20 June 2024

House Standing Committee on Employment, Education and Training
PO Box 6021
Parliament House
Canberra ACT 2600

By email: ee.reps@aph.gov.au

**Re:    Inquiry into the Digital Transformation of Workplaces**

The Australian Services Union (ASU) welcomes the opportunity to make a submission on the rapid development and uptake of automated decision making and machine learning techniques in the workplace.

The ASU is one of Australia's largest unions, representing approximately 135,000 members. ASU members work in a wide variety of industries and occupations in both the private, public and community sectors.

Automated decision making (ADM) and machine learning (ML) techniques presents both opportunities and challenges for workers and it is crucial that Government prioritise the protection of workers' rights and interests.

Workers must have a voice about the introduction and use of ADM and ML technologies. Workers are the experts in the industries and occupations in which they work and must be given comprehensive information to make informed decisions and provide valuable insights on how these technologies will impact their workplace. Strengthening legal obligations to consult workers before introducing technological change will ensure that Australia gets the full benefit of ADM and ML innovation.

Whilst automated decision making and machine learning techniques have the potential to increase productivity and efficiency, they also pose a risk to job security, overall job satisfaction and control. There are also additional challenges and risks associated with occupational health and safety (including workplace surveillance and changes to work allocation).

Automation can streamline repetitive tasks, allowing workers to focus on higher-value activities. However, this must be accompanied by comprehensive training and retraining programs to upskill workers and ensure no workers are left behind.

Generative AI has the potential to cause major disruption to workers in mid-career, with precarious outcomes including dislocation from the workforce. Career progression will be reliant on portable skills and qualifications. Policy makers need to prioritise skills-based training with an AI economy in mind.

There must be effective investment by Government, including a modernisation of digital and tech skills and consideration on how these skills will be obtained by both new entrants to the workforce and mid-career employees. Skills need to be delivered to all cohorts to ensure minimal dislocation occurs and to support the workforce to work in information-rich environments.

There are risks, opportunities, and consequences for the nature of work. ADM and ML technologies can transform various aspects of work, including: hiring, rostering and job design. Whilst these technologies can improve efficiency, there are significant risks associated with their misuse including:

**Hiring** – automated hiring processes can inadvertently perpetuate biases present in historical data, leading to discrimination. For example, based on gender, race, sexuality or other attributes. Ultimately, these technologies are made by human beings, whose biases will be reflected in their technology. Biases can creep in through the data used to train these systems and can lead to algorithms that unfairly filter out qualified candidates.

**Rostering** – automated rostering must respect workers rights to reasonable working hours and conditions, avoiding excessive work intensity. For example, in Airlines automated rostering must account for proper rest breaks. Airline workers can be rostered to finish at 3am on a Saturday and then recommence their rotation at 5am on Monday. Whilst this is legal, it effectively denies the worker two nights proper sleep.

**Wage setting** – automation in wage setting must ensure transparency and fairness, avoiding downward pressure on wages. Excessive reliance on automated systems reduces the role of human judgement and oversight, which is important in addressing and considering unique circumstances. Automated systems may not fully capture the nuances of individual cases, sectors or industries.

These technologies also raise concerns about increased monitoring and surveillance. Workers should not be compelled to accept AI-enabled surveillance or tracking in the workplace as it undermines their fundamental human right to privacy. Such surveillance will create a culture of mistrust and anxiety. There is also the potential for data collected through surveillance systems to be accessed by unauthorised parties which poses a significant security risk for both workers and organisations alike.

Government must consider other flexibilities and initiatives for workers whose roles will be impacted by ADM and ML techniques, such as a 4-day work week. The 4-day working week model should be based on the Select Committee on Work and Care recommendation of 100:80:100, whereby employees retain 100 per cent of their salary while reducing their hours to 80 per cent while maintaining 100 per cent productivity.[1]

Procedural fairness can be compromised if automated systems lack transparency and accountability. Whilst employers need to be vigilant about creating an unbiased system, it is critical that laws and legislation are in place to ensure workers are capable of redress. Technological change must be implemented in ways that respect workers' rights and contributions. To mitigate ADM and ML risks, Government should collaborate with global partners to share best practices and ensure our regulatory frameworks are sufficient.

ADM and ML can have varied impacts on different cohorts of workers. These systems, if not properly managed, can perpetuate and even exacerbate existing gender biases and inequalities. For instance, biased data can lead to discriminatory hiring practices, wage disparities, and limited career advancement for women. These technologies can also disproportionately affect vulnerable workers,

---

[1] Select Committee on Work and Care, Final Report
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Work_and_Care/workandcare/Report

including those from disadvantaged backgrounds, Aboriginal and Torres Strait Islander peoples, and individuals with disabilities. ADM and ML must be designed and deployed with a focus on fairness, transparency and inclusivity to prevent deepening existing inequalities and to protect the rights and opportunity of all workers.

The ASU emphasises transparency, accountability, and public engagement in ADM and ML decision-making. We recommend ongoing consultations with key stakeholders, including unions, workers, and the public to ensure its safe development and use.

Yours faithfully,

Robert Potter

**NATIONAL SECRETARY**