disconnect.

Therefore, while there is a clear recognition that workers should be paid for any extra time worked, measures should be taken to ensure that any worker who chooses to disconnect and not be contactable outside of working hours does not suffer any disadvantage or detriment for this choice.

A digitised workplace and work processes creates challenges regarding increasing workload which may require alert and support procedures to be developed.

Measures should also be developed to address the potential isolation of workers in a digitised, and often online, work environment.
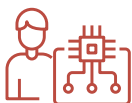
4.3 Artificial Intelligence (AI) and Guaranteeing the Human in Control Principle

Text of agreeement	Interpretation / comment
Artificial intelligence (AI) will have a significant impact on the working world of tomorrow. Today most enterprises in Europe are still in the early stages of using new AI-based possibilities to optimise work processes or create new business models. At this point of departure, it is essential to explore the design options of using AI or Machine Learning systems for economic success and good working conditions.	This section underlines the significance of artificial intelligence (AI) for the future world of work. Whereas the use of AI-based possibilities (to optimise work processes or create new business models) is on the rise, it is important to explore the design options of using AI or Machine Learning systems for better working conditions, including better work-life-balance and economic success.
Whereas AI systems and solutions have the valuable potential to increase the productivity of the enterprise and the well-being of the workforce and a better allocation of tasks between humans, between different parts of the enterprise, and between machines and humans, it is also important to make sure that AI systems and solutions do not jeopardise but augment human involvement and capacities at work.	This section stresses that AI systems and solutions can potentially contribute to increased productivity and higher well-being of the workforce, as well as a better allocation of tasks between humans, between different parts of the enterprise, and between machines and humans. However, it is necessary to use the potential of AI systems and solutions to augment human involvement and capacities at work.
This Social Partners' Autonomous Agreement sets out some direction and principles of how and under which circumstances AI is introduced in the world of work.	This section explains that the Social Partners' Autonomous Agreement sets out some direction and principles on the way and circumstances of introducing AI in the world of work.
The control of humans over machines and artificial intelligence should be guaranteed in the workplace and should underpin the use of robotics and artificial intelligence applications whilst respecting and complying with safety and security controls.	This section intends to secure control of humans over machines and artificial intelligence which should be guaranteed in the workplace and should underpin the use of robotics and artificial intelligence applications whilst respecting and complying with safety and security controls.

Trustworthy AI has three components, which should be met throughout the system's entire life cycle and must be respected in the deployment in the world of work: • it should be lawful, fair, transparent, safe, and secure, complying with all applicable laws and regulations as well as fundamental rights and non-discrimination rules; • it should follow agreed ethical standards, ensuring adherence to EU Fundamental/human rights, equality and other ethical principles and; • it should be robust and sustainable, both from a technical and social perspective since, even with good intentions, AI systems can cause unintentional harm.	This section explains that the term 'trustworthy AI' has three components which should be met throughout the system's entire life cycle. These three components must be respected in the deployment in the world of work, and are as follows: a) AI must be lawful, fair, transparent, safe, and secure, complying with all applicable (offline) laws and regulations as well as the European Charter of fundamental rights and non-discrimination rules; b) it must follow agreed ethical standards, ensuring adherence to EU Fundamental/human rights, equality and other ethical principles and; c) it must be robust and sustainable, both from a technical and social perspective since, keeping in mind that even with good intentions, AI systems can cause unintentional harm which should be avoided or minimised.
Social partners at the level of the enterprise and at other appropriate levels should pro-actively explore the potential of digital technology and AI to increase the productivity of the enterprise and the well-being of the workforce, including a better allocation of tasks, augmented competence development and work capacities, the reduction of exposure to harmful working conditions.	This sections specifies that social partners at the enterprise and other appropriate levels should pro-actively explore the potential of digital technology and AI to increase the well-being of the workforce, including a better allocation of tasks, augmented competence development and work capacities, the reduction of exposure to harmful working conditions, and the productivity of the enterprise.
The potential tensions between respect for human autonomy, prevention of harm, fairness and explicability of decision making should be acknowledged and addressed.	This section stresses the need to address the potential tensions between respect for human autonomy, prevention of harm, fairness and explicability of decision making.

Measures to be considered include:

- Deployment of AI systems:

  - should follow the human in control principle;

  - should be safe, i.e. it should prevent harm. A risk assessment, including opportunities to improve safety and prevent harm such as for human physical integrity, psychological safety, confirmation bias or cognitive fatigue should be undertaken;

  - should follow the principles of fairness, i.e. ensuring that workers and groups are free from unfair bias and discrimination;

  - needs to be transparent and explicable with effective oversight. The degree to which explicability is needed is dependent on the context, severity and consequences. Checks will need to be made to prevent erroneous AI output.

- In situations where AI systems are used in human-resource procedures, such as recruitment, evaluation, promotion and dismissal, performance analysis, transparency needs to be safeguarded through the provision of information. In addition, an affected worker can make a request for human intervention and/or contest the decision along with testing of the AI outcomes.

- AI systems should be designed and operated to comply with existing law, including the General Data Protection Regulation (GDPR), guarantee privacy and dignity of the worker.

This sections supports measures to ensure that during the deployment of AI systems, the following principles are applied:

a) the human in control principle;

b) safety rules, i.e. prevention of harm, including a risk assessment, including opportunities to improve safety and prevent harm such as for human physical integrity, psychological safety, confirmation bias or cognitive fatigue should be undertaken;

c) the principles of fairness, i.e. ensuring that workers and groups are free from unfair bias and discrimination and the right to have a human make a decision;

d) the need of transparency and explicability with effective oversight, dependent on the context, severity and consequence whilst securing checks to be made to prevent erroneous AI output.

This section explains that in situations where AI systems are used in human-resource procedures, such as recruitment, career evaluation, promotion and dismissal, performance analysis, the principle of transparency needs to be secured through the provision of information. In addition, an affected worker can make a request for human intervention and/or contest the decision along with testing of the AI outcomes.

This section stresses that all AI systems should be designed and operated to comply with existing law, including the General Data Protection Regulation (GDPR), guarantee privacy and dignity of the worker.

4.4 Respect of human dignity and surveillance

Text of agreeement	Interpretation / comment
Digital technology and AI surveillance systems, along with data processing, offer the possibility of securing the working environment and ensuring healthy and safe working conditions and improving enterprise efficiency. However, at the same time, they raise the risk of compromising the dignity of the human being, particularly in cases of personal monitoring. This could lead to deterioration of working conditions and well-being of workers.	This section underlines the importance of regular monitoring when digital technology and AI surveillance systems. Such monitoring mechanisms should be introduced in a way which should lead to secure working environment with healthy and safe working conditions. Particular attention must be paid to the unwanted side effects such as negative impacts on human dignity or the risk of deterioration of working conditions and well-being of workers.
Data minimisation and transparency along with clear rules on the processing of personal data limits the risk of intrusive monitoring and misuse of personal data.	This section points to the principles of data minimisation and transparency to ensure that a streamlined processing of personal data is maintained, and limits any intrusive monitoring and misuse of such data.
GDPR provides for rules in relation to the processing of personal data of workers in the employment context that need to be respected.	This section stresses that, in the context of employment, the processing of workers' personal data is governed by the GDPR which provides the applicable rules.
The social partners in this agreement recall article 88 of the GDPR which refers to possibilities to lay down by means of collective agreements, more specific rules to ensure the protection of the rights and freedom with regards to the processing of personal data of employees in the context of employment relationships.	This section again deals with the processing of data and recalls Article 88 of the GDPR which points to collective agreements as a means to lay down more specific rules to ensure the protection of the rights and freedom and avoid unintended side-effects.

Measures to be considered include:

- Enabling workers' representatives to address issues related to data, consent, privacy protection and surveillance;

- Always linking the collection of data to a concrete and transparent purpose. Data should not be collected or stored simply because it is possible or for an eventual future undefined purpose;

- Providing workers representatives with facilities and (digital) tools, e.g. digital notice boards, to fulfil their duties in a digital era.

This sections proposes to a) include measures enabling workers' representatives to address issues related to data, consent, privacy protection and surveillance, b) always link the collection of data to a concrete and transparent purpose and to avoid the collection or storage of data simply because it is possible or for an eventual future, undefined purpose, c) provide workers' representatives with the necessary facilities and (digital) tools, e.g. digital notice boards, to fulfil all their duties in a digital era.

5 Implementation and follow-up

Text of agreeement	Interpretation / comment
This framework agreement is an autonomous initiative and the result of negotiations between the European social partners as part of their sixth multiannual work programme for 2019-2021.	This paragraph recalls that this framework agreement is the clear result of the autonomous social dialogue as foreseen under the 6th joint work programme 2019-2021.
In the context of article 155 of the Treaty, this autonomous European framework agreement commits the members of BusinessEurope, SMEunited, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to promote and to implement tools and measures, where necessary at national, sectoral and/or enterprise levels, in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.	The implementation of the autonomous agreement is thus binding for all member organisations of the signatory parties. Therefore, it contains a clear engagement on the part of the member organisations to commit themselves to implementing the framework agreement. Compared to the first autonomous agreements, the words "to promote" were added and the engagement relates thus not only anymore to the implementation but also to the promotion. The dissemination and the awareness raising of the framework agreements are a pivotal step in ensuring an effective implementation.
The signatory parties also invite their member organisations in candidate countries to implement this agreement.	Hereby, reference is made to member organisations in the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and Turkey, and of course any other country which will be accepted as a candidate country to the European Union in the future.

The implementation of this agreement will be carried out within three years after the date of signature of this agreement. The implementation process should encourage the adoption of measures that are sustainable and that their effectiveness is evaluated by the social partners at the appropriate level. The social partners should make use of their existing national experience drawn in the process of implementation of previous autonomous agreements of European social partners.	This thus means that the final deadline for implementation is 22 June 2023.
Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare and adopt a yearly table summarising the ongoing implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee and adopted by the European social partners during the fourth year.	Concretely, the reporting system entails the provision and adoption of a yearly overview on the implementation process to the Social Dialogue Committee in 2021, 2022 and 2023. This offers also a yearly opportunity to look at and where necessary discuss problems of implementation in the Social Dialogue Committee. A joint final implementation report is foreseen in 2024.
In case of no reporting and/or implementation after four years and after evaluation in, and when supported by, the Social Dialogue Committee, the European social partners will engage in joint actions together with the national social partners of the countries concerned in order to identify the best way forward in implementing this framework agreement in the national context.	This commitment, already taken in the context of the Active Ageing and an Intergenerational Approach, means that EU Social Partners will propose joint possible actions after the 4 year-period in order to continue to support affiliates where needed.

The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.	Furthermore, an evaluation and a review of the autonomous agreement can be made after 5 years, if requested by one of the signatory parties.
In case of questions on the content of this agreement, member organisations involved can jointly or separately refer to the signatory parties, who will jointly or separately reply.	As in previous agreements, the European social partners have the possibility to jointly or separately reply to questions on content and interpretation which are addressed to them.
When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on SMEs.	While recognising the need to avoid unnecessary burdens for SMEs, the agreement must thus also be implemented in these companies.
Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement.	This so-called "non-regression" clause ensures that neither the transposition nor the application of the framework agreement can constitute valid grounds for reducing the general level of protection afforded to workers. In other words, social partners and/or Member States cannot use the transposition or application of the directive as a pretext for reducing the level of protection acquired prior to the transposition of the framework agreement.
This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.	There is a right for social partners at all levels to conclude agreements adapting and/or complementing this agreement in order to take into account the specific needs of the social partners. It is not allowed in such a process to agree on changes that would challenge the principles as stated within the European agreement.

This ETUC interpretation guide was edited by **Esther Lynch** (ETUC Deputy General Secretary and ETUC Spokesperson during the negotiations), **Juliane Bir** (ETUC Head of Policy), **Ruairi Fitzgerald** (ETUC Advisor), **Wolfgang Kowalsky** (ETUC Senior Advisor) as well as all members of the ETUC's negotiation delegation.

European Social Partners Framework Agreement on Digitalisation Interpretation Guide

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