

# Fairwork AI Ratings 2023

## The Workers Behind AI at Sama

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THE GLOBAL PARTNERSHIP  
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*This report was developed by Experts and Specialists involved in the Global Partnership on Artificial Intelligence's project on 'AI for Fair Work'. The report reflects the personal opinions of the GPAI Experts and External Experts involved and does not necessarily reflect the views of the Experts' organisations, GPAI, or GPAI Members. GPAI is a separate entity from the OECD and accordingly, the opinions expressed, and arguments employed therein do not reflect the views of the OECD or its Members.*

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## Executive Summary

The first Fairwork AI report presents the results of a case study into Sama, a data annotation company that aims to have a positive social impact, which was conducted as part of the Global Partnership on Artificial Intelligence (GPAI) “AI for Fair Work” project. Across the world, there is increasing attention paid to the precarious situation of workers that are part of the AI supply chain. The Fairwork AI ratings presented in this report, which assess the working conditions of workers at Sama in different job roles and performing various tasks, show that fairness at work is not a given, but that by pointing to shortcomings and encouraging meaningful pro-worker change, substantial improvements can be achieved. The key improvements Sama made to the working conditions of its workers through their engagement with Fairwork are the focus of this report.

Concretely, as a result of engagement with Fairwork, Sama has made some 24 significant changes in the past year to their operational model and business practices, including guaranteeing the living wage for its workers, eliminating unpaid overtime and extending employment contracts.

Before these changes came into effect, Fairwork’s initial findings revealed a very different picture. The workers highlighted issues of unpaid overtime, short-term contracts, dangerous levels of job strain<sup>1</sup>, excessive surveillance, discriminatory management practices, trade union victimisation and a broader culture of fear in the company among several other issues. Sama’s response to the initial findings was commendable. Sama’s senior management took the findings very seriously and committed to making several changes which are highlighted in this report. Against this background, the changes Sama implemented this year will significantly increase the fairness of work at Sama. The number and scale of the changes demonstrates that engaged research can both highlight shortcomings in working conditions and encourage receptive companies to collaborate in making significant pro-worker changes. Upon the completion of the project, Sama was awarded a Fairwork score of 5 out of 10.

At Fairwork, we commend Sama’s willingness to listen and act on Fairwork’s initial findings. Fairwork’s ongoing engagement with the company throughout the research process demonstrated yet again that significant positive changes are possible, and that these changes can have a huge impact on the lives of workers, be they workers for platform companies, or workers involved in the global production networks that produce AI technologies.

## Key Findings

**Fair Pay:** Sama has met both thresholds for the Fair Pay principle. The level of compensation that Sama pays to its workers (or “associates”) represents a living wage for all hours worked. As of 1 September 2023, Sama has committed to increase the base salaries of all employees to the living wage recommendation and to use the Anker methodology to set base salaries going forwards. With this commitment, approximately 4,000 workers at Sama will enjoy an up to 15 percent pay rise, more contractual security, and better working conditions.

**Fair Conditions:** Sama has met both thresholds for the Fair Conditions principle. The work processes that were observed during the initial fieldwork phase of this study in 2023 demonstrated that not all task-specific risks were mitigated. However, following their engagement with Fairwork, Sama has taken several steps to ameliorate the risks of repetitive work; identified a clear escalation policy to help any workers who are suffering from risks such as work-related psychological disorders; and improved workers’ access to additional resources such as external psychological and psychiatric help.



There are further changes which we document in more detail later in the report. For the second threshold of the principle, which focuses on paid leave and social safety net, Sama created a specific communication channel that allows any employee to report a pregnancy without informing direct line management to avoid any maternity or gender discrimination and has also updated its whistleblowing policy to include specific reference to maternity leave. Sama also provides workers with paid time off and health insurance, and health insurance also covers some dependents. Additionally, Sama workers are provided with maternity leave.

**Fair Contracts:** Sama has met the first threshold for the Fair Contracts principle. Fairwork's initial fieldwork in 2023 identified the widespread use of short-term contracts and intensive performance management. Based on their engagement with Fairwork, Sama recognised the negative effects that employment insecurity can have on workers and changed the length of basic contracts. Sama also committed to create a Production Staff Recruiting and Contracting policy that guarantees that workers working on long-term projects that exceed the probation period shall be provided with the option to sign an employment contract lasting a minimum of one year, or where there are no client termination or ramp down rights, up to the end of the client contract, except there is good reason to believe (approved by CPO, GC and Head of Sales) that the contract will not run its full course at volume. This policy remains subject to a quarterly review by the company management to ensure that it continues to be applied in the long term. Sama also updated their employment contract template to more explicitly include information on working hours, breaks, maximum hours of work allowed, overtime and benefits.

**Fair Management:** After engaging with Fairwork, Sama recognised that the managerial culture on the production floor needed significant changes. Some of these changes include a Zero Tolerance Culture Campaign to fundamentally communicate and implement policies developed by the company, with an action plan to tackle several specific issues. Sama also started a culture training programme within the company (to be completed by end of 2023) and the results of this training will be monitored through anonymous company-wide surveys. For the second threshold of this principle, Sama provided evidence that the use of the screen monitoring software was being phased out, ending the use of invasive technologies in the workplace. Given these changes to company policies will take some time to resolve the issues highlighted in Fairwork's fieldwork, Sama has not been awarded a point for the Fair Management principle in this round of assessment. Another assessment will be needed to confirm that the policies have been fully implemented and have resulted in the desired changes to the management structures and company culture to be able to award points for this principle.

**Fair Representation:** Sama was not awarded a point for the Fair Representation principle in this assessment. However, Fairwork notes that Sama's management reiterated their support of workers' freedom of association. Sama has made it a company priority to increase the involvement of employees in decision-making across the organisation and at all levels of decisions, and this may bear fruit in the long term. Sama has also developed freedom of association training, to be rolled out to all employees.



## Editorial: Fairwork AI Principles

The Organisation for Economic Co-operation and Development (OECD) has defined Artificial Intelligence (AI) as follows: a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.<sup>2</sup> In more intuitive terms, AI is a range of technologies that “seek to make computers do the sorts of things that minds can do.”<sup>3</sup> One such approach is machine learning (ML), which was pioneered in the 1960s,<sup>4</sup> but which really came into its own with the development of big data and modern computing power. ML is the fundamental technique behind most of the AI systems we encounter in everyday life, and in most cases, it requires huge volumes of annotated data to work. This need for data has been a fundamental driver of the creation of global AI production networks, as AI developers scour the world for workforces capable of producing these essential datasets.

In 2019, the OECD adopted the Recommendations of the OECD Council on Artificial Intelligence.<sup>5</sup> This was a major landmark in the development of AI ethics. The recommendation covers five complementary valued-based principles:

1. Inclusive growth, sustainable development and well-being
2. Human-centred values and fairness
3. Transparency and explainability
4. Robustness, security and safety
5. Accountability

These principles have significant implications for the future of work. Workplace deployments of AI, for example, in digital labour platforms, were already significant and are only becoming more so over time.<sup>6</sup> It was in this context that the Global Partnership on Artificial Intelligence (GPAI), a multistakeholder initiative supported by 29 countries, launched the ‘AI for Fair Work’ project in October 2021.

This project funded a research team based at the Oxford Internet Institute (OII), University of Oxford, to develop the 2019 Recommendations into a set of ‘AI for Fair Work’ principles associated with concrete standards that could be applied to the workplace. This project was conducted in close collaboration with the GPAI, in particular the network of global experts and stakeholders that make up the Future of Work Working Group. The project did this through a global tripartite consultation with governments, regulators, international bodies, corporations, trade unions, and experts. This consultation consisted of two rounds of stakeholder engagement: first, the team conducted 21 interviews and a focus group with key global AI leaders; second, the team circulated a survey to 117 further stakeholders to elicit their feedback on the final draft of the ‘AI for Fair Work’ principles. The results of this consultation were published in 2022, as the ‘AI for Fair Work’ P<sup>7</sup>

The GPAI has continued to support the “AI For Fair Work” project to explore how to support fair work both in the AI supply chain, and in workplaces where AI is deployed. In 2023, the GPAI formally partnered with the OII-based Fairwork project to develop a scoring framework that can be used to examine the impact of AI on workplace fairness. This latest partnership has resulted in another version of the principles, which have been amended on the basis of empirical fieldwork. This fieldwork consisted of two case studies conducted by Fairwork: one focused on Amazon (the online retailer) in the UK, and the other on Sama (a data annotation firm specialising in computer vision) in Kenya and Uganda. This report is the first of two that will share the results of these case studies. It is focused on Sama. These amendments serve two purposes: first, to make the principles more responsive to the



priorities of workers on the ground who work alongside AI systems; and second, to allow the principles to be used as a scoring framework. This second version of the principles has been called the ‘Fairwork AI’ principles and covers 5 principles (each principle having 2 thresholds) on pay, conditions, contracts, management and representation; following the broader Fairwork framework for studying working conditions in digitally mediated labour.<sup>8</sup>

*Table 1: Development of Fairwork AI Principles*

Recommendations of the council on Artificial Intelligence	2019	A guiding statement created by the OECD and adopted by the GPAI.
AI for Fair Work	2022	A set of principles and thresholds that translate the OECD recommendations into the workplace. Produced via an international tripartite consultation.
Fairwork AI	2023	An amended version of the ‘AI for Fair Work’ principles, based on the data gathered during two in-depth case studies. Aims to amend the above to both reflect the priorities of workers on the ground and allow for a scoring methodology to be applied.

Using the Fairwork AI principles, the Fairwork team undertook a round of fieldwork at Sama in 2023. This consisted of interviewing workers, company management and conducting desk research on the company. The initial findings at Sama were worrying. A company committed to the double bottom line model (combining financial profit strategy with social responsibility), with BCorp status<sup>9</sup> and a reputation as an ethical operator, appeared to meet none of the Fairwork AI principles. Interviews with workers covering the effect of insecure contracts and sexual harassment were distressing to conduct and left the research team deeply shocked and saddened. Fairwork’s initial findings were shared with Sama in August 2023.

Sama’s response to these initial findings was commendable. Sama’s senior management took the research findings seriously and committed to making changes to respond to the problems identified. Sama continued to engage with the Fairwork team, sharing evidence, information on the changes being implemented and further evidence of how the changes are coming into effect. The result has been a significant improvement in fairness at Sama over a very short period. Fairwork takes this case study as a positive example of how employers have the power to rapidly improve fairness when they have the information and willingness needed to implement major changes to their operational and business practices. Some of Fairwork’s initial findings and the extensive changes Sama has implemented in this report are provided below. This demonstrates that *fairer work is possible* – we just need to find ways to implement it.

## The Fairwork Project: Towards Decent Labour Standards in AI Supply Chains

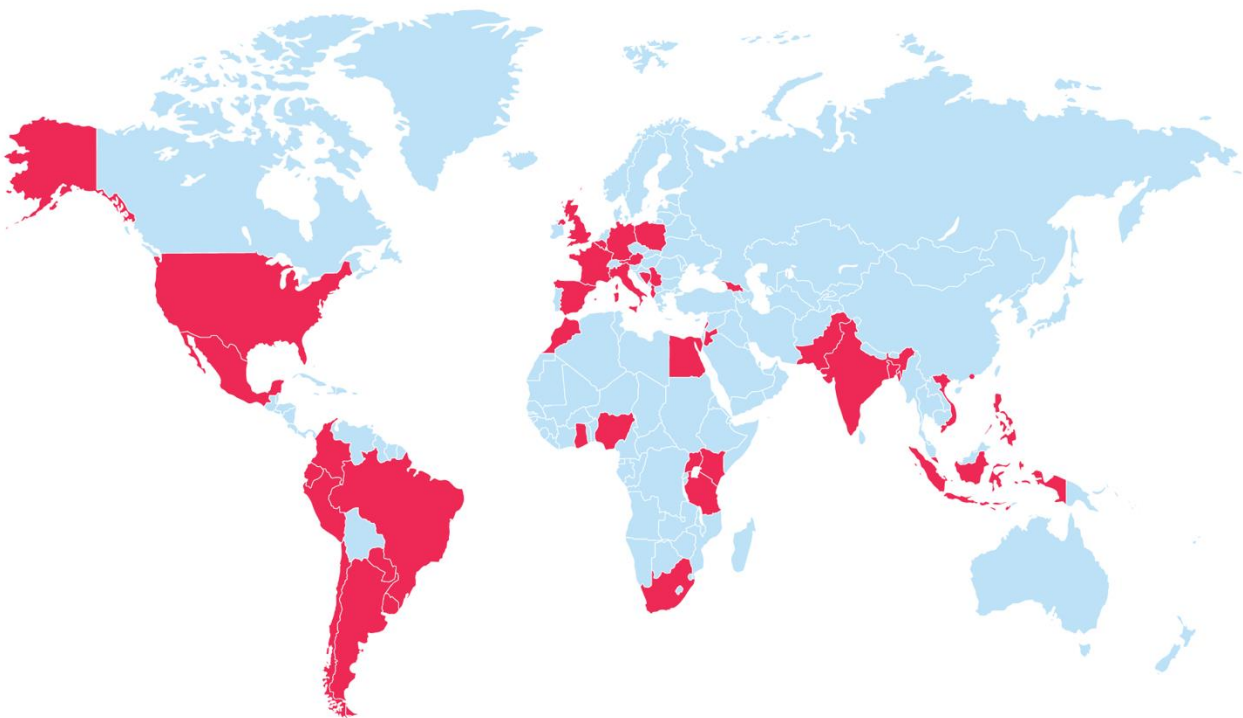
From digital labour platforms to artificial intelligence, technological developments are transforming the daily realities of work. Tens of millions of workers interface with these technologies in ways that expose them to both risks and benefits.



The aim of the Fairwork project is to highlight best and worst examples of how new technologies are being used in the workplace, in order to show that better and fairer jobs are possible in the digital economy. Fairwork rates companies annually against the five Fairwork Principles, which represent basic minimum standards of fairness. The Fairwork ratings provide an independent perspective on labour conditions in the digital economy for policymakers, companies, workers and consumers.

The Fairwork project is coordinated from the OII, University of Oxford, and the WZB Berlin Social Science Center. Fairwork's growing network of researchers currently rates digital labour platforms in 39 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of work.

*Figure 1: Map of Fairwork countries*



- **Africa:** Egypt, Ghana, Kenya, Morocco, Nigeria, South Africa, Tanzania, Uganda
- **Asia:** Bangladesh, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Vietnam
- **Europe:** Albania, Austria, Belgium, Bosnia and Herzegovina, France, Georgia, Germany, Italy, Poland, Serbia, Spain, UK
- **South America:** Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay
- **North America:** Mexico, US





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# The Fairwork Framework and AI Principles

## The five Fairwork AI principles

### 1. Fair Pay

Workers, irrespective of their employment classification or contract type, should earn a decent income, and they are paid on time and in-full.

### 2. Fair Conditions

Companies should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.

### 3. Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/or the company. The employer should make reasonable adjustments in wages and conditions between workers in different contractual arrangements.

### 4. Fair Management

There should be a documented process which guarantees that the employer will not discriminate; and that workers have the right to appeal decisions affecting them. There must be a clear channel of communication to workers involving the ability to appeal management decisions. Where AI systems are involved in work, employers must create explainability mechanisms such as transparency reports, and workers must be able to appeal decisions made by AI systems. Management should avoid excessive surveillance and should strive for data minimisation.

### 5. Fair Representation

Companies should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification or contract type, workers should have the right to organise in collective bodies, and companies should be prepared to cooperate and negotiate with them.

## Methodology Overview

The Fairwork project uses three approaches to effectively measure fairness of working conditions at companies where work is mediated via digital technologies: desk research, worker interviews and surveys, and interviews with company management. Through these three methods, we seek evidence on whether companies act in accordance with the five Fairwork AI Principles.

We recognise that not all companies use a business model that allows them to impose certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all companies have the ability to influence the way work is being



contracted in their supply chains. Therefore, for companies that do not set the terms on which workers are retained by service users or third party clients, we look at a number of other factors including published policies and/or procedures, public statements, and website/app functionality to establish whether the company have taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

## **Desk research**

Each Fairwork ratings cycle starts with desk research to gain as much insight as possible about a company, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each company, we also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up any publicly available information that could assist us in scoring different companies, for instance the provision of particular services to workers, or the existence of past or ongoing disputes.

The desk research is also used to identify points of contact or ways to access workers. Companies are contacted to alert them about their inclusion in the Fairwork ranking study and to provide them with information about the process. All companies are asked to assist with evidence collection as well as with contacting workers for interviews.

## **Company management interviews**

The second method involves approaching company management for evidence. Company managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the company, while also opening up a dialogue through which the company could agree to implement changes based on the principles. In cases where company managers do not agree to interviews, we limit Fairwork's scoring to evidence obtained through desk research and worker interviews.

## **Worker interviews**

The third method is interviewing workers directly. Fieldwork involves interviews with 30-50 workers for each company. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews enable the Fairwork researchers to see copies of the contracts issued to workers, and learn about company policies and practices that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place. Moreover, Fairwork conducts workplace observations to understand the everyday realities and experiences of work for workers.

Workers are approached using a range of different channels. Recruitment methods include but are not limited to, Fairwork's tried and tested participant recruitment methods, Facebook and X (Twitter) advertisements and snowballing from prior interviews. In all these strategies informed consent is established, with interviews conducted both in person and online. This Fairwork study has received ethics clearance from the University of Oxford Central University Research Ethics Committee.

The interviews are usually semi-structured and they make use of a series of questions relating to the 10 Fairwork (sub)principles. In order to qualify for the interviews, workers are required to be over the age of 18. All interviews are conducted in English.



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## Putting it all together

This threefold approach provides a way to cross-check the claims made by companies, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if clear evidence exists on each threshold.

## How we score

Each of the Fairwork principles is broken down into two points: a first point and a second point that can only be awarded if the first point has been fulfilled. Every company receives a score out of 10. Companies are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a company does not comply with the principle in question. It simply means that we are not – for whatever reason – able to evidence its compliance.

The scoring involves a series of stages. First, the Fairwork research team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the companies for review. Companies are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final scoring that is published in the Fairwork report.

***Further details on the Fairwork Scoring System are in the Appendix.***

## Background: Sama, A Social Impact Company

Sama is a data annotation company, specializing in computer vision. Sama employees work to produce the labelled data that enables AI systems to be developed for a wide range of use cases, from autonomous vehicles to industrial robotics. Sama is a key node in the global production networks of AI, and has conducted work for leading technological companies.

Sama's vision is to “pioneer new technologies and business methods that harness the power of markets for social good, levelling the playing field for those who do not share equally in the benefits of human progress.”<sup>10</sup> The company aims to achieve this by basing the most labour-intensive parts of their operation in East Africa (specifically in production locations across Kenya and Uganda) and by hiring people who have lived below the poverty line and/or who have lacked access to formal employment opportunities. This practice is known as impact sourcing.<sup>11</sup> In total, Sama's four East African delivery centres employ between 2,000 and 4,000 people at any one time. They are spread across Nairobi (Kenya), Kampala (Uganda) and Gulu (Uganda). Sama runs an internal impact team to monitor the positive effects of their business practices. The company also supports the Leilah Janah foundation, named after its late founder, which aims to catalyse entrepreneurship in East Africa. The company was the first AI data annotation company to become a certified B-Corp. Its ethical reputation has been a significant factor in helping the company to secure both investment and clients.

In early 2023, Sama reached out to Fairwork to conduct an assessment of working conditions in their East African delivery centres. The company granted access to Fairwork researchers which consisted of conducting interviews with employees (in a range of job roles and shift patterns) in the East African



delivery centres, and carrying out workplace observations. The Fairwork team also interviewed Sama management remotely in the course of fieldwork and data collection. Additionally, Sama provided the Fairwork team with further evidence about their work processes through management presentations during the team's time on the ground, and in follow up meetings after the presentation of Fairwork's initial score in August 2023. Sama did not fund the research in any way or take part in the study design and data collection and analysis. The company exercised no veto power over the findings of this report.





















The Fairwork team visited East Africa in April and May 2023. Some members of the research team have undertaken research in the region for over a decade, others were there for the first time. During two weeks of fieldwork, the Fairwork team visited three of Sama's delivery centres: two in Nairobi (Kenya), and one in Gulu (Uganda). During these visits, the team conducted interviews with two distinct samples of workers: first, current Sama employees who were contacted via the company to invite them for interview; and second, current and former employees contacted via snowball sampling without the knowledge of Sama. After Fairwork's fieldwork, the Fairwork team conducted remote follow up interviews with the North America-based management team. In total, 46 semi-structured interviews were conducted.

Interviews lasted between 45 and 75 minutes and consisted of questions which covered issues such as workflows, task performance, project knowledge, workplace discipline, expectations of management, feelings about work, managerial structures, and key performance indicators. Interviewees gave their informed consent to be interviewed. All interviews were recorded, transcribed, and analysed. Participants were all anonymised, with any identifying information removed from the transcripts.



# Fairwork AI Sama Score 2023

Minimum standards of fair work

Principle	First point	Second point	Total
 <b>Principle 1: Fair Pay</b>	 Pays at least the local minimum wage (one point)	 Pays at least the local living wage (one additional point)	 <b>2</b>
 <b>Principle 2: Fair Conditions</b>	 Ensures safe working conditions (one point)	 Ensures paid leave, and a safety net (one additional point)	 <b>2</b>
 <b>Principle 3: Fair Contracts</b>	 Provides decent contracts (one point)	 Provides secure employment (one additional point)	 <b>1</b>
 <b>Principle 4: Fair Management</b>	 Treat workers fairly (one point)	 Creates clear and effective systems for data management, explanations, and appeals (one additional point)	 <b>-</b>
 <b>Principle 5: Fair Representation</b>	 Assures freedom of association and the expression of worker voice (one point)	 Supports democratic governance (one additional point)	 <b>-</b>

Total score



## Explaining the scores

Sama's collaboration with Fairwork in the course of the research and assessment process has been exemplary. Sama's management made themselves available for questions and engaged with the Fairwork researchers throughout the research cycle openly. They have listened to the issues Fairwork researchers identified, and thought creatively to address them in the most effective and positive manner. Sama has also shown willingness to demonstrate the changes that they have committed to in the course of the research process are all in place by inviting the Fairwork team for another round of assessment in 2024. Below the points that were awarded to Sama in this scoring round, and the findings pertaining to each principle are summarised.

## Fair Pay

*Companies that take appropriate steps to ensure workers are paid at least the local minimum wage or the wage set by collective sectoral agreement (whichever is higher for all hours worked) can meet*



*the first threshold of this Principle, if they also ensure that regardless of their employment status or contract type, workers are paid on time and in full.*

Fairwork's fieldwork highlighted that non-voluntary unpaid overtime was a major issue for workers. In order to meet targets, some workers had to stay on at the end of their shift or conduct extra shifts at weekends, or they would be asked to stay on at the end of their shift to complete tasks. One workers noted that they worked as much as 60 hours or more per week, despite Kenyan Labour Law limiting the working week to a maximum of 58 hours.

In addition, Fairwork's fieldwork highlighted that contrary to Sama's commitment to "paying all members of our workforce a living wage standard for each region," the company was using living wage recommendations – produced by Sama's impact team based on yearly audits – as a guideline figure, and not as a standard that was applied to all workers. As such, the actual wages paid to workers could be substantially below the living wage recommendations.

Based on the evidence presented by the Fairwork team in August 2023, Sama implemented a range of policy changes to eliminate unpaid overtime (further detailed in the Company Changes section, below), and confirmed that all employees will be paid a living wage before bonuses. With this salary commitment (effective from 1 September 2023), all Sama employees are now paid at least the living wage for all hours worked (calculated using the Anker methodology). This constitutes a pay rise up to 15 percent for approximately 4,000 Sama workers across East Africa. Based on these changes, Sama was awarded a score for both thresholds of this principle.

## Fair Conditions

*Companies that show that they are aware of work-related risks, including strain, exhaustion and exposure to traumatic content, and also show that workers have a right to protection from these risks and that the company takes steps to mitigate them, meet the first threshold of this principle. Companies that ensure paid leave and a social safety net and minimise the risk of sickness and injury at work can meet the second threshold of the principle.*

Sama workers have access to medical benefits as full time employees, however, Fairwork's initial research undertaken in March 2023 indicated that job strain, excessive and intensive working time, and secondary traumatic stress were major concerns workers experienced through the course of their work. In connection with this, Fairwork researchers heard workers' detailed accounts of depression, burnout, mental health disorders and physical exhaustion as they tried to meet deadlines and performance targets.

Although Sama offered three months of paid maternity leave to workers as employees, workers noted that being made redundant shortly before their due date made women workers ineligible. So, workers highlighted cases of maternity discrimination when pregnant workers were made redundant or "put on the bench", that is, their contracts were not reviewed and their engagement with Sama was paused until another contract came through; or that the needs of new mothers such as their requests to not work night shifts, or take extended breaks to pump breast milk were ignored. Moreover, some workers also indicated that there were visible cases of favouritism in the management structure which made it difficult to contest the decisions taken by the management.





Based on their engagement with Fairwork, Sama introduced a systematic monitoring of overtime, and limited the working week to 45 hours, or 58 hours including overtime. Also relevant for the assessment of this principle, in 2022, following criticism<sup>12</sup> about the working conditions in the company, Sama created a multistakeholder “ethics guild” that reviews new projects before they are accepted, which has led the company to reject certain potential projects, thereby taking active steps in reducing workers’ potential risks of secondary traumatic stress. The ethics guild also has the capacity to specify the conditions to be followed when undertaking projects and will directly implement stress mitigation measures. A project review procedure audits any new work for potential impacts on employees.

Sama also expanded the Wellness Charter to include the identification of illnesses mostly commonly associated with repetitive tasks (including depression and burnout) and maintenance of a running list of risk factors and mitigation measures. They also have facilitated training of wellness team to identify risk factors/leading indicators and recommend mitigation strategies. There is now also a clear escalation policy to access additional resources such as reasonable accommodations and external psychological/psychiatric help. Sama has made a commitment to tracking levels of prevalence and recommending company-wide changes to address endemic problems in the future.

In addition, Sama has created a specific communication channel that allows any employee to report a pregnancy without informing direct line management, and has introduced a whistleblowing policy that includes specific references to maternity leave. Based on these changes, Sama was awarded a score for both thresholds of this principle.

## Fair Contracts

*Employment on temporary contracts can have significant negative effects on job satisfaction, well-being and health. Short-term contracts with no guaranteed working hours place workers in precarious positions and are likely to exacerbate these negative effects. Companies that take active steps to mitigate these are awarded a point for the first threshold. Companies that provide secure employment are awarded a second point.*

The initial round of fieldwork undertaken by Fairwork indicated that a significant proportion of Sama workers were working on one-month or three-month contracts, with some of the workers interviewed having been in this short-term contract cycle for years. Workers highlighted that in some cases, short-term contracts acted as a potential disciplinary tool. Any worker who was behind on their targets knew that they had to get back ahead before the end of their next contract, or else they would be high on the list of potential non-renewals. It also meant that any manager or team leader who wanted to stop working with a particular associate could just not renew their contract, as the short term duration of contracts made this possible. Hence, workers expressed a particular pressure to meet targets before the end of their contract, or face the risk of non-renewal or short-term contracts. Overall, short term contracts magnified the workplace power of managers in a way that directly contributed to the culture of fear (described in *Fair Management*) that the Fairwork team were told about in interviews.

During their engagement with Fairwork, Sama’s top management indicated that they were unaware of the widespread use of one-month contracts, and that the practice had proliferated without their input. They recognised the negative effects that employment insecurity could have on workers, and committed to change the length of basic contracts. Based on this change, workers working on long-term projects that exceed the probation period are now provided with the option to sign an employment contract lasting a minimum of one year, or, where there are no client termination or ramp down rights, up to the end of the client contract (except where there is good reason to believe that the





contract will not run its full course at volume). Based on these changes, Sama has been awarded a point for the first threshold of the principle.

## Fair Management

*To meet the thresholds of this principle, companies must demonstrate that they treat their workers fairly and that they take active steps to prevent unfair management practices such as bullying, discrimination, and harassment. Companies also need to demonstrate that workers have the right to appeal disciplinary measures and that they are not disadvantaged for voicing concerns for the first threshold of the principle. For the second threshold, companies need to create clear and effective systems for data management, explanations and appeals.*

Fairwork's initial research revealed significant concerns about managerial culture on the production floor. Workers expressed a major "culture of fear" dominant in the way management was exercised in the company, resulting in workers often shying away from raising issues with their line managers or senior management for fear of negative repercussions for themselves or for their team. Workers highlighted a system of favouritism exercised by the managers, and that challenging managerial decisions could have significant negative consequences, including losing one's job. Workers indicated that managers did not refrain from resorting to bullying to achieve organisational effectiveness. Workers also indicated sexual harassment as a concern, also broadly linked to the system of favouritism.

After receiving Fairwork's initial findings, Sama recognised that the managerial culture needed significant changes. In response, Sama initiated a new "Zero Tolerance Culture Campaign", in order to communicate and implement company policies. Within this campaign there is a specific plan on sexual harassment, including active implementation of a training programme and monitoring the results of the programme through anonymous surveys.

Sama takes explainability of AI commendably seriously. Their proprietary annotation platform, SamaHub, is explained to all production employees via multiple avenues. The company's training platform, SamaU, contains extensive information on the Hub, there is widely available documentation, and workers are repeatedly trained to a high level on all features. Every automatic decision made by the SamaHub, including automatic quality assurance, is human reviewable and the implications of reviews are fed back to the development team. Automatic quality assurance does not affect workers' quality metrics.

However, Fairwork research highlighted that excessive surveillance is a major issue affecting workers. Many workers indicated that the surveillance methods and their extensiveness had a negative effect on their wellbeing and productivity. Workers also expressed that they found the deployment of remote supervision/screen monitoring software (i.e. TimeDoctor) micro-managing, overbearing and invasive. Relevant for the assessment of this principle, Sama also shared evidence with the Fairwork team that the use of screen monitoring software was being eliminated.

While Fairwork commends Sama for the number of changes it has committed to implement to improve fair management practices, a follow-up study is needed to ascertain that the policies are fully implemented, and they have resulted in the desired improvements to management structures and company culture. Sama, Fairwork and GPAI have all signalled their intention to continue this research going forwards.



## Fair Representation

*In order to meet this principle, companies need to assure freedom of association and the expression of worker voice.*

Sama expressed that they are supportive of workers' freedom of association. Kenyan and Ugandan labour law applies restrictions on what employers can say regarding unionisation, and Sama believes these restrictions limit them from going further than they already have. Currently, the company operates a system of forums and meetings which allow for non-binding feedback to flow vertically through the organisation. However, Sama's leadership have made it a company priority to increase the involvement of employees in decision making across the organisation and at all levels of decisions, and this may bear fruit in the long term. Sama has also created a freedom of association training programme, to be rolled out to all employees.

Fairwork was unable to sufficiently evidence the assurance of freedom of association and the expression of worker voice in this assessment round.

## Workers' Stories

### Female, Abbo\*, 28, Associate

Abbo\* (not her real name) is a 28-year-old woman who moved from Western Uganda to Gulu in the North, to work for Sama. She has been at the company for more than five years. Since 2019, Abbo has been working on an annotation project. When the project began, her daily target was 500 tasks. Now, it is 800.

It is not only her number of tasks per day that have intensified, though. For over a year, [Worker Name] had been working seven days a week due to client demand. Starting at 7:40am and finishing at 6pm, her days are long and the lack of time to rest really takes its toll. Sitting on her computer hour after hour, day after day, she "started getting eye defects, back pain, wrist pain". The extreme fatigue also led to "blackouts". "It starts from my mind, I feel my mind is shutting then all of a sudden I feel I get dizzy then I feel I need rest, I need to put my head down and sleep for some time." Her mental health is affected too: "there are times where I just wakeup and I feel I am not myself. Deep inside you feel you're not fine". She explained to management that she needed time off, but that just isn't an option. "They tell you, 'We can't put the project at risk because of this one person. If you are not capable, you leave the project'". But she can't leave. The job is her "means of survival". She needs it, desperately. She has a child to feed and rent to pay. So, she keeps "pushing" despite her body telling her that she shouldn't.

Working so much over-time, you might think that Abbo is better off financially. But that isn't the case. At the time of the interview, she hadn't been paid overtime for 3 months, and the overtime pay she had received previously had been less than her usual rates; far lower than what she expected. She wants to go to university this year, but this situation has been pushing her into an ever-deepening hole of debt - "like this month, I thought I would pay off my debts... but because they didn't pay what I was expecting I ended up taking loans again."



## Male, Mukisa\*, 27, Associate

Mukisa\* (not his real name) has worked as an associate at Sama for nearly five years. He likes the opportunities that the company provides for him skill wise, regarding it as “one of the best when it comes to learning and development”. But the precarity he experienced was extreme: a constant cycle of short-term contract after short-term contract. Three months sometimes, but often “one, one, one, one”. At the time of the interview, his contract was days away from finishing. “Actually, next week I don’t have a contract, so that’s one of the things that’s causing me a lot of stress. You don’t know your fate, you can come back tomorrow, and they tell you, you don’t have a contract.” He couldn’t understand why, especially when clients would sign contracts for a year – “it’s unfair.”

No contract means ‘the bench’. This is a place that no one wants to end up Sama: a sort of workplace purgatory in which laid off associates must wait, hoping and praying that they might one day, not too far in the future, be re-hired. Luckily, Mukisa hadn’t faced the bench yet. But threat was terrifying. “I go to bed, and I think about it. You have so many people that depend on you”. Mukisa’s dependents include his mother. The fact that his ability to provide for her could be taken away at any second caused him significant turmoil. “It’s so sad, very sad, but there is nothing you can do.” If he got placed on ‘the bench’, he would have to go to his mother, explain that there was no more money, and then, simply, wait: “you go and stay there until they call you back. A year, four months, five months”. There would be no way of knowing for sure.

Mukisa expressed a desire for a promotion. This his would mean higher pay and further opportunity to progress. But the bottom line, for Mukisa, was security. Asked what he would change about the company, he put it simply: “I would make sure people get good contracts, no contract less than a year.”

## Theme in Focus: “Culture of Fear”

During the research, the team was told of a “culture of fear” that had existed at Sama. This was a term used by one of the associates we spoke to. It describes a sentiment among workers that they could not raise issues with their line managers without the risk of negative repercussions. In the context of extreme workplace precarity with the use of short-term contracts and the ever-present threat of the ‘bench’, repercussions could include job loss. One associate noted: “Complaining about pay or conditions, that was not done. Management created a culture of fear [...] If you tried to raise your voice, they would dismiss you. They would see you as a troublemaker, a bad influence on the rest of the team.” This sentiment was corroborated by team leaders, with one describing those workers that questioned targets as “poison” and their effect on the rest of their team as “toxic”.

This “culture of fear” was operationalised by management not simply to suppress worker voice, but also to ensure that targets were met and thus to accelerate the pace of work. One worker noted that complaints of fatigue would be met with the reminder that a client exit would mean worker joblessness. Compounding this threat, some managers utilised intimidating communication approaches, with workers noting that there was “shouting” to ensure that workers did “the right thing”.

The range of actions taken by elements of Sama management to restrict worker expression and ensure target achievement are consistent with depersonalised bullying, which is: ‘the routine subjugation, both covert and overt, of employees by contextual, structural and processual elements



of organizational design, which are implemented by supervisors and managers who resort to abusive behaviours in an impersonal way to achieve organizational effectiveness'.<sup>13</sup>

One worker emphasised that this seemed to be changing, noting that management was “trying to bridge the relationships”, but there was no concrete evidence that this was a practice of the past. Indeed, during an observation on the production floor one worker noted that management were not shouting, as they usually did, due to the presence of the research team. Furthermore, culture change is no quick fix and significant work is required to ensure that workers are not afraid to speak out about workplace issues.

## Moving Forward: Company Changes

Following their engagement with Fairwork, Sama has committed to making the following 24 changes to company policies and practices.

### Fair Pay:

To address the issue of unpaid overtime, Sama has made the following five changes:

- Updated the overtime policy to include the concept of “time for time” (or “Time off in Lieu”). The policy specifies that management will be disciplined if they do not follow the policy and creates a route for workers to report failures to adhere.
- Introduced training sessions (one for employees, one for management) on the updated overtime policy.
- Established a system to monitor working hours and identify violations of the overtime policy.
- Adapted incentive structures to ensure that workers are not rewarded for overworking.
- Updated the onboarding slide deck to include additional information on working hours and overtime.

To address the concerns related to the calculation of living wage, Sama has made two changes:

- Increased the worker salaries (before incentives and bonuses) to the level of Sama’s Anker-determined living wage recommendation.
- Made a commitment not to pay any employee a base salary below the Anker-determined living wage going forwards.

### Fair Conditions:

Sama has made the following seven changes to address the issues Fairwork research highlighted:

- Updated the employment contract to more explicitly include information on working hours, breaks, maximum hours allowed overtime and benefits.
- Updated the Workplace Illness and Injury Policy to include specific coverage of work-related psychological disorders.
- Updated the Health and Safety policy in collaboration with the insurance provider to cover task-specific risks more extensively.
- Expanded The Wellness Charter to include the following measures:



- Identification of illnesses mostly commonly associated with repetitive tasks (including depression and burnout) and maintenance of a running list of risk factors and mitigation measures,
- Training of the wellness team to identify risk factors/leading indicators and recommend mitigation measures,
- A clear escalation policy to help workers suffering from task-specific risks to access additional resources such as reasonable accommodations and external psychological/psychiatric help,
- Commitment to tracking levels of prevalence and recommending company-wide changes to address endemic problems in the future.

Fairwork researchers found that workers who are pregnant or new mothers faced significant adversity at work. In response, Sama has made the following two changes:

- Created a specific channel that allows any employee to report a pregnancy without informing direct line management.
- Updated the “Whistleblowing policy” to include specific reference to maternity leave.

## Fair Contracts:

Fairwork research highlighted widespread and at times punitive use of short-term contracts. In response, Sama has made the following two changes:

- Introduced a new policy to change the default contracts from 1 month to 12 months; or, where there are no client terminations of ramp down rights, to the end of the client contract (except where there is good reason to believe contract will not run its full course).
- Established a quarterly review process to ensure the new policy is being followed.

Fairwork researchers also highlighted that insecure employment practices in the long-term affected the well-being of the workers. In response, Sama made a commitment to conducting further research on the job market for Sama employees and defining the best pathways for employees beyond the firm.

## Fair Management:

Fairwork researchers highlighted a broader concern over the “Culture of Fear” expressed by workers, with experiences of sexual harassment and depersonalised bullying recounted in interviews. In response, Sama has made the following three changes:

- Initiated the “Zero Tolerance Culture” campaign. This includes zero tolerance training sessions and an anti-bullying and harassment seminar for employees. General management training also covers sexual assault and non-discrimination in hiring and management, while the new onboarding training for all employees covers sexual harassment and the whistleblower policy.
- Implemented a monitoring policy to systematically review the results of this culture campaign, monitored via anonymous company-wide engagement surveys.
- Introduced specialised out-of-house training on gender-based violence for key HR, legal and management personnel.



During the course of the fieldwork, Fairwork researchers heard stories of excessive surveillance tools and practices used in the workplace, which sometimes were also used against workers for micromanaging and bullying.

## Fair Representation:

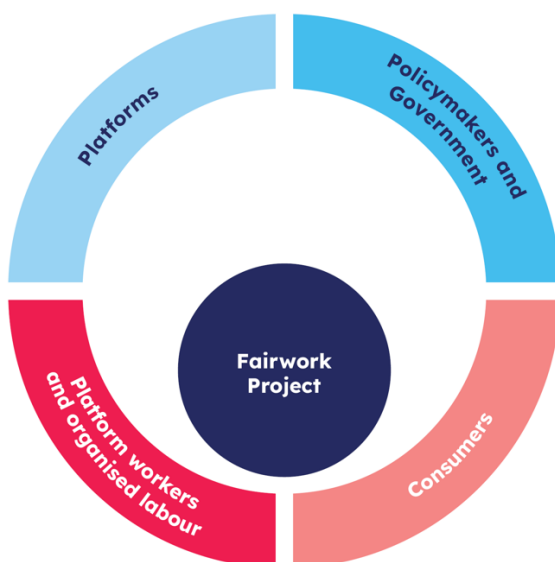
Sama has agreed to two changes:

- To create specific employee rights training to cover freedom of association.
- To investigate representation structures to increase employee involvement in decision-making across the organisation and at all levels of decisions.

## Pathways of Change

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If they have the economic means to choose, many consumers will be discerning about the digital services they use. Fairwork's yearly ratings give consumers the ability to choose the highest scoring company operating in a sector, thus contributing to pressure on companies to improve their working conditions and their scores. In this way, we leverage consumer solidarity with workers' allies in the fight for fairer working conditions. Beyond individual consumer choices, Fairwork scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

*Figure 2: Fairwork's Pathways to Change*

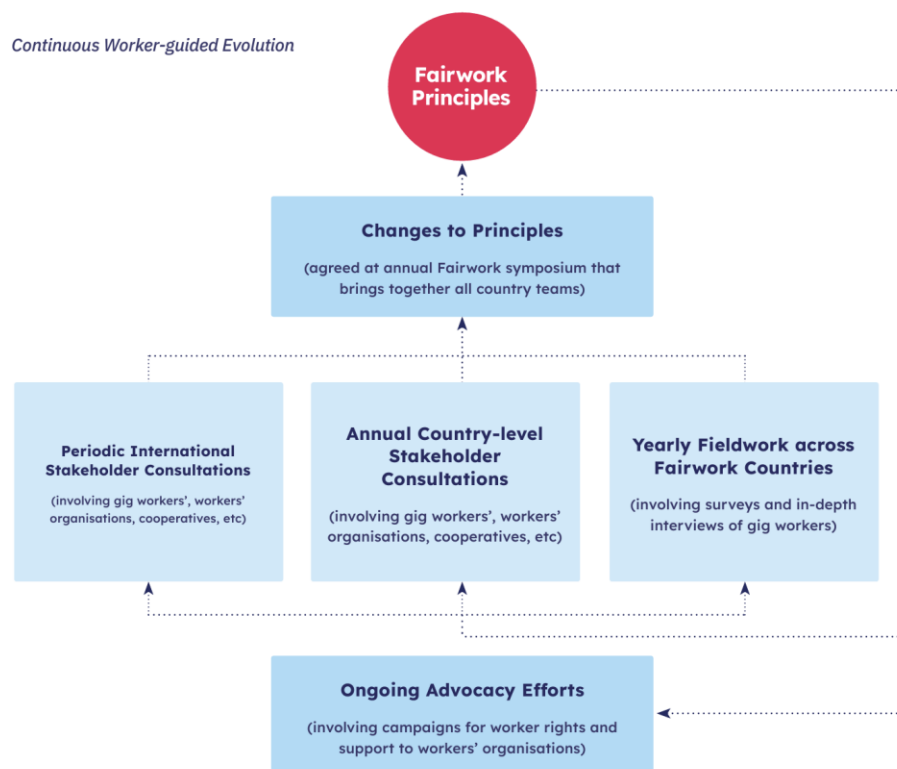


Fairwork's first and most direct pathway to improving working conditions in the digital economy is by engaging directly with companies that are part of the AI supply chain. Many companies are aware of Fairwork research, and eager to improve their performance relative to last year, and to other companies.

We also engage with policy makers and government to advocate for extending appropriate legal protections to all workers, irrespective of their legal classification or contractual status. Over the past year, Fairwork have met several stakeholders from the policy world to provide input on how AI systems could be introduced in the workplace with fairness in mind.<sup>14</sup>

Finally, and most importantly, workers and their organisations are at the core of Fairwork’s model. Firstly, Fairwork AI principles have been developed and are continually refined in close consultation with workers and their representatives (Figure 3). Fairwork fieldwork data, combined with feedback from workshops and consultations involving workers, informs how we systematically evolve the Fairwork principles to remain in line with their needs.

*Figure 3: Fairwork Principles: Continuous Worker-guided Evolution*



There is nothing inevitable about poor working conditions in the digital economy. Despite their claims to the contrary, companies have substantial control over the nature of the jobs that they provide. Fairwork’s findings into the specific working conditions in the broader AI supply chain show that the digital economy, as we know it today, already takes many forms, with some companies displaying greater concern for workers’ needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today’s digital economy – paints a picture of what it could become.





## The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer digital work. Organisations like universities, schools, businesses, and charities who use technologies based on AI technologies can make a difference by supporting better labour practices, guided by five principles of fair work. Organisations who sign the pledge get to display Fairwork badge on organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer work in the AI supply chains, and making resources available to staff and members to help them in deciding which companies to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated companies where there is a choice. More information on the Pledge, and how to sign up, is available at [fair.work/pledge](https://fair.work/pledge).





**MORE INFORMATION ABOUT  
THE PLEDGE, AND HOW TO SIGN UP,  
IS AVAILABLE AT**

**FAIR.WORK/PLEDGE**



## Appendix

Table 2: Fairwork Scoring System

Principle	First point	Second point	Total
 <b>Principle 1: Fair Pay</b>	 Pays at least the local minimum wage (one point)	 Pays at least the local living wage (one additional point)	 <b>2</b>
 <b>Principle 2: Fair Conditions</b>	 Ensures safe working conditions (one point)	 Ensures paid leave, and a safety net (one additional point)	 <b>2</b>
 <b>Principle 3: Fair Contracts</b>	 Provides decent contracts (one point)	 Provides secure employment (one additional point)	 <b>2</b>
 <b>Principle 4: Fair Management</b>	 Treat workers fairly (one point)	 Creates clear and effective systems for data management, explanations, and appeals (one additional point)	 <b>2</b>
 <b>Principle 5: Fair Representation</b>	 Assures freedom of association and the expression of worker voice (one point)	 Supports democratic governance (one additional point)	 <b>2</b>
<b>Total score</b>  <b>10/10</b>			

## Fairwork AI Principles

### 1. Fair Pay

#### 1.1 Pays at least the local minimum wage (one point)

To achieve this point, the employer takes appropriate steps to ensure ALL of the following:

- Workers, regardless of their employment status or contract type, must earn the local minimum wage<sup>15</sup> or the wage set by collective sectoral agreement (whichever is higher) for all hours worked.<sup>16</sup>
- Workers, regardless of their employment status or contract type, are paid on time and in-full.

#### 1.2 Pays at least the local living wage (one point)



Minimum wage can be insufficient to ensure workers and their dependents a basic but decent standard of living. The living wage exists to set the benchmark of what is required to enable this decent standard of living.<sup>17</sup>

To achieve this point, the employer takes appropriate steps to ensure the following:

- Workers, regardless of their employment status or contract type, must earn at least the living wage, or the wage set by collective sectoral agreement (whichever is higher) for all hours worked.

## 2. Fair Conditions

### ***2.1 Ensures safe working conditions (one point)***

Workers face several risks in the course of their work, including strain, exhaustion, and exposure to traumatic content. They have a right to protection from these risks.<sup>18</sup> Employers must show they are aware of task specific risks and take steps to mitigate them.

To achieve this point, the employer must satisfy ALL of the following:

- Implement policies and practices that protect workers' safety from task specific risks. This should, at a minimum, account for well-evidenced risks such as:
- High job strain, which can lead to a range of negative health impacts including cardiovascular disease and mental health disorders.
- Secondary traumatic stress, which can be associated with repeated exposure to traumatic content.
- Muscular skeletal injuries, which may emerge as a result of unsuitable equipment, excessive workload or perverse incentivisation in physical jobs.
- Risks related to a specific job are flagged to workers before they accept the job (such as indicating that they might be exposed to violent content.)
- The employer places a maximum limit on standard working time that meets either the applicable national regulation or, in cases where there is no applicable national regulation, the ILO standard of 40 hours a week.<sup>19</sup>
- Workers are entitled to take breaks during working time that is defined under the applicable national regulation, or in cases where there is no applicable national regulation, is equivalent to a minimum of one hour for every eight hours worked.
- If the work arrangements require workers to work in shifts, workers are given the option to choose their shifts, and reasonable accommodations are made for workers with additional needs due to health, safety and other personal reasons (such as pregnancy, care requirements, disability and other health conditions.)

### ***2.2 Ensures paid leave, and a safety net (one point)***

Workers are vulnerable to the possibility of losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, not all workers might qualify for the social safety protections due to their own personal circumstances (e.g. visa status, residency status). In recognition of the fact that most workers are dependent on income they earn from the work, employers must ensure that workers are compensated for loss of income due to inability to work. In addition, employers must minimise the risk of sickness and injury.



To achieve this point, the employer must ensure ALL of the following:

- Workers have access to paid time-off (such as bereavement, parental, sick and annual leave.)

Where core medical treatment is not provided by a public system, such as a national healthcare scheme, the employer makes a meaningful provision to the health care costs of its workers.

### 3. Fair Contracts

#### 3.1 Provides decent contracts (one point)

Employment on temporary contracts can have significant negative effects on job satisfaction, well-being and health. Short-term contracts, such as those lasting one to three months or with no guaranteed working hours, place workers in precarious positions and are likely to exacerbate these negative effects.

To achieve this point, the employer must meet ALL of the following:

- Workers must sign a contract and/or give informed consent to terms of conditions upon signing up, and for each subsequent contract extension.
- The contract or terms and conditions is presented in full, in clear and comprehensible language that all workers could be expected to understand.
- The contract or terms and conditions are easily accessible to workers in paper and/or electronic form. If these conditions differ for different contract types, reasonable steps are taken to inform workers about the differences in contract types.
- The party employing the worker must be identified in the contract or terms and conditions, and subject to the law of the place in which the worker works.
- Workers working on long-term projects that exceed the probation time are provided with the option to sign an employment contract lasting at a minimum the same length of time as the project.
- The contracts or terms and conditions do not include clauses that revert prevailing legal frameworks in the countries where workers work.

#### 3.2 Provides secure employment (one point)

Whilst fixed-term employment may be suitable for some workers' circumstances, secure employment is a fundamental improvement of working conditions for many others.

To achieve this point, the employer must meet ALL of the following:

- Workers with three years or more of consistent short-term employment should be provided with the option to move onto permanent contracts if they so desire.
- The employer should make reasonable adjustments in wages and conditions between both: fixed-term and permanent employees and outsourced workers; and any outsourced or indirectly employed workers and directly employed workers. Workers who are outsourced or indirectly employed should be compensated for additional costs incurred, including visa/work permits and their extensions, insurance, pensions, and other social security premiums.
- In cases of justified redundancy or contract non-renewal, the employer should provide workers with severance allowance commensurate with tenure at the company and retraining opportunities. In cases where the redundancies are being made because reasons of an economic, technological, structural or similar nature, workers or their representatives are consulted, and steps are taken to minimise the resulting redundancies.<sup>20</sup> If desired, workers



should be able to invite worker representatives to their end of contract meetings with the relevant HR departments.

In the case of subcontracting arrangements, where part or all of the work is subcontracted to other companies, management implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the company itself regarding working conditions.

## 4. Fair Management

### ***4.1 Treats workers fairly (one point)***

The employment relation is an unequal one, with managers being afforded significant legal and economic sources of power not available to most workers. The interests of these two groups may diverge, leading to sometimes opposed immediate interests in the workplace. This dynamic can lead to unfair management practices.

To achieve this point, the employer must meet ALL of the following:

- Management should refrain from deploying any form of depersonalised bullying or mobbing in order to ensure organisational goals are met.<sup>21</sup>
- There is a policy in place which guarantees that any form of harassment in the workplace will not be tolerated.
- There is a policy in place which guarantees that the employer will not discriminate against persons on the grounds of racial, ethnic, social or minority background, caste, religion or belief, political or any other opinion, language, gender, gender identity, sex, sexual orientation, disability, age, geographical location, or any other status.
- Workers should have the right to appeal dismissals and other disciplinary measures.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

### ***4.2 Creates clear and effective systems for data management, explanations, and appeals (one point)***

Contemporary workplaces are increasingly defined by data. The use of AI systems and automated management processes exacerbates both the incentives for employers to gather data from the work process and diminishes the importance of workers' existing rights to receive explanations, appeal decisions, and access/own their data.

To achieve this point, the employer must meet ALL of the following:

- Where AI systems are involved in work, employers must create explainability mechanisms such as transparency reports or question and answer processes that allow workers to understand both the model behaviour of the system as a whole and specific decisions.<sup>22</sup>
- Workers must be able to appeal decisions made by AI systems through a multi-stakeholder process that reflects collective worker voice, and successful appeals to lead not only that specific decision being revised but also wider revisions of decision-making process.<sup>23</sup>
- Management avoids excessive surveillance in the workplace, and avoids use of invasive technologies.
- Workers must not be subject to excessive data collection practices and should be informed about the data that is being collected about them. Employers must apply the principle of data minimisation (collecting the minimum amount of personal data required to fulfil a legitimate purpose) in their collection processes.



## 5. Fair Representation

### 5.1 Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions.

To achieve this point, the employer must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice that allows ALL workers, regardless of contract type or duration to participate in collective groups without risks.<sup>24</sup>
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the company webpage.<sup>25</sup>
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the company management, or expressing willingness to form independent collective bodies of representation.

### 5.2 Supports democratic governance (one point)

To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the employer.

To achieve this point, the employers must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing the company.
2. In a written document available, the company publicly and formally recognises an independent collective body of workers, an elected works council, or trade union, and takes meaningful steps towards signing a collective bargaining agreement. This recognition is not exclusive and, when the legal framework allows, the company should recognise any significant collective body seeking representation.<sup>26</sup>

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*Please note that this report contains sections in common with other Fairwork reports, notably the Fairwork Framework, parts of the Impact and Next Steps section and the Appendix.*





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## Endnotes

<sup>1</sup> Job strain occurs when workers are exposed to high demands with limited decision latitude and other adaptational resources. Examples of high strain work includes garment manufacture and working on an assembly line. See Karasek RA (1979) Job Demands, Job Decision Latitude, and Mental Strain: Implications for Job Redesign. *Administrative Science Quarterly* 24(2): 285. <https://www.jstor.org/stable/2392498> (Accessed 08 December 2023) Jenkins SR and Baird S (2002) Secondary traumatic stress and vicarious trauma: A validation study. *Journal of Traumatic Stress* 15(5): 423–432. <https://pubmed.ncbi.nlm.nih.gov/12392231/> (Accessed 07 December 2023).

<sup>2</sup> Please note that the OECD has updated the definition of AI after the drafting of this report. The new definition is as follows: “An AI system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.” See: OECD (2023) *Recommendation of the Council on Artificial Intelligence*. Available at: <https://legalinstruments.oecd.org/en/instruments/oecd-legal-0449> (Accessed: 27 November 2023). For the previous definition, utilised in this report, see: OECD (2019). *C/MIN(2019)3/FINAL*. Available at: [https://one.oecd.org/document/C/MIN\(2019\)3/FINAL/en/pdf](https://one.oecd.org/document/C/MIN(2019)3/FINAL/en/pdf) (Accessed: 7 December 2023)

<sup>3</sup> Margaret A. *AI: Its Nature and Future*. First Edition. United Kingdom: Oxford University Press, p. 6.

<sup>4</sup> Michie, D. (1963) ‘Experiments on the Mechanization of Game-Learning Part I. Characterization of the Model and Its Parameters’, *The Computer Journal*, 6(3), pp. 232–236. Available at: <https://doi.org/10.1093/comjnl/6.3.232> (Accessed: 7 December 2023).

<sup>5</sup> OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449 [OECD-LEGAL-0449-en-2faedcefa4d54e98bd155d4f2c37b8fb](https://legalinstruments.oecd.org/en/instruments/oecd-legal-0449-en-2faedcefa4d54e98bd155d4f2c37b8fb) (Accessed on 08 December 2023).

<sup>6</sup> See Fairwork’s research on cloudwork platforms: Fairwork (2023). *Work in the Planetary Labour Market: Fairwork Cloudwork Ratings 2023*. Oxford, United Kingdom. <https://fair.work/en/fw/publications/fairwork-cloudwork-ratings-2023-work-in-the-planetary-labour-market/> (Accessed 8 December 2023).

<sup>7</sup> Cant, C., et al. (2022) *AI for Fair Work: AI for Fair Work Report, November 2022, Global Partnership on AI*. Available at: <https://www.gpai.ai/projects/future-of-work/AI-for-fair-work-report.pdf>. (Accessed: 7 December 2023).

<sup>8</sup> Fairwork (2023) *GPAI Fairwork AI Principles*. Available at: <https://fair.work/en/fw/principles/ai-principles/> (Accessed: 7 December 2023).

<sup>9</sup> BCorps are defined as businesses that meet “high standards of verified performance, accountability, and transparency on factors from employee benefits and charitable giving to supply chain practices and input materials”. For more information about the certification and the conditions that companies must satisfy see: B Corporation (2023) *About B Corp Certification*. Available at: <https://www.bcorporation.net/en-us/certification/> (Accessed: 7 December 2023).

<sup>10</sup> The Sama ‘Impact’ page has since been updated. See the archived version from which the quote was taken here: Sama (2023) *Impact*. Available at: <https://web.archive.org/web/20230323112415/https://www.sama.com/impact/> (Accessed: March 2023).

<sup>11</sup> Manning, S., Kannothea, C. G., & Wissman-Weber, N. K. 2017. The strategic potential of community-based hybrid models: The case of global business services in Africa. *Global Strategy Journal*, 7(1): 125–149.

<sup>12</sup> Perrigo, B. (2022) ‘Inside Facebook’s African Sweatshop’, *Time*, 17 February. Available at: <https://time.com/6147458/facebook-africa-content-moderation-employee-treatment/> (Accessed: 25 April 2023); Perrigo, B. (2023) ‘Exclusive: The \$2 Per Hour Workers Who Made ChatGPT Safer’, *Time*, 18 January 2023. Available at: <https://time.com/6247678/openai-chatgpt-kenya-workers/> (Accessed: 25 April 2023).

<sup>13</sup> D’Cruz, P. and Noronha, E. (2015) ‘Ambivalence: Employee Responses to Depersonalized Bullying at Work’, *Economic and Industrial Democracy*, 36(1), pp. 123–145. Available at: <https://doi.org/10.1177/0143831X13501001> (Accessed: 7 December 2023).

<sup>14</sup> Cant, C., et al. (2022) *Fairwork Policy Brief: Work, Regulation, and AI Governance in the UK*. Available at: <https://fair.work/en/fw/publications/fairwork-policy-brief-work-regulation-and-ai-governance-in-the-uk/> (Accessed: 7 December 2023).

<sup>15</sup> The ILO defines minimum wage as the “minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective



agreement or an individual contract.” Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO’s Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

<sup>16</sup> This means not only that the rate of pay agreed with workers reaches that statutory level, but also that workers are accurately compensated for all hours worked. Underpayment (also known as ‘wage theft’) is a pervasive problem, with evidence suggesting that huge sums of value go unpaid due to unpaid overtime, and incomplete/inaccurate wage payments.

<sup>17</sup> Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.

<sup>18</sup> The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO’s Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required “so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health”, and that “where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.”

<sup>19</sup> As endorsed by the ILO’s Forty-Hour Week Convention, 1935 (No.47) and the Reduction of Hours of Work Recommendation, 1962 (No.116)

<sup>20</sup> The ILO Termination of Employment Convention, 1982 (No. 158) defines worker representative consultation as sufficient when the employer provides “the workers’ representatives concerned in good time with relevant information including the reasons for the terminations contemplated, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out” and gives “in accordance with national law and practice, the workers’ representatives concerned, as early as possible, an opportunity for consultation on measures to be taken to avert or to minimise the terminations and measures to mitigate the adverse effects of any terminations on the workers concerned such as finding alternative employment.”

<sup>21</sup> Depersonalised bullying is a form of workplace mistreatment where employees are unfairly treated not because of who they are, but because of the organization’s system or structure, constitutes a situation where harmful behaviour, like intimidation or aggression, are applied impersonally across the workforce by supervisors or managers in the name of achieving company goals.

<sup>22</sup> Workers have a right to understand how the use of AI impacts their work and working conditions. Organisations must respect this right and provide detailed, understandable resources to allow workers to exercise it.

<sup>23</sup> The automation of decision making can lead to reductions in accountability and fairness. But building in human oversight into a decision-making loop does not solve this problem. Instead, the subjects of those decisions need to be empowered to challenge them, and a renewed emphasis should be placed on the liability of those stakeholders who direct the development and deployment of AI systems in the workplace.

<sup>24</sup> A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management.

<sup>25</sup> For example, “[the company] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions.”

<sup>26</sup> If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the company, the company should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers’ queries to its communication with the existing representative body.