CWA

WRITTEN COMMENTS FOR AI INSIGHT FORUM ON WORKFORCE
AMEENAH SALAAM, SECRETARY-TREASURER
COMMUNICATIONS WORKERS OF AMERICA

Senate Majority Leader Schumer, Senators Heinrich, Rounds, and Young, thank you for the opportunity to join this important conversation on how advances in artificial intelligence (AI) will impact American workers.

My name is Ameenah Salaam and I am the Secretary-Treasurer of the Communications Workers of America (CWA). CWA represents working people across a wide range of industries, including telecommunications, customer service, media, airlines, health care, public service and education, manufacturing, technology, and other fields.

I began my union work as a steward with CWA Local 13100 in Pennsylvania while working as a service representative at a call center for the Diamond State Telephone Company, which is now Verizon. I've spent over 30 years working with members on the issues they face in the workplace and I've seen first-hand how technology can impact jobs. I've dedicated much of my union career to preserving the jobs of CWA members and to improving their working conditions in the face of new technologies.

CWA members have seen the adoption of new data-driven technologies like Artificial Intelligence across our industries playing a variety of new roles in the workplace. In call centers, CWA members are working with new AI systems that automate surveillance of calls and management functions like coaching. New tools are automating tasks like transcription and summary notes. Among our NewsGuild-CWA members, companies like Gannett are using generative AI to write headlines, create graphics, copy edit and even write news stories bylined by fake authors. Across industries, AI programs are being utilized in important personnel decision-making, including hiring and promotion decisions.

The broad range of applications for which our employers are implementing AI means that the impact on workers can vary widely between workplaces. Tasks and even whole job categories have the potential to be automated. But equally concerning is that, for the broad range of work that will continue to require human labor, corporations are using AI systems to speed up and intensify our work creating unsafe and exhausting working conditions.

CWA has a long and proud history of bargaining over new technologies, limiting their negative impacts on workers, customers and the public while ensuring that workers win their fair share of the economic gains that new technology can achieve. In call centers, for example, CWA contracts require limits on monitoring tools and restrictions on use of digital metrics for discipline and dismissal.

Workers and their unions should be involved in policy development across all arenas related to AI policy development. Collective bargaining should be promoted and facilitated as a central mechanism for workers to counterbalance corporate control over technology and support broader societal interests of transparency, accountability, and shared prosperity.

AI-Enabled Technologies in Call Centers Increase Stress, Hurt Job Quality and Customer Service

Call centers have long been at the leading edge of management uses of digital technologies to speed-up work through surveillance, remove discretion from workers to respond to customer needs, automate and outsource jobs, and create highly stressful, dehumanizing work environments.

New tools that have been introduced across our centers in recent years are used for a variety of purposes. A survey we conducted this year in collaboration with Cornell and McMaster University of nearly 3,000 CWA call center members found that majorities of respondents reported the use of a wide variety of AI tools in their workplaces for both automation of tasks and automation of management functions like scheduling, training, and evaluation.[1]

Of particular concern for our members have been new tools that provide automated monitoring of customer calls and real-time feedback. These new AI tools, including Cogito, CallMiner and XSell HiPER, claim to measure subtle aspects of customer service interaction: tone of voice, speaking pace, and agents adherence to call scripts, and provide automatic coaching and feedback to agents as well as flags to managers via real-time monitoring dashboards.

We've heard serious concerns from our members that these systems are often ineffective and have negative impacts on the workplace and the quality of service our members can provide. We've heard from workers of color about discriminatory bias from systems that purport to judge expressions of emotion, like empathy; workers also say the systems do not recognize certain pronunciations and styles of speech. Agents report that the scripts enforced by these systems slow down the work of helping customers and often advise wrong solutions that may violate company policies, creating a situation where agents can face discipline for following the system's prompts.

This dynamic is unsurprising when you think about why customers are often calling customer service in the first place – their situation is unusual or complicated in some way. Solving these problems requires creativity that is not readily replicable with AI. This misuse of AI is part of the reason why worker input in development and rollout of AI in the workplace is so important.

The results of our recent survey of call center members confirm these reports that digital tools are negatively impacting the workplace. The majority of respondents reported that AI automated feedback tools have a negative impact on stress levels and similar shares of respondents felt these tools do not make work more fair, easier, or interesting and do not improve customer service. Our survey also found increased use of AI tools resulted in speed-up of work; expanded monitoring and discipline associated with surveillance; increased workplace stress; and lower job satisfaction.

---

[1] Data provided by Cornell University to Communications Workers of America (October 2023)

Importantly, these negative outcomes were not associated with all types of AI tools. Our survey found that tools that assist agents with finding product and customer information and tools that assist with training and developing had a positive effect on job satisfaction. AI systems that empower workers and complement or improve their skills, as opposed to systems that restrict their discretion and control over their work, can improve job quality and well-being in addition to increasing productivity and improving service. Worker input is needed in the earliest stages of design and implementation so these systems complement the skills of our workforce and benefit all stakeholders.

Growing Use of AI in the Newsrooms

In newsrooms represented by The NewsGuild-CWA (TNG-CWA), members have seen AI tools adopted for a variety of purposes. America's journalists have seen employers use generative AI systems to create news stories based on publicly available statistics, press releases and sports scores. News companies have used these systems for ad and content placement, customer support, research and data gathering. These systems are also used to generate content including articles, creating audio, summarizing stories and generating headlines.

TNG-CWA members report that these systems fail to create the truly informative news stories that a human journalist is able to produce and lack clear labeling following the industry's ethical standards for transparency. Experienced journalists bring contextual knowledge and background information to stories that AI systems cannot replicate. A writer at the New York Times told us that AI " will make the internet a noise-filled Ouroboros of recycled content and inaccuracies designed to get our attention for profit."

Journalists gather quotes and facts through reporting and construct stories based on training to prioritize newsworthiness while interrogating information to report the truth. AI systems regurgitate words from press releases, which lack context and different viewpoints. Poor quality stories generated by AI systems have forced news organizations to pull back or abandon their use.[2] Yet many news organizations continue to adopt a range of AI automation tools that threaten jobs across the already-decimated local news landscape.

Collective Bargaining Plays A Unique and Vital Role in Ensuring in Giving Workers a Voice in the Development of New Technology

Government policy should recognize the central role that collective bargaining plays in negotiating over adoption of AI and other new technologies and seek to strengthen and complement workers' bargaining power.

CWA's history of bargaining over new technologies is an excellent example of the effect that a strong worker voice can have in preserving job quality in ways that address the needs of the business. CWA

---

[2] Claire Duffy, "Gannett to pause AI experiment after botched high school sports articles," CNN (August 31, 2023) https://www.cnn.com/2023/08/30/tech/gannett-ai-experiment-paused/index.html; Jordan Hart "MSN readers are furious after an apparently AI-generated headline announced 'Brandon Hunter useless at 42' after the former NBA player suddenly died" Business Insider (September 15, 2023) https://www.businessinsider.com/apparently-ai-generated-obituary-headline-nba-player-brandon-hunter-useless-2023-9

contracts include language that requires prior notification of monitoring sessions, reduces the amount of monitoring, and requires that monitoring be used for coaching and development, not discipline. CWA contracts protect against the speed-up enabled by new technologies by guaranteeing time between calls to resolve complex customer issues and handle administrative work. More recently, new work-from-home agreements bargained by CWA units limit web camera surveillance of agents' work areas to protect worker privacy.

These contract protections are critical to preserving job quality for CWA call center members and illustrate the importance of union representation and collective bargaining to protect workers' interests in the midst of rapidly changing workplace technologies.

Workers across industries have been active in making their voices heard in the use of new AI technologies in their workplace. TNG-CWA units across traditional newspaper and digital media employers have bargained over the automated generation of news content. A recent example is at Insider, where 300 journalists engaged in a 13-day strike in June of 2023 over issues that included the use of artificial intelligence to erode jobs. Journalists at Politico are also fighting the employer's attempts to replace journalists with AI.

Non-union workers at major federal government contractor Maximus, who are organizing with CWA, have engaged in multiple strikes in 2022 and 2023, over a number of issues, including to protest a high stress, tightly managed environment governed by automated call-flow software, and made worse by inadequate bathroom breaks and insufficient time between calls to catch their breath and handle administrative matters.[3] Maximus workers are monitored by AI systems that allow managers "to monitor several agents' calls at the same time and spot changes in mood or long periods of silence," expanding the oversight and control of Maximus management.[4]

New Policies are Needed to Empower Workers and Ensure AI Systems are Effective and Safe

However, even as workers have mobilized to protest and bargain over AI and automation, these tools are also being misused to interfere with workers' right to organize. CWA Local 1101 recently saw an example of AI used for union busting when newly organized helpline associates at the National Eating Disorders Association were replaced with an AI chatbot four days after their union election was certified.[5] NEDA

---

[3] Sophie Putka, Workers Strike at Medicare, ACA Call Centers, MEDPAGE TODAY (Aug. 9, 2022), https://www.medpagetoday.com/special-reports/features/100135 ; Sara DiNatale, Maximus workers in Hattiesburg strike again, calling out timed bathroom breaks and COVID-19 policies, Mississippi Today (Aug 8, 2022) https://mississippitoday.org/2022/08/08/maximus-workers-in-hattiesburg-strike-again-calling-out-timed-bathroom-breaks-and-covid-19-policies/
[4] Katie Deighton, Your Call May Be Recorded (and Analyzed by a Bot), The Wall Street Journal (May 6, 2021) https://www.wsj.com/articles/your-call-may-be-recorded-and-analyzed-by-a-bot-11620320134
[5] Kate Wells, National Eating Disorders Association phases out human helpline, pivots to chatbot, NPR (Mar 31, 2023) https://www.npr.org/sections/health-shots/2023/05/31/1179244569/national-eating-disorders-association-phases-out-human-helpline-pivots-to-chatbo

had to shut down the tool shortly after documentation on social media exposed instances of the tool giving inappropriate responses.[6]

Governmental policy can play a critical role in providing institutional support for workers' collective bargaining rights, for instance by strengthening penalties for employer violations of labor law. To address automated surveillance and management technologies that are enabled by AI, the NLRB General Counsel has identified the need to preserve workers' rights to organize and bargain by establishing a new framework of enforcement that recognizes the chilling effect digital surveillance technologies can have on protected concerted activity. Employers should be required to bargain in good faith with their employees' unions over the implementation of AI systems as mandatory subjects of bargaining under the National Labor Relations Act.

Government policy can further bolster the voice of workers by setting standards for safe and ethical adoption and use of AI systems. This should include:

- prohibiting abusive surveillance in the workplace;
- protecting the privacy of workers by requiring employers to follow data minimization principles;
- requiring that decisions made by AI system that impact workers and the public can be appealed to a human;
- protecting workers' copyrighted material and likenesses;
- providing a "Just Transition" framework for technology and AI adoption when jobs are eliminated.

The federal government should prioritize labor-augmenting technologies over labor-automating technologies by adopting recent recommendations from the White House Council of Economic Advisors to: (1) facilitate investment in the development of AI that augments workers rather than eliminating jobs and (2) invest in the capacity of regulatory agencies to ensure that AI systems are transparent and fair for workers.[7]

All levels of government should adopt procurement policy frameworks around AI that can act as models and guardrails for the private sector. This should include bargaining with public agency employees over adoption of AI technologies. Further, AI investments should be transparent in the adoption process and designed to achieve specific goals.

Thank you for the opportunity to submit these comments and share CWA's views on this important topic.

---

[6] Julie Jargon, A Chatbot Was Designed to Help Prevent Eating Disorders. Then It Gave Dieting Tips, The Wall Street Journal (June 1, 2023) https://www.wsj.com/articles/eating-disorder-chatbot-ai-2aecb179?mod=article_inline

[7] White House Council of Economic Advisors, "The Impact of Artificial Intelligence on the Future of Workforces in the United States of America," an economic study prepared in response to the US-EU Trade and Technology Council Inaugural Joint Statement, December 2022, at pages 42-44, https://www.whitehouse.gov/wp-content/uploads/2022/12/TTC-EC-CEA-AI-Report-12052022-1.pdf.