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Written Statement of UNITE HERE
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AI's Potential to Support Patients, Workers, Children and Families
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Chair Cassidy, Ranking Member Sanders and members of the Committee, thank you for the opportunity to present UNITE HERE's views and experience on AI and technology in the workforce.

My name is Carlos Aramayo, and I am the president of UNITE HERE Local 26, representing thousands of hospitality workers across Massachusetts and Rhode Island. These people serve food, clean rooms, and welcome guests at our casinos, hotels, universities, and sports venues.

A few weeks ago, I took my four-year-old son to Fenway Park. He was wearing a tiny Red Sox cap and clutching a hot dog bigger than his hands. For him, the park is pure magic — the roar of the crowd, the green of the field, the joy of being there with his dad.

But as I sat there with him, I noticed something troubling. Just a few sections away, a fan could walk up to an AI-powered self-checkout kiosk, grab a beer, and walk away — no one noticing if that fan was underage or already intoxicated.

That moment captured the danger of automation without accountability.

Studies about the potential for automation by sector have consistently placed hospitality at or near the top for potential impact. And we have seen this play out in the workplace. More and more, our members are impacted by various types of AI, including computer vision (like the self-checkout kiosk), machine learning, and generative AI.

In hospitality, we are seeing a deluge of AI-based technologies that modify or replace work that, when represented by a union, provides family-sustaining jobs. Cashiers are replaced by self-checkout machines in stadiums and cafeterias, robotic bartenders pour drinks, housekeepers are given room cleaning assignments by an algorithmic manager, hotel switchboards are supplemented or replaced by AI chatbots, and delivery drivers every movement is monitored resulting in disciplinary action over minor traffic violations. To be clear, none of these technologies is as good as a human being. They are, as the Nobel Laureate economist Daron Acemoglu has termed them, "so-so" technologies. In many cases, barely good enough to get the job done, and not good enough to increase productivity. Nevertheless, our employers

implement them, sometimes with very poor results. Whether the technology is job replacing or job transforming, these technologies disrupt our members' work lives.

To foreshadow our conclusions, we have come to understand that there are four different types of interventions that Congress can, and should, undertake to ensure that AI and other technologies create a more equitable society. First, Congress needs to make it easier for workers to provide input in the form of collectively bargained agreements to mediate the specific issues of implementation at specific worksites; second, we need governmental regulation to mediate the problems of bias and discrimination and to require certain levels of transparency and protections; third, we need Congress to develop policies that center the worker experience in the design and development process; and finally, Congress should provide resources for labor-management training centers to provide robust digital literacy training to adapt to new technology and to provide retraining for those whose jobs are eliminated by AI and other technologies.

How did we come to these conclusions? In 2018, UNITE HERE initiated a national technology program that includes bargaining, research and worker-centric innovation in order to get ahead of emerging technologies and prepare our members for the future.

Over the past seven years, we have successfully negotiated new language in contracts covering over two-thirds of our members. This language requires employers to negotiate with workers over the implementation and changes caused by new technology. Because of this language, we have negotiated around one hundred agreements covering hundreds of worksites in casinos, hotels, stadiums, universities and other hospitality venues. We do not oppose new technology out of hand; instead, our goal has been to ensure technology makes jobs better and safer for workers, our members are given new job opportunities created by new technology, and our members are properly supported and trained and not left behind. As a result of our bargaining, employers have to carefully consider the impacts on workflow, job quality and job satisfaction for frontline workers. Achieving this bargaining language has not been easy. As we have bargained for technology rights, in several cases, it has required a strike or the threat of a strike to achieve this basic right. It should not be this difficult for workers to have a say over the technologies in their work lives.

In our research program, we have partnered with academics from Carnegie Mellon University, New Mexico State University, University of Illinois, Michigan State University, and Stockton University to better understand the impact of certain technologies on our members and to begin to strategize ways in which to improve the implementation and management of those systems. This partnership was awarded a grant from the National Science Foundation. We are, to the best of our knowledge, the first union to be a co-grantee on an NSF grant.

The result of both our bargaining and the research is the recognition that the impact of AI and Algorithmic Management (AM) on workers is a function of both the decisions made by technology developers and the human managers who utilize it.

We believe that AI systems including AM can be useful, but only if a human being remains the ultimate decision maker. As we will describe, the consequences of taking a human out of the

loop is decision making that has the potential to harm workers, customers and the general public.

In these comments, we want to focus on three technologies that impact hospitality workers to illustrate our conclusions. By examining the particulars, we are able to draw some conclusions that can be applied more broadly.

The first technology is one that impacts hotel housekeepers. It is important to understand the reality of the work performed by our members before discussing how technology impacts it. The job of a hotel housekeeper has the highest injury rate among hospitality workers. The workers push carts weighing several hundred pounds over carpet, make up one to two beds per room, scrub bathroom floors and perform other physically challenging work. Because of the intense physical nature of the work and the ergonomic challenges of it, anything that causes a speed up or that reduces the time available for a housekeeper to do her work creates a situation where, by hurrying, she could become injured. It is not unusual for veteran housekeepers to experience chronic pain and injuries.

In pre-AI/AM technology times, a housekeeper was given a list of rooms to clean on a clipboard in the morning, and she cleaned them in an order that, based on her experience and know-how, balanced the needs of the guests, the company, and her physical wellbeing. In recent years, a variety of programs have been implemented that algorithmically manage the housekeeper. To be clear, these programs are sold by third-party vendors not the hotel companies themselves.

When given free rein, these programs "manage" a housekeeper's day in ways that no human would. To understand the impact, we asked more than one hundred housekeepers to keep a record of their daily work assignments. In one example, the program directed a housekeeper, in the course of cleaning 11 rooms (five on one floor and six on another), to alternate between the two floors four times and switch wings of the floor an additional three times.

This burdensome sequencing of rooms directed by an algorithm is a common complaint among housekeepers. The sequencing is not just annoying; it can have significant impacts on the health and wellbeing of the housekeeper and the family members that depend on her. When housekeepers have to spend time traveling between distant rooms, they are more likely to rush. Rushing can lead to injury. Even the additional travel pushing a heavy cart can cause wear and tear on their bodies.

Another hazardous situation involves the way the program assigns different types of rooms. There is a difference between rooms where the guest checks out (a "check-out") and a room where the guest remains for an additional night (a "stayover"). Stayovers rarely involve full linen changes or deep cleaning of the room. Check-outs, by contrast, do require these additional levels of cleaning and are much more work and more physically taxing.

Housekeepers who can choose their room cleaning sequence typically alternate between the two types. This gives housekeepers an opportunity to pace their work and helps minimize injuries by allowing them to reduce the strain on over-taxed muscles in between check-outs.

However, when we asked housekeepers subject to the AI programs to record their room assignments, we found cases where the check-outs were frontloaded on the housekeeper's schedule thereby creating an extremely taxing workload.

These are not pre-ordained outcomes of the software. They are management decisions (or indecisions) about how to configure the algorithm that impact the health and wellbeing of the women who provide one of the most important services in the hospitality industry.

Algorithmic management programs are created by software designers and configured by managers and reflect the biases and goals of those designers and the managers. The idea that such a program can substitute for the life experience and situational awareness of the human being doing the actual work is a harmful fallacy and is predicated on the idea that all workers are interchangeable cogs. We reject this notion. Every worker brings a unique set of skills, experiences and capabilities to the job; experienced managers focus on getting the most out of each worker's skills and supporting them in the things that are difficult. If the program is left to its own devices, this sort of algorithmic management dehumanizes labor-management relations—treating all workers the same rather than acknowledging their strengths and weaknesses.

We also want to recognize that these types of programs have increased job requirements for housekeepers. In the pre-AI/AM technology era, one did not have to be computer literate or even to have strong command of written English in order to master the job. The rise of housekeeping management programs has meant that housekeepers now need to have a fair degree of comfort with technology and, depending on how the software is configured, may need to be able to communicate in written English. As you might imagine, this causes a fair bit of anxiety and stress for some workers.

With that in mind, we believe that there are several important traits that are necessary to ensure that the systems support human labor.

1. **Transparency—**the system needs to tell the human both the tasks for the shift AND the rationale behind any suggestions as to how or in what order those tasks should be accomplished.
2. **Guidance instead of mandate**—the end user (i.e., the worker) needs to be able to use her judgment to decide how to sequence the work. Human situational knowledge will almost always result in better outcomes.
3. **Regular and ongoing training—**while developers usually advertise that their product is "intuitive," in our experience, what is "intuitive" for a software designer rarely is for a front-line worker. To get the most out of the program and for workers to not feel additional anxiety and stress from the program, they need regular training that take into account their lived experience as frontline workers, and regular dialogue about the future development of the technologies they use in their work.
4. **Preservation of data, access to records and the ability to make corrections—**these systems often store massive amounts of data (essentially a worker's entire work history on a minute-by-minute basis). For example, a full-time housekeeper can

generate 5,000 cells of data in a month. So first, we should not allow uncontrolled surveillance. Records should be kept only so long as they are needed and not indefinitely. Additionally, it is critical that workers or their chosen representatives have the ability to review the data that is preserved and correct, interpret or dispute anything that is taken out of context, fails to account for other inputs or contingencies, or represents a threat to worker or public safety and privacy concerns.

In other words, these technologies should be used as ***Algorithmic Guidance*** rather than ***Algorithmic Management***. Algorithmic Management is a series of orders by a machine that a worker has to follow while algorithmic guidance makes suggestions that workers are free to override or modify based on their familiarity with the situation, the workflow and knowledge of their own physical strengths and limitations.

These traits can and should be addressed through collective bargaining. And we have done so, we have settled agreements that give these programs the ability to recommend and not dictate—thereby, hopefully, helping housekeepers avoid injury. Congress should act to enable more workers to join unions by passing the commonsense labor law reforms in the PRO Act. Without a union to back them up workers have virtually no say in these critical decisions which impact their work lives. Having a union makes it more likely that the implementation of these technologies will be more collaborative. As with many labor issues, the best outcome is one in which the people who know the work the best, the workers, have a seat at the table and are empowered to be part of solving the problems that directly impact their work lives.

A second set of technologies involves the transfer of tasks that historically were performed by a worker to a customer. Concrete examples here would include technologies that allow self-checkout when purchasing goods like alcohol or self-check-in at a hotel. In both of these situations, a worker plays a critical public safety role. In the case of the purchasing of alcoholic beverages, be it at a ballgame at a stadium, a bar or at a retail situation, the worker ensures that the customer is of legal age and is not too inebriated to keep drinking. Drunk driving remains a problem in this country, and in public accommodations, bartenders, servers and other workers are a first line of defense to limit drunk driving, and the potential damage it can cause to innocent families. In hotels, hotel staff, and especially front-desk workers are trained to identify human trafficking. When a customer avoids checking in at the front desk, they avoid one of the key moments for human trafficking screening. Congress should make sure that AI doesn't become a way to avoid legal and moral responsibility.

Another set of technologies are those that are involved in AI-mediated hiring and other HR functions. We believe that these technologies require more direct governmental regulation because they are broader than or outside the individual worksite. For example, there is extensive literature on racial and gender bias in AI connected to hiring. AI could be used (and sometimes is) to predict behavior (union or political affiliations) or physical conditions (disability, pregnancy, etc.) that could be used by employers—knowingly or unknowingly—to discriminate against certain groups of workers. Similarly, with the rise of big data and the leakage that many apps have, Al systems could be used by employers to run continuous "life style background checks" in the same way that employers often run criminal background checks on new hires. Such checks could lead to the use of big data to find workarounds to

enable discrimination on the basis of gender, race, sexual orientation, or political or religious affiliation. Employers should not be able to violate basic laws about discrimination because an AI is involved.

Our final type of technology is one involving gig staffing of hospitality work. We believe it is a good example of the benefits that can come from centering workers in the design and development process. For the past several years, we have been working with a technology company called Goodwrx. Goodwrx aims to be a last-mile solution for hospitality staffing. It is a gig model with workers at the center of the model. For example, in Las Vegas through Goodwrx, employers can recruit temporary employees when they have exhausted their normal options. Goodwrx uses AI to match available workers with appropriate jobs. By offering these shifts with union wages and benefits, workers who don't have a full 40-hour schedule can pick up additional hours to put food on the table and to work enough hours to qualify for health insurance. The employers benefit because Goodwrx recruits from experienced hospitality workers, so they have extensive experience and skills and are ready to provide first-rate service as soon as they start. The tech puts the decisions about when and where to work in the hands of the user; it doesn't force them to accept jobs, and it uses good compensation to motivate workers to pick up additional shifts.

While Goodwrx deals with hiring, the same principle—making sure the worker is at the center of the technological innovation—should apply to all tech. Such a shift would mean creating technology that helps workers to do their jobs better, safer and more efficiently rather than replacing, deskilling or micromanaging them. In hotel housekeeping it might mean the creation of affordable self-propelled carts or technology to lift a mattress to enable housekeepers to make beds with less chance of injury.

One of the reasons that workers' voices are largely unheard in technology development within the hospitality industry is that the systems are largely designed by third-party companies, and they are meant to be sold to companies that are concerned about the bottom line. This means that the end user (the worker) experience of the program is only taken into account insofar as it helps to sell the product.

We need Congress to develop policies that lead to worker-centric design and development of technologies.

Before closing, we would be remiss if we didn't discuss the types of training that workers need in order to prepare to use these technologies. Through our work with our NSF team, we have come to realize that workers in the hospitality sector come with a wide range of tech skills. Some are digital natives and have no trouble navigating fairly complicated software. Others struggle with the software and even if they have to switch between Apple and Android devices. While almost every technology is billed as "intuitive" anyone who has ever navigated a program knows that what is "intuitive" for the programmer who designed it, is not necessarily "intuitive" for the person using it for the first time.

Like many unions, UNITE HERE has, in partnership with our employers, labor-management training centers all over the country, and those centers have begun to include digital literacy in

the programs. Labor-management training centers are the ideal places to provide this sort of training because the centers can offer hands-on training with the types of technologies that workers will see, and with trainers who are experienced with the population and their needs. Hospitality is often an entry point for new immigrants to the United States, and our members speak a wide variety of languages. The labor-management training centers are already prepared to meet workers where they are and educate them.

It isn't simply the workers who need additional training. Managers in hospitality were rarely chosen because of their digital sophistication. Ideally, they are people who understand customer service and how to organize and run departments. When called upon to use software that manages or directs employees, they can also struggle to use it well.

Congress should provide funding to labor-management training centers to prepare workers for the technology that is here, the technologies that will come in the future, and to retrain workers who lose their jobs to AI or other technologies for other jobs within their own industry. In summary, we see four roles for Congress in regulating AI and technology. First, because the implementation of technology in a particular company is so specific, Congress should take steps to enable more workers to have the ability to collectively bargain over technology by passing the PRO Act. Second, Congress must take steps to ensure that AI and other technologies that are used in the workplace do not perpetuate or exacerbate discrimination. Along with this, management and ultimate decision-making needs to remain firmly within human hands. Third, Congress should develop policies that lead to technologies being designed and developed that center the end user (the worker) in the process. Finally, Congress should provide funding to labor-management training centers to train workers on digital literacy and to retrain them in the event their jobs are eliminated.

Thank you for this opportunity to share our thoughts based on our experience and research.