Rethinking Labour Law in the Digitalisation Era

Conference organised by the European Trade Union Institute (ETUI), the European Lawyers Network for Workers (ELW) Network and the European Trade Union Confederation (ETUC), with the support of the European Association of Lawyers for Democracy and Human Rights ELDH

15 and 16 October 2020

The conference will take the form of a series of **webinars** which will be livestreamed from the International Trade Union House (Brussels)

Conference concept note

The idea behind the conference is to constructively engage with the issue of digitalisation and its disruptive effects on the world of work.

COVID-19 has aggressively turned our lives upside down. It is too early to tell how deeply the pandemic is changing our society, but one thing appears clear: technology will play an ever more pervasive and essential role in our working and private lives. The first signs are already there: those who can are now working remotely via digital tools, and many have been relying on food delivery by platform workers. Moreover, policymakers worldwide are envisaging collaborations with technological developers to create 'virus-tracking' apps.

This steady technological advancement is radically transforming our societies and is having a pervasive impact on businesses, the labour market and, most of all, workers. The Von der Leyen Commission has placed the deepening of the EU data economy and investments in AI among the top priorities of its agenda. And the COVID-19 emergency has only further intensified our reliance on software, data and AI, thus speeding up the digital transformation in all sectors.

Yet a serious political discussion on how to deal with the implications of these developments for workers and on the adequacy of current labour legislation seems absent, at the EU as well as the national level.

Academics, trade unionists and policymakers are well aware that technology presents challenges for workers and their rights. There is a widespread consensus that a reconceptualisation of (part of) the current normative framework is necessary. However, even if several legal systems have implemented reforms (and others are in the pipeline), innovation moves faster than rulemaking, and legislation quickly becomes outdated or is not sufficiently comprehensive.

Workers thus risk not finding an adequate support system in existing labour laws: their jobs are often not covered by the traditional concept of 'labour relation'; they are exposed to new health and safety risks; the use of their data is out of their control; and many receive

supervision, instructions and surveillance from different entities, while the identity of their employer is obscure.

Substantial normative improvements that guarantee more adequate protection are therefore necessary. The social rationale of labour law is at stake, and the adoption of a far-reaching agenda – one which anticipates rather than overlooks the risks of digitalisation for workers' rights – is crucial.

This conference brings together leading academics, law practitioners and trade unionists with the intent to critically reflect on the main challenges that digitalisation poses for workers' rights. The objective is to provide insights and to share best practices for the benefit of those who are concerned with the repercussions of digitalisation on the world of labour.

Conference structure

The conference adopts a holistic approach to the impact of digitalisation on labour law. Three main themes will be addressed. The first is how labour law can perform its protective function when it comes to business models based on online apps or software, which are typical of the platform and gig economy. The second critical issue is to identify and address the effects of AI on existing workers' rights. And the third is to determine the impact of new technologies on the (bargaining) power balance between management and workforce.

The conference aims to provide both theoretical reflections and more pragmatic discussions on best practices, and to create a synergy between these two dimensions. It will be divided into four sessions:

1) **Keynote presentations**, to introduce the different thematic areas and their main critical issues;

2) **Litigation strategies**, to offer insights into litigation approaches across countries and sectors;

3) **Trade unions and works council strategies**, to discuss initiatives to enhance the bargaining position of workers;

4) **Policy responses**, to offer reflections and explore proposals on the future of policy-making in labour matters.

Format and registration

The conference will take the form of a **series of webinars**, which will be livestreamed from the International Trade Union House (Brussels).

The registration process is now open. You can register via the link you received in the email. We recommend that participants register for the specific panel(s) that they wish to attend.

To enable the highest possible level of participation, the digital audience is invited to keep their camera on during the livestream. Tools to ask questions and offer inputs will be provided.

Translation services will be provided in English, German, French and Italian.

The programme

Thursday 15 October (from 13:00 till 18:30)

12:30-13:30   **Registration**

13:30-14:00   **Opening and welcome**

Nicola Countouris (ETUI Research Director) and
Isabelle Schömann (ETUC Confederal Secretary)
Opening statements

Silvia Rainone (ETUI and ELW Network)
Introduction to the programme

14:00-16:00   **Panel I - The disruptive effects of digitalisation**

Moderates: Thomas Schmidt (ELW Network and ELDH)

Speakers   Andreja Schneider-Dörr (University of Bremen)
New business models (gig economy and platform work)

Anna Byhovskaya (TUAC)
Digitalisation and AI at work: what is a just transition?

Valerio de Stefano (KU Leuven)
Masters and servers: robots, AI and work

Marta Otto (University of Lodz)
Fundamental rights protection in the age of big data

Discussants   Agnieszka Piasna (ETUI)
Teresa Coelho Moreira (University of Minho)

16:00-16:30   **Break**

16:30-18:30   **Panel II - Litigation strategies**

Moderates: Jan Buelens (ELW Network and Progress Lawyers Network)

Speakers   Carlo de Marchis (lawyer)
Litigation strategies and digital platforms

Rüdiger Helm (lawyer)
Litigation strategies and digital platforms

Aude Cefaliello (ETUI researcher)
Health & safety and AI

Discussants   Antonio Aloisi (IE Law School)
Alberto Barrio (KU Leuven – Working, Yet Poor project)
Silvia Rainone (ETUI)

Friday 16 October (from 9:00 till 13:30)

8:30-9:00   **Registration**

9:00-11:00   **Panel III - Trade unions and work council strategies**

Moderates: Silvia Rainone (ETUI)

Speakers   Romain Descottes (CGT)
Unionisation strategies in the digital sector

Ignacio Doreste Hernandez (ETUC)
Trade union strategies on digitalisation (platforms, gig economy, and the competition law issue)

Stuart Appelbaum (RWDSU)
The Amazon case

Aline Hoffmann (ETUI)
Technology at work: developing new strategies for work councils and trade union reps - examples, good practice, and litigation

Discussants   Fotis Bregiannis (UCL)
Kurt Vandaele (ETUI)

11:00-11:30   **Break**

11:30-13:30   **Panel IV - Policy responses**

Moderates: Nicola Countouris (ETUI)

Speakers   Ana Carla Pereira (Commissioner Schmit Cabinet Expert)
The EU Commission approach to platform workers

Ibán García Del Blanco MEP (European Parliament)
The EU Strategy on AI and workplace-related aspects

Aida Ponce Del Castillo (ETUI)
How to reconcile workers' rights with AI and big data

Maria Helena André (ACTRAV - ILO)
Reflections on the future of work

Discussants   Isabelle Schömann (ETUC)
Elena Gramano (Università Roma Tre)

The organisers

The **European Trade Union Institute ([ETUI](#))** is the independent research and training centre of the European Trade Union Confederation (ETUC). The ETUI conducts studies on socio-economic topics and industrial relations and monitors European policy developments of strategic importance for the world of labour.

The European Lawyers for Workers ([ELW](#)) Network unites lawyers, trade unionists and academics who are committed to supporting workers across Europe. The network promotes the transfer of knowledge among its members, with a specific focus on trade union strategies and relevant court decisions.

The **European Trade Union Confederation ([ETUC](#))** affiliates European trade unions into a single European umbrella organisation. The ETUC represents 45 million members from 90 trade union organisations in 38 European countries, plus 10 European Trade Union Federations.

The **European Association of Lawyers for Democracy and Human Rights** ([ELDH](#)) is a progressive, non-profit organisation in which lawyers from (currently) 21 European countries join forces to fight for human rights and civil liberties, social and economic rights, migrant and refugee rights, equal rights for men and women, and democracy.

For any questions concerning the programme, please contact Silvia Rainone at srainone@etui.org and Thomas Schmidt at [thomas.schmidt@eldh.eu.](mailto:thomas.schmidt@eldh.eu)