

Worker-focused legal aspects of the pilots

TRILATERAL
RESEARCH
Ethical AI



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OPTIMAI

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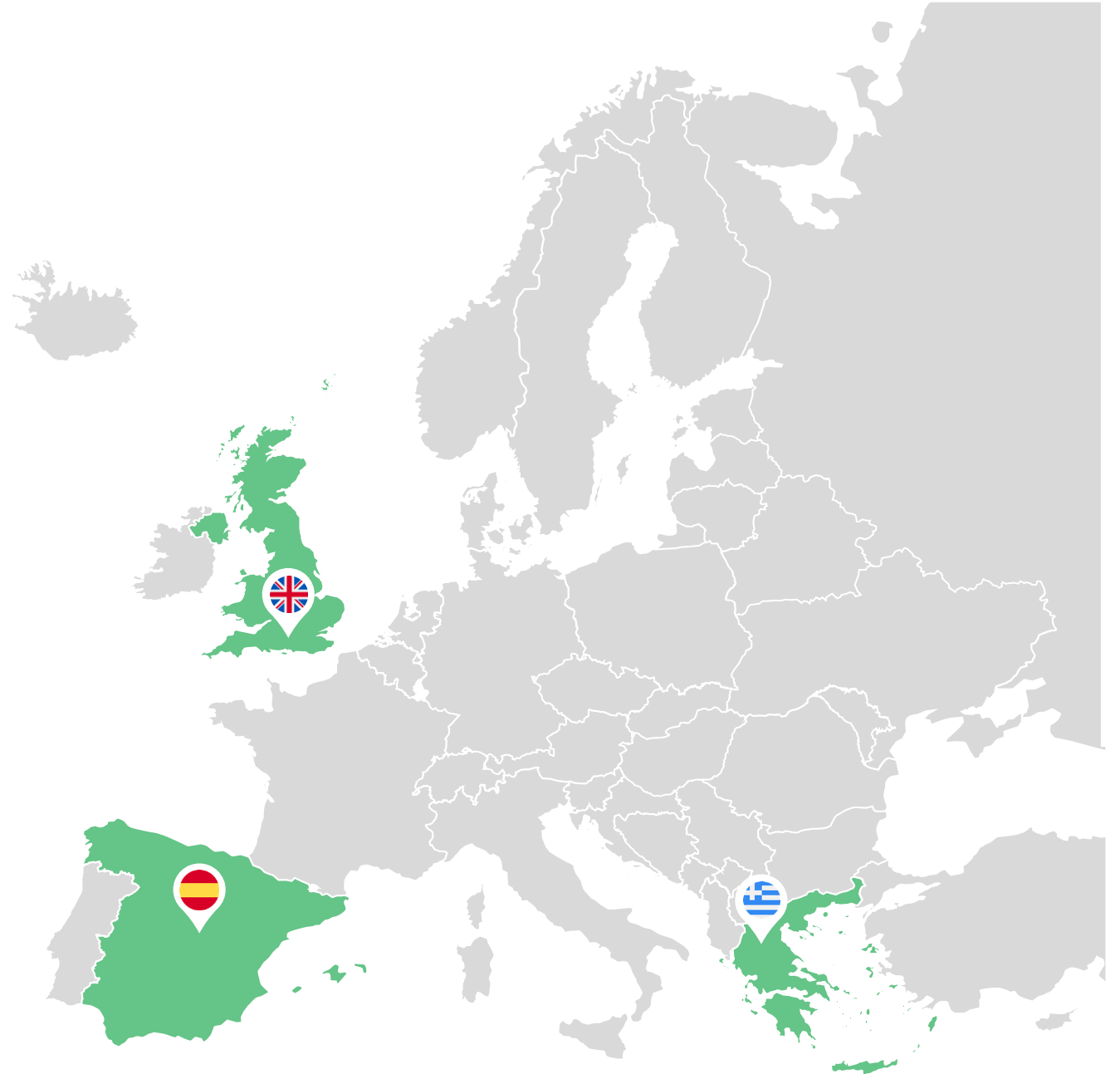
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Introduction



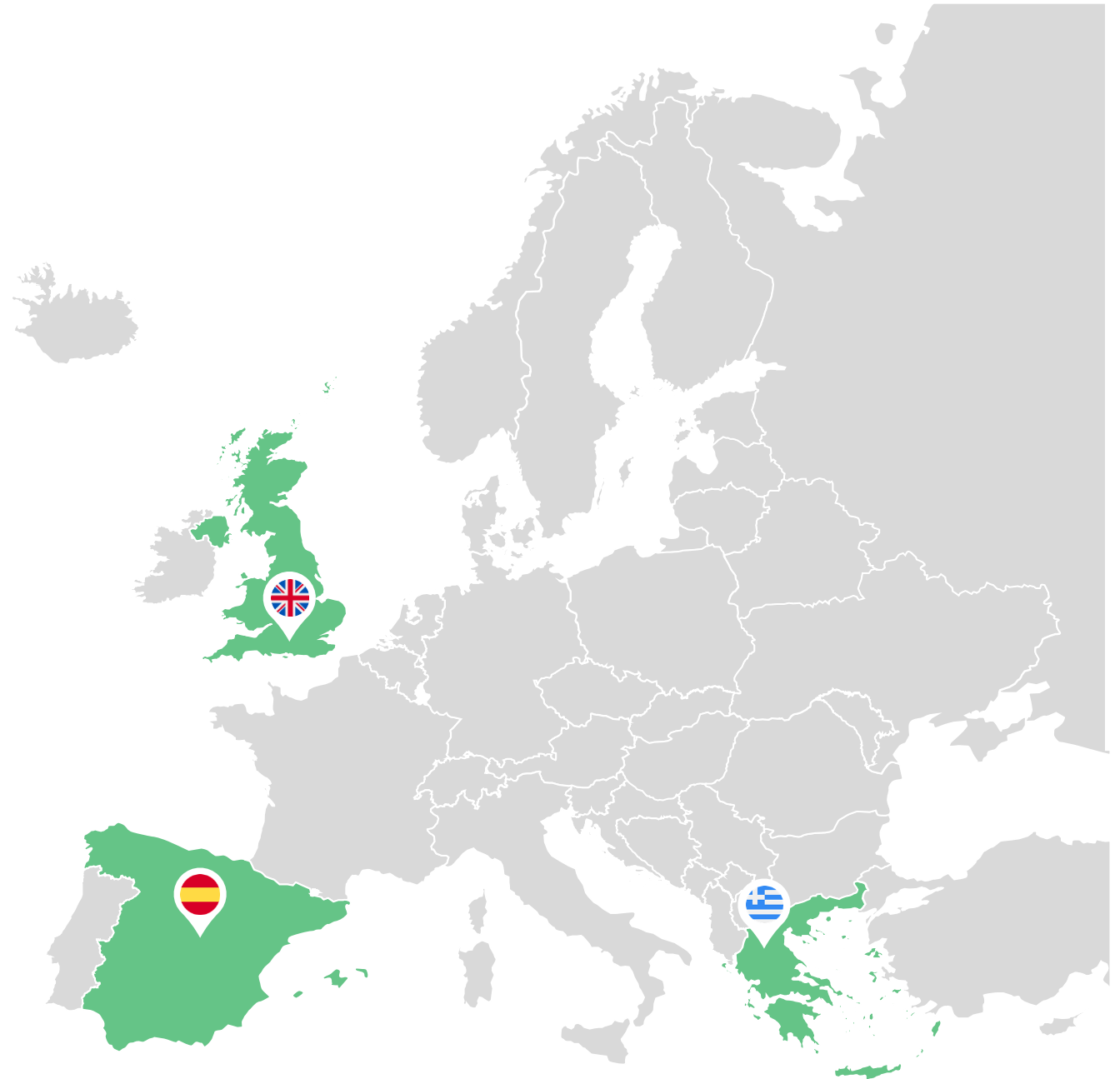
OPTIMAI Pilot Activities



OPTIMAI Pilot Activities

OPTIMAI Pilot activities will require the engagement and participation of employees in **Televes, KLEEMANN, and Microchip**, in Spain, Greece, and the UK respectively. These employees will be the ones testing innovative new technologies in their working environment.

All OPTIMAI partners, from end-user to technical partner, need to collaborate to ensure that this is as comfortable a process as possible for these employees, and that their **statutory rights are respected** during this process and beyond.



Employee Rights & Health and Safety



The topics covered in this training include:

- › Employment Rights
- › Equality Rights
- › Health and Safety Requirements



Employee & Equality Rights

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Dismissal

It is very important that OPTIMAI employees are **not dismissed** from employment, or otherwise face any **adverse consequences**, for **any unjustifiable reason** arising from their participation in the OPTIMAI project - and especially so if the reason relates to their legitimate exercise of rights.

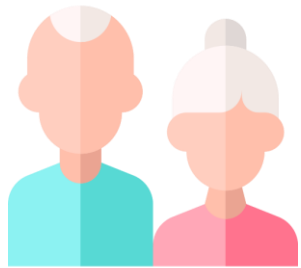
- › An employee should not be dismissed, for example, for **reporting any safety concerns** they might have in relation to the tools they are testing.
- › Participation in the OPTIMAI project also must **not lead to employees working more hours** than provided for in national law or, in Greece in particular, **not disrupt any existing work from home arrangements** that the worker has, where practicable and reasonable.



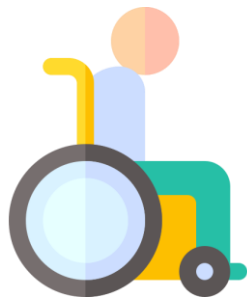
Discrimination

OPTIMAI technical partners, and especially end-users, must also **refrain from any practices or decisions that might be discriminative** in nature and disadvantage employees because of their personal characteristic.

- › Such protected personal characteristics can differ by country, but **usually include age, disability, gender, race and ethnicity, religion, and sexual orientation.**



Age



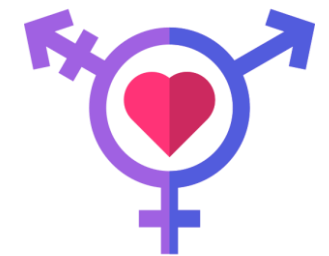
Disability



Religion



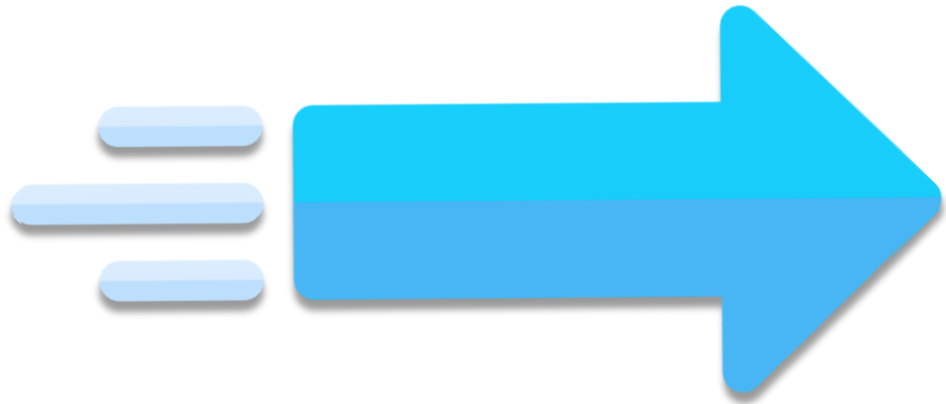
Race & Ethnicity



Sexual Orientation

Discrimination

Discrimination can be both direct, and indirect.



Direct

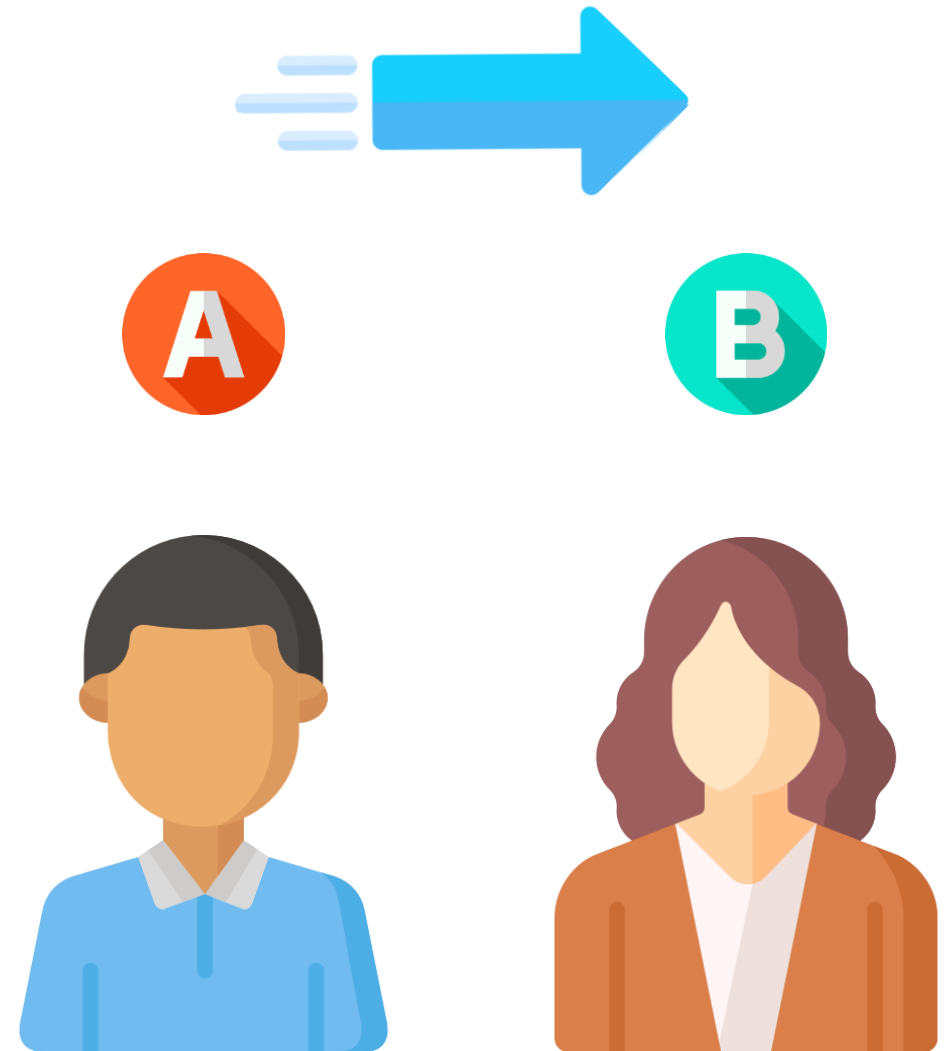


Indirect

Direct Discrimination

In UK law, **direct discrimination** is defined as occurring where:

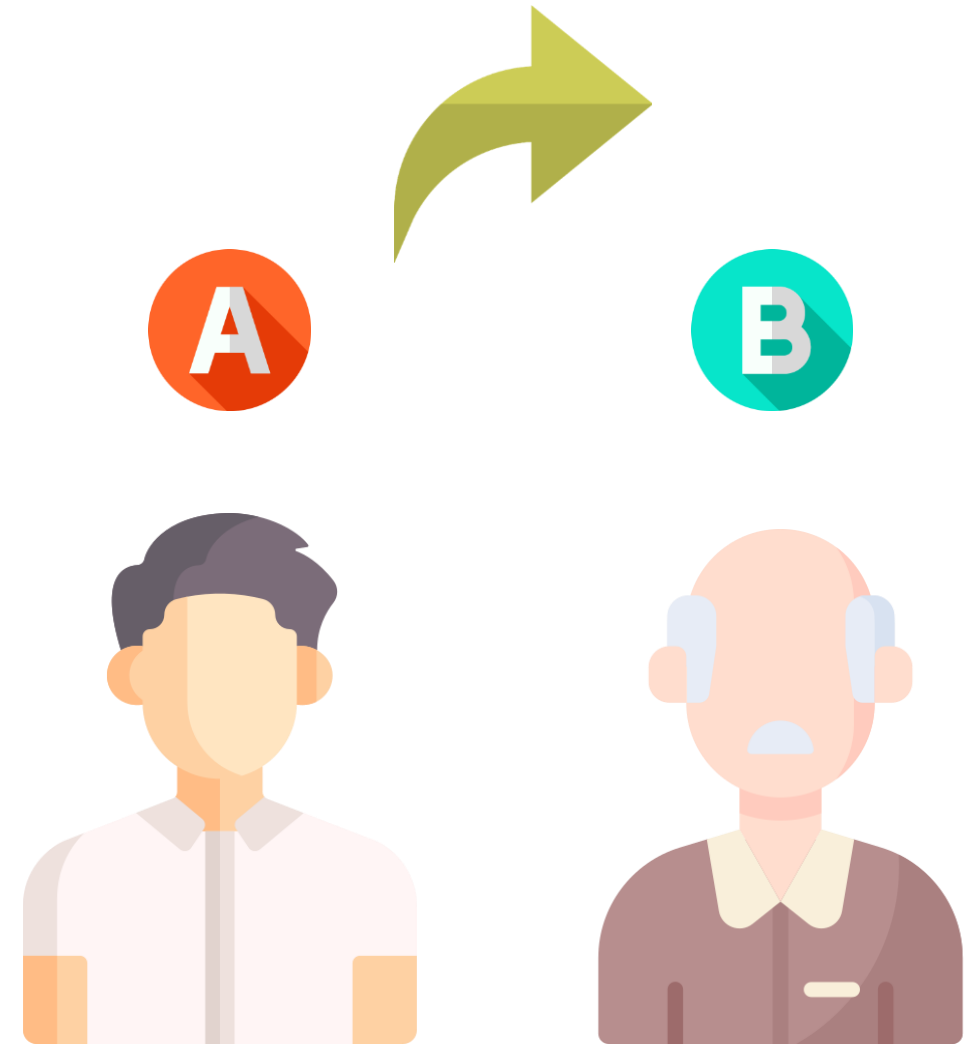
“[a] person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.”



Indirect Discrimination

In contrast, **indirect discrimination** occurs where:

“[a] person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B’s”...



Indirect Discrimination

... and where something constitutes discriminatory if:

- › A applies, or would apply, it to persons with whom B **does not share the characteristic,**
- › it puts, or would put, persons with whom B shares the characteristic **at a particular disadvantage when compared** with persons with whom B does not share it,
- › It puts, or would put, B **at that disadvantage,** and
- › A cannot show it to be a **proportionate means of achieving a legitimate aim**



Discrimination

OPTIMAI partners need to ensure that research activities are **inclusive** and nobody is excluded from participation on the basis of protected characteristics.



- › OPTIMAI partners should also be careful **to adapt OPTIMAI tools to users who may have different needs** based on their personal characteristics, for example, any wearables should be compatible with religious dress, or the user interface of the augmented environment should be compatible with visual disabilities such as colour-blindness.



- › In Greece, employers must assess the workplace for different kinds of risks that might emerge in the form of discrimination and harassment. This is known as a **psycho-social risk assessment**. Employers must put in place mitigation measures that address the psycho-social risks identified.





| Health & Safety

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Health & Safety in Pilot Sites

Over the course of OPTIMAI pilot studies, employees participating in the project will be using tools such as augmented reality glasses that could impact how they interact with and navigate through the industrial environment, and will be in the presence of hardware sensors that will need to be safely and correctly installed.

OPTIMAI end-users and technical partners need to use all means at their disposal to ensure the health, safety and welfare of these employees and all others who could be affected by changes to their working environment.



Health & Safety Risk Assessment

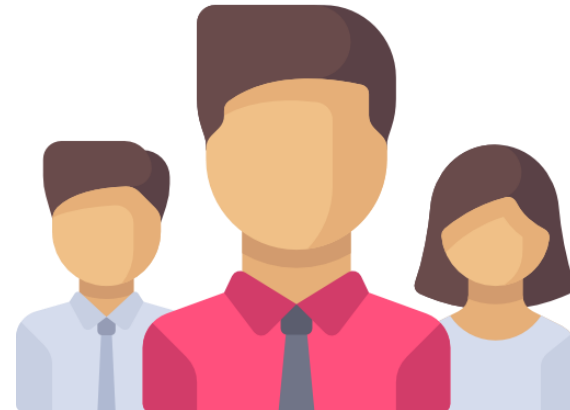
Health and safety obligations are laid out in **national law** in each pilot site.

- › In order to make an assessment of any risks that might arise from the use of new equipment and changes to work processes, OPTIMAI end-user partners should consider whether it is necessary to conduct a **health and safety risk assessment**. Based on the results of this assessment, end-user partners should **identify measures** to mitigate the identified risks, **implement them**, and **document them**.
- › **Health surveillance** should be carried out to monitor these risks.



Health & Safety Officers

- › End-users should have appointed a **competent person** to assist them in carrying out health and safety mitigation measures and monitoring and supporting health and safety in the work place.
- › In Greece, law calls for the appointment of a **safety technician** and **occupational physician** to help support health and safety in the work place.
- › The professionals should be duly **informed and consulted on changes** to work processes and the working environment and can help support the safe integration of OPTIMAI tools into the workplace.



Health & Safety: Developments

- › All employees should be provided with information **relating to any risks arising from OPTIMAI tools** and any new processes, as well as **information and training** as necessary to help mitigate health and safety risks.

- › If necessary, pilot site employees should be **trained in the safe and responsible use** of any new tools or devices they will be working with.



For more information...

All partners and research participants can learn more in:

Project Deliverable 7.3:

[Ethics Recommendations and Regulatory Framework](#)

which is publicly available on the OPTIMAI website.



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Thank you!

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