MULTISTAKEHOLDER DIALOGUE
Theme: Future of Work

AGENDA

Work Stream 3: Algorithmic Transparency

Roundtable 2

Date: 18 August 2021

- **Welcome & project updates (5 mins)**

- **Discussion Topic 1: Transparent, explainable algorithms and processes (25 mins)**

As a starting point to ensure fairness, transparency is required. As noted in Roundtable 1, emphasis may be on explainability and access to the personal data used in decision making processes. Some researchers have worked on architectures to be more explainable, fair, and trustworthy in the context of crowdwork, including, for example, a human manager in the loop.

Transparency is still developing as a principle of algorithms; it is more than simply disclosing the technical details of how algorithms work. We must also consider how people develop, deploy, and monitor algorithms. In this regard, the fairness of algorithms, and their impacts on workers, is contingent on responsible practices of companies.

In ensuring greater transparency, a number of questions remain on **actionability**.

Key questions include:

- How can we ensure meaningful transparency of algorithms?
    - Do companies perceive greater transparency as a threat to their competitiveness in using algorithms? Is this a barrier to protecting workers' rights?
- What are the platforms/employers willing to share at present?
    - Would platforms/employers disclose all processes that are partially to fully automated, in a timely and understandable way?
    - Could privacy by design be integrated into the algorithmic architecture of companies?
- Are platforms/employers concerned that workers will game the system if they understand the system?
    - How can this be addressed?
    - Can worker input and more robust algorithmic systems help?

- **Discussion 2: Policy Solutions for the EU (25 minutes)**

The European Commission advocates an approach to automated decision-making based on transparency, human oversight and accountability, and full respect for data protection rules. A common approach could be developed based on how algorithms impact working relationships, regardless of employment status.

At present, one of the most important tools is Article 20 of GDPR. This prevents a data subject from being subject to a decision solely based on automated processing, when such a decision produces legal effects. The data controller must implement suitable measures, "at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision."

In the UK and Netherlands, for example, courts have required Uber to reinstate drivers suspended due to automated processes. Comparable cases concerning transparency of surveillance systems have taken place for drivers in Portugal, and with other platforms including Ola.

However, previous experience has shown that platforms change quickly, and court cases proceed slowly. In some cases, the burden of proof is on platform workers to demonstrate they have been subject to automated decision making before they can demand transparency of such decision making.

Key questions include:

- Are court cases, especially concerning GDPR, adequate to provide a check on algorithmic management for platform workers?
    - How are large and small platforms handling the increasing number of data requests?
- How can social dialogue ensure fairer algorithmic management and transparency?
    - Many platform workers, advocacy organizations, and some platforms have shown willingness to engage in social dialogue. How can such dialogue work when the topic is highly technical, and some workers are not employees? What best practices can we look to?

Policy pointers & out-of-box ideas (5 minutes)

The final 5 minutes will be used to identify policy pointers as well as build upon the acquired knowledge to identify some out-of-box solutions that we can take up in the subsequent roundtable discussions.

CHAIR'S BIO

Zachary Kilhoffer is a PhD candidate in information science at the University of Illinois. His thesis will focus on rating and reputation systems in online platforms and marketplaces. He was a researcher in the Jobs and Skills unit at the Centre for European Policy Studies (CEPS) from 2017 to 2021.

His current work concerns European labour markets with particular focus on the platform economy and the future of work. In addition to desk research and qualitative research methods, Zachary enjoys webscraping and data analysis using Python and R.