
Congress 2016 Main motion III – Adopted by the CESI Congress of December 2 2016

Digitalisation – Finding the balance

1. Introduction

- 1.1. The ongoing digitalisation of the economy, administration and society represents a tremendous challenge for workers and trade unions in the private and public sectors.
- 1.2. Digitalisation can bring opportunities for growth and jobs. It increases the economies' innovation potential and can make cooperative work structures more efficient. For workers, digitalisation can mean help with security-related, repetitive, complex or strenuous tasks. New online-based work can have positive impacts on the quality of work and work-life balance.
- 1.3. Digitalisation and automation also fragment labour markets in space and time, bringing more flexible and totally new forms of employment. They require new skills and often mean less secure and stable forms of work and life. They can change, shift and dismantle employment and lead to more job precariousness, social dumping and inequalities. Labour law and social policies must keep pace with the evolution of the world of employment.
- 1.4. Trade unions must embrace digitalisation as a reality. If they do not want digitalisation to bypass them – which would turn against their traditional members' interests sooner or later –, they need to help shape digitalisation in their favour.
- 1.5. Political decision makers and the social partners must ensure that digitalisation happens in a sustainable, inclusive and socially fair way. They must exploit opportunities and minimise risks for workers and citizens. Citizens should not be excluded from digitalisation processes even if they cannot keep up with the latest developments. They must also have discrimination-free access to companies, administrations and medical facilities.
- 1.6. Key priorities for action are in the areas of mobile work, training and skills, data protection, worker participation, new forms of employment and trade unionist work strategies.

Hence, CESI will aim to:

2. Ensure worker-friendly mobile work

- 2.1. As a result of digitalisation, many workplaces are becoming online-based and much less dependent on locations, schedules and employers. Traditional working patterns and rhythms like office work and fixed working hours are turned upside down and dematerialised.
- 2.2. Mobile digital work solutions can be advantageous for all: for employers who demand greater flexibility from workers, for workers and their families who want to share more domestic responsibilities and strike a better work-life balance, and for society and the economy, since flexible or online-based work may increase productivity and labour market participation.
- 2.3. Mobile or home-based work may not be wanted by all parties in all cases. If left unregulated, mobile-based work can quickly lead to increases in working hours, unclear liability coverages and fewer professional development opportunities, as well as to loneliness. Workers are also increasingly expected to carry out their tasks with their own means.

CESI therefore calls on legislators and all social partners to cooperate to set framework conditions for fair mobile work along the following lines:

- 2.4. Establishing mobile work relationships should only be possible on a mutual voluntary basis. The interests of workers preferring traditional work patterns must be defended.
- 2.5. Mobile work solutions must rule out constant availability and unpaid overtime and include a right to disconnect in order to prevent increasing or unpaid working hours. The EU Working Time Directive should apply as broadly as possible. Models to manage working time like blocking computer accounts after working hours should be promoted.
- 2.6. Tasks performed at the place of work and away from it should be subject to the same rules and obligations. Employers should be made liable for employees performing work outside offices. This especially concerns accidents and other matters relating to occupational safety and health.
- 2.7. Employers must ensure that absence from the office space does not impact negatively on promotions and professional development opportunities.
- 2.8. Employers should always provide the means required by workers to do their job.

3. Provide the right training and skills

- 3.1. Jobs increasingly require workers to bring new, advanced digital skills and expertise.

For a successful transition from education to employment and as a precondition for continued employability and worker-friendly digitalisation, CESI calls for the following:

- 3.2. Educational reforms in the Member States should put a focus on the development of transferable digital skills and competences related to the job market. This will require a targeted focus on dual education systems and on the certification of skills. Parallel training for teachers and adequate teaching facilities with modern technical equipment are a prerequisite.
- 3.3. Education must continue to strengthen young people's abilities to think critically so that, when using internet and social media, they are able to assess realities, differentiate between fact and opinion and resist indoctrination. Young people should be made aware of the risks of cyberbullying in social media.
- 3.4. Employers must supplement new digital work tools with technical support and training. Digital skills are added value for both the employee and the employer. Training should therefore take place during working hours. The principle of "re-train before hiring new staff" should be applied. The lack of digital skills must not serve as a reason for dismissal, pay cuts or other labour-related legal measures.
- 3.5. Lifelong learning schemes in digital skills are needed which take into consideration the needs of different workers. Schemes must be extensive and continuous to keep pace with the digital innovation cycles of jobs and the economy as a whole. Paid educational leave rights should be the norm.
- 3.6. In consultation with trade unions, public employment services should develop retraining concepts to take account of structural shifts in the types of (digital) skills needed on the labour market, boost employability and maximise labour market reintegration. Concepts must include a strong social security dimension.
- 3.7. Public investments in digital skills should be considered as a social investment. They need to be given special consideration in the frame of the EU's economic governance and budgetary surveillance rules.

4. Respect and protect workers' privacy and data

- 4.1. Digitalisation makes the collection of workers' data easier than ever before. This can be misused by employers, against workers' interests. It can cause pressure and stress at work. Digital data collection may be in conflict with basic rights to privacy.

For a maximum protection of workers' data, CESI demands the following:

- 4.2. Binding rules should narrowly regulate what digital data (such as internet usage) an employer may gather from workers. Employers must be obliged to provide employees with regular, full information on which digital data is being collected, and to what end.

- 4.3. For the protection of third-party workers' data, clear rules should set ambitious minimum standards for the sharing or selling of data to private actors like advertisement agencies. When setting these standards, both representatives defending the companies' interests and trade unions should be involved.

5. Adjust worker participation and information & consultation frameworks

- 5.1. Workers are often best placed to develop innovative and new digital solutions which are worker-friendly, improve health and safety, bring economic returns and benefit customers and users alike. Involving workers in digitalisation processes increases the ownership of reforms and acceptance of change.
- 5.2. At the same time, employees run the risk of being overburdened by the digitalisation process and may not see the need for change. This can only be prevented by the involvement of strong interest groups in the companies, administrations and trade unions.

For effective and worker-friendly employee participation in the management of digitalisation, CESI speaks up for the following:

- 5.3. The scope of information and consultation frameworks must be inclusive and apply to all workers without exception.
- 5.4. Concerned workers, corporate interest groups, trade unions and those they represent must be systematically involved in the anticipation and management of digital change at the workplace. Their suggestions and concerns must be listened to at all stages of digitalisation processes.
- 5.5. Employers should share profits made through digitalisation (digital dividends) by means of better employee financial participation or reduced working time (for the same pay).

6. Regulate new forms of employment

- 6.1. As a catalyst for globalisation, digitalisation leads to an increasing number of persons becoming economically active in newly emerging atypical and flexible forms of employment like crowd-working, job-sharing or employee-sharing. Bogus self-employment statuses mean that these forms of employment often remain unregulated. They should not serve as an escape from statutory regulation.
- 6.2. While persons work outside labour law and workplace-bound social security, society loses out if taxes are not paid properly and workers in a traditional work relationship come under pressure when new unregulated employment forms are considered a way forward.

To render work in new forms of employment regular and secure, make them just for society, and prevent risks for workers in traditional forms of employment, CESI demands the following:

- 6.3. Clear definitions of “worker” and “self-employed” should be agreed upon at EU or international level. This could enable obligations to pay income taxes and make social and labour rights applicable to all persons in any de-facto dependent work relationship.
- 6.4. High protection standards and rights in traditional forms of employment must be applied to new forms of labour – not new weak rules. A race to the bottom must be prevented.

7. Realign work strategies of trade unions

- 7.1. Workers’ movements must continuously adjust their work to new digital challenges.

For a more effective involvement of workers, trade unions and trade union confederations in the management of digitalisation and for the attraction of new members, CESI suggests the following:

- 7.2. Trade unions should raise more awareness about the social and employment-related consequences of digitalisation among themselves and those they represent. They should strive for further research about this topic.
- 7.3. Trade unions should focus their work on digitalisation. They should put structures in place to systematically monitor and analyse new technologies at work and engage in their management with employers, authorities and decision-makers.
- 7.4. Trade unions should reach out to the increasing numbers of people in new digitalised forms of employment and make them aware of the need to organise. This will require trade unions to find new roles beyond traditional collective bargaining practices to meet the needs of these workers. Examples are online cooperation and legal counselling services.
- 7.5. Trade unions should envisage setting up transnational agreements and a new pan-European trade union joint platform to mobilise workers and synchronise protest and industrial action online across borders and in real time. This could respond to the needs of the growing numbers of people working digitally for several employers and in different jurisdictions.
- 7.6. Trade unions should assess the social and employment-related impacts of digitalisation on existing and future legislation. They should call for an EU-level expert group which should include all recognised European social partners and facilitate the dissemination of research about the impacts of digitalisation on employment and recommend ways to tackle existing and newly identified challenges.