



## Joint declaration on Artificial Intelligence by the European social partners in the insurance sector

### Preamble

Building on their joint declarations on digitalisation of 12 October 2016 and 15 February 2019<sup>1</sup>, the European insurance social partners would like to encourage social partners at all levels in the insurance sector to deal with artificial intelligence (AI) in a reasonable way that provides opportunities for the sector and its employees.

The social partners of the insurance sector adhere to the recommendations made by the European Commission high-level expert group (HLEG) in its Ethics guidelines for [Trustworthy AI](#) as these relate and are relevant to the insurance sector.

Through this declaration, the social partners would like to stress that AI is designed and used to enhance rather than replace human abilities. AI, similarly to any other technological innovation, is neither good nor bad. Its character depends on human decision and application. The deployment of AI systems should follow the human in control principle. In this respect, the social partners also refer to the [European framework agreement](#) of June 2020 on Digitalisation and in particular to chapter 3 "Artificial Intelligence (AI) and guaranteeing the human in control principle".

### Definition of AI

When referring to AI, the social partners are following the EU Commission definition from its 19 February 2020 [White Paper](#) on 'Artificial Intelligence - A European approach to excellence and trust', which recommends the use of the HLEG's April 2019 [definition of AI](#) (p.6):

*"Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a complex goal, act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour by analysing how the environment is affected by their previous actions."*

The White Paper also states (p.16): *"In any new legal instrument, the definition of AI will need to be sufficiently flexible to accommodate technical progress while being precise enough to provide the necessary legal certainty."*

The definition of AI may need to be revised following developments in the field.

### 1. Responsible AI opportunities for companies and employees

The social partners would like to stress the advantages of responsible AI for companies and employees. For instance, AI could help, under certain circumstances, to improve employee working conditions, increase customer satisfaction, and enhance the efficiency of internal company processes. The use of AI can provide the opportunity for better, higher quality jobs and can also assist companies and employees in carrying out their daily work and tasks. In turn, this could allow employees to dedicate more time to other tasks and make better use of skills. However, the wellbeing aspects of having a mix of intensive and more routine tasks should also be considered, as these can provide the employee with a more varied work day to the benefit of their wellbeing and job satisfaction.

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<sup>1</sup> Joint declaration on the social effects of digitalisation by the European social partners in the insurance sector of 12 October 2016 ([link](#)) and its follow-up joint declaration of 15 February 2019 ([link](#)).

AI, through training and education, can also enable employees to acquire critical life-long skills that will increase their employability in the future. The social partners refer to our 2019 follow up joint declaration on the social effects of digitalisation, regarding the importance of protecting jobs and employability.

It is therefore essential to pro-actively explore the potential and design options of using responsible AI to increase the productivity of companies and the well-being of the workforce.

The social partners are concerned that Europe has not been a frontrunner in the development of this technology. In fact, the HLEG acknowledges that Europe drags far behind in the development of new AI technologies, and that better framework conditions need to be set up urgently for this to change<sup>2</sup>. This also holds true for the insurance sector: (re)insurance companies could very well develop their own insurance-specific AI products. In this regard, the social partners highlight that responsible AI development is expected to be an important aspect for the long-term competitiveness and economic viability of the insurance sector and the employability and working conditions of its employees.

## 2. A responsible use of AI

To ensure the trust of all stakeholders, it is important that the social partners engage in social dialogue. Trade unions, employee representatives and companies should, on a case-by-case basis (including through workplace, company-level or sector-wide agreements related to the use of AI, where applicable), promote the responsible use of AI. This may include *inter alia*:

- complying with existing legal frameworks when using AI,
- promoting the use and respect of high ethical standards for the use of AI,
- promoting a sustainable use of AI (including socially and environmentally) by being alert to and identifying potential undesirable outcomes as well as taking necessary actions to prevent or mitigate them,
- ensuring compliance with existing transparency requirements, in particular when using and processing data by means of AI, in order to ensure social acceptance of AI,
- ensuring an environment of trust and safety for the use of AI; data management must comply with existing legislation and regulation, including the General Data Protection Regulation (GDPR),
- ensuring compliance with existing good governance requirements through the consistent monitoring/review of AI mechanisms,
- ensuring that those concerned are able to challenge the outcome, decision or recommendation produced by AI,
- ensuring that the use of AI systems follows the principles of fairness, i.e. ensuring that employees are free from unfair bias and discrimination,
- preventing any potential impacts on the health and safety of employees that could arise from the use of AI, and
- ensuring information and consultation rights for employees / their representatives and for the promotion of responsible AI to be included in social dialogue.

In this context, employees and their representatives, and companies / company executives should be made aware that the responsible use of AI, including ethical considerations, may involve a constant adjustment of the framework governing AI in order to keep pace with technological and legal developments.

The use of AI is subject to the general applicable ethical and legal framework conditions<sup>3</sup>, including non-discrimination, which provide elements on trust, safety, responsibility, accountability and equality.

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<sup>2</sup> Policy and investment recommendations for trustworthy Artificial Intelligence, see link [here](#).

<sup>3</sup> The relevant EU legislative framework includes, as regards the protection of fundamental rights, legislation such as the Race Equality Directive (Directive 2000/43/EC), the Directive on equal treatment in employment and occupation (Directive 2000/78/EC), the Directive on equal treatment between men and women in relation to employment (Directive 2006/54/EC) and the Directive on access to goods and services (Directive 2004/113/EC); as well as legislation on personal data protection and privacy, notably the General Data Protection Regulation (2016/679/EC) and the e-Privacy Directive (Directive 2002/58/EC). In addition, it is worth noting that the existing horizontal and sectoral EU legislation that is applicable to insurance also provides for elements supporting trust, safety, responsibility, accountability and equality, including, in addition to the previously mentioned legislation, the [Packaged Retail and Insurance-based Investment Products \(PRIIPs\) Regulation](#) (Regulation (EU) No 1286/2014), the [Insurance Distribution Directive \(Directive 2016/97/EU\)](#), the [Distance Marketing Directive for](#)

Using AI should therefore not, a priori, exclude its results being challenged, intervened with, ignored or further completed by humans. It is also important to make sure that AI systems and solutions do not jeopardise but rather augment human involvement and capacities at work.

The use of AI can lead to new tasks and require new structures and cultural shifts. Companies, employees and their representatives may have to be prepared to contribute to shaping this transformation in a responsible manner.

AI systems need to be transparent, explicable and 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.

The potential tensions between respect for human autonomy, prevention of harm, fairness and explicability of decision-making should be acknowledged and addressed.

The social partners also refer to our 2019 joint declaration regarding work-life balance and the issue of availability: "In today's digital age, it is absolutely imperative that the social partners monitor working time limits in a modern way and in line with applicable legislation and collective agreements. [...] Attention should also be paid by all the social partners to addressing the topic of availability".

### **3. Fields of action**

Using AI in the area of human resources (HR) offers many opportunities, without diminishing the importance and relevance of human involvement in this field. While AI in the HR field can be used to advise human managers, HR functions will continue to be driven by humans and supported by a social dialogue with trade unions and employee representatives at all levels.

#### **a) Use of AI in recruitment**

It should be recognised that, in the future, the use of AI could gain further importance both in recruitment and in promotion processes in a variety of business sectors, including insurance.

When using AI in such procedures, it is important that the potential for bias is assessed and mitigated by humans from the early stages of development and adoption of AI, and that it continues to be regularly reviewed throughout its implementation. In line with applicable rules at EU and national level, high standards must apply to the protection of employees' and candidates' data.

Mechanisms can be set up on a case-by-case basis to ensure that employees are not excluded from AI developments in the recruitment process.

#### **b) Direction and instructions**

A major point for discussion is whether the use of AI in companies will result in humans receiving work-related instructions from algorithms.

#### **c) Use of AI in compliance**

Companies must keep pace with the increasing complexity of the regulatory framework and continue to introduce and maintain comprehensive control systems. In this respect, AI can contribute, under certain circumstances, to making such processes more efficient and ease the burden and work-load on employees.

#### **d) Use of AI in personnel measures**

It should be recognised that in the future, AI is likely to be used more and more in connection with personnel-related decision-making.

The European social partners acknowledge that AI can be used for personnel-related tasks, such as coordinating holiday and working times of employees, organising shift systems or service times.

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[financial services \(Directive 2002/65/EC\)](#), the [Solvency II Directive](#) (Directive 2009/138/EC), as well as the Unfair Commercial Practices Directive (2005/29/EC). The relevant EU legislative framework also includes the Directive on the protection of persons who report breaches of Union law (Directive (EU) 2019/1937). In addition, it is worth noting that in May 2019 the OECD issued [principles on AI](#), making a series of recommendations supporting the responsible use of AI.

**e) Personnel development**

In the area of personnel development (including training, upskilling, lifelong learning and continuous personal and professional development), AI could be used, for example for the compiling of tailored further training programmes.

The social partners also refer to the chapter on “Further Training as a key” in our 2019 follow up joint declaration on the social effects of digitalisation.

**4. A People Plan**

On a case-by-case basis and where relevant, employees, their representatives and companies are encouraged to work towards a ‘people plan’ to introduce the responsible use of AI throughout the value chain of each company. This could include, for example:

- Mapping current employees’ skill profiles,
- Jointly determining reskilling and upskilling needs,
- Creating training and competence development plans concerning the responsible use of AI,
- Assisting displaced employees in elaborating career development plans, and
- Using AI and the People Plan as a tool for employees to compare skill profiles, career paths and training possibilities.

As stated in the 2010 [joint statement](#) on demographical challenges of the insurance sector: “it is also in the interest of the employees to take responsibility for their own learning and qualifications in order to perform and maintain their own employability”.

**5. Application and monitoring of the joint declaration**

To continue building on the work already achieved, the European social partners in insurance will discuss the development of AI on employment in the sector on a regular basis, taking due account of existing statistics and sectoral developments.

The social partners will continue to monitor developments related to the use of AI in the insurance sector and its social impact on employees and companies.

## **Annexe – Concrete examples related to AI in the social field**

### **a. Belgium**

A national collective agreement has been in place since the 1980s on introduction of new technologies, stating: "If the employer has decided to invest in a new technology and if it has significant collective consequences in terms of employment, work organisation or working conditions, they must, on the one hand, provide written information no later than three months before the introduction of the new technology and, on the other hand, conduct a consultation with the employee representatives. The following written information must be provided: the nature of the new technology; the economic, financial or technical factors justifying it; the nature of the social consequences of this technology and the periods of application of the new technology." This collective agreement could be amended so as to ensure that every future implementation of new technologies, including AI-systems, should pass a 'responsible use-test', i.e.: will this implementation succeed in raising working conditions and consumer satisfaction in an ethical and transparent way, and without (disproportionate) job losses?

### **b. Finland**

The trade union Vakuutusväen Liitto (VVL) has established cooperation with the chief of robotics at IF Insurance. This will help the union and the company jointly address how new technology is deployed and how workplaces will be affected, especially in regard to customer care. The IF European Works Council (EWC) agreement also promotes transparency about data use. VVL has issued recommendations on employees' skills:

- Companies need a shared vision of skills requirements.
- Competency development requires different methods and adequate working hours.
- Telework and flexible work improve wellbeing and choice.
- Local agreements are possible if built on trust, competency, time, and courage.

VVL estimates that this approach reduces the number of redundancies because the company trains employees during working hours and pays for it. Employees also are responsible for educating themselves and asking proactively for training. The company is transparent about developments so that employees can evaluate whether they want to train or leave.

### **c. Norway**

In January 2020, the Norwegian digital minister presented the new national strategy for AI. One of its initiatives will be to engage employees to take the free online course 'Elements of AI' (an EU-initiated project). This is a 30-hour online course that will be offered to many different companies, including DNB.

### **d. Sweden**

There is a broad discussion regarding skills, training and the employer's responsibilities within this area connected to possibilities to lighten the rules when dealing with redundancies. The coming possibilities of enhancing training with AI development could be interesting. A tendency can be noted at the moment with insurance companies building IT-competence in-house: earlier outsourcing has been converted to insourcing. It's too early to speak about trends, but trade unions are following the development closely. One explanation might be that IT development has become more strategic and a possible competitive advantage/disadvantage when you include the 'intelligence' compared to the recent years of creating efficiency in the general ledger.

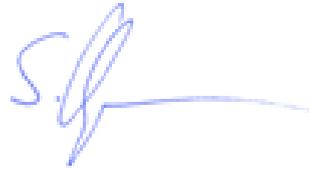
### **e. United Kingdom**

In the UK, UNITE the Union in general, when involved in company-level negotiations, express the desire and possibility of a negotiated New Technology Agreement to include Artificial Intelligence. The inclusion of such an agreement is important, before any new technologies are introduced into the workplace, based on a comprehensive review of relevant information and with the understanding that both the challenges and the opportunities presented by new technology require good, coordinated industrial relations across the organisation in order to be managed in the best way for all parties concerned. This includes commitment to address any issues arising from any potential introduction of New Technology through cooperation, consultation and mutual agreement. New Technology in these agreements is defined as any innovation that affects the jobs of employees in the bargaining group(s) including new techniques, machines, controls, materials, processes and/or work organisation systems.

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