AI Governance & Worker Protections in Canada

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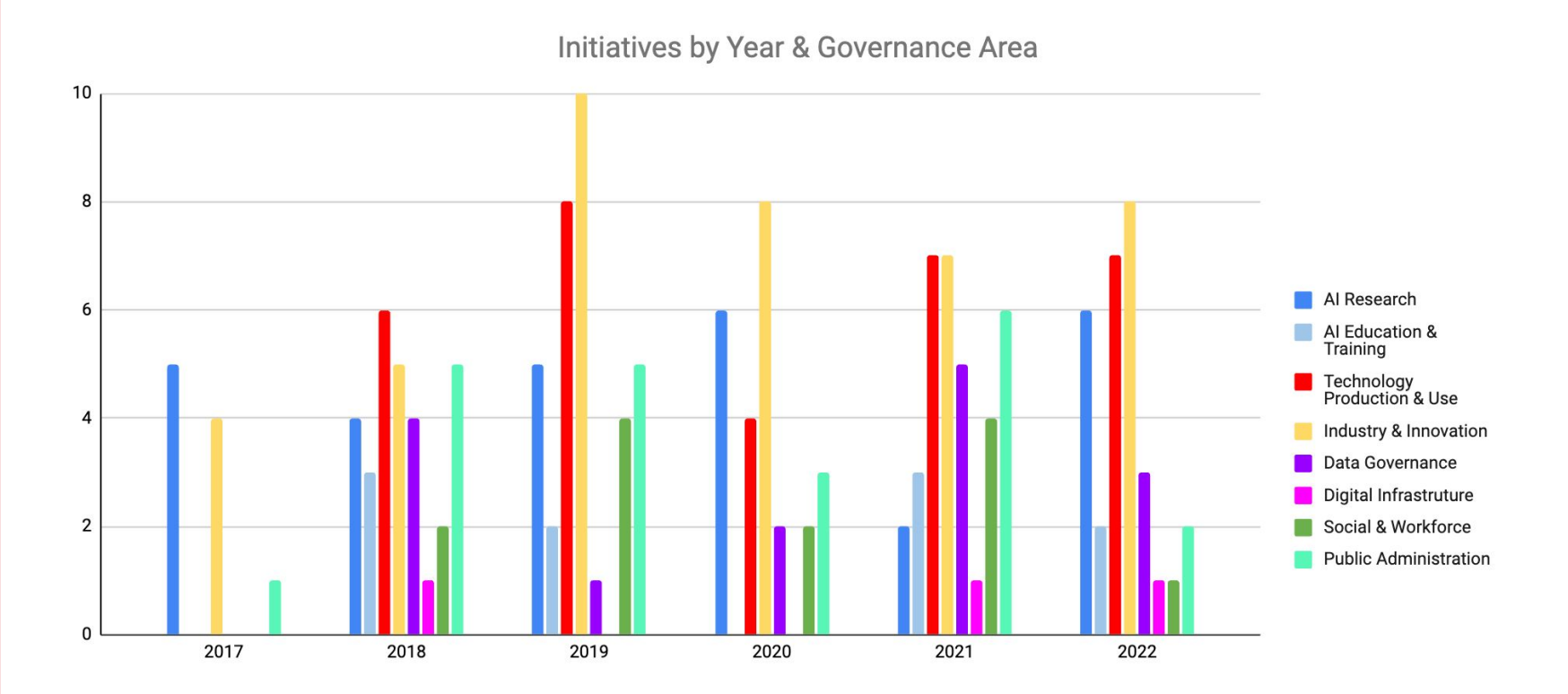
Overview

1. Canada’s AI governance landscape
2. Key AI policies & strategies in Canada
3. Challenges & opportunities for worker protection

Canada's AI Governance Landscape



- Preliminary findings from in-progress study co-authored with Ana Brandusescu (McGill University): distribution of governance areas across 87 AI governance initiatives of Canadian federal and three provincial governments

Pan-Canadian AI Strategy

https://cifar.ca/ai/

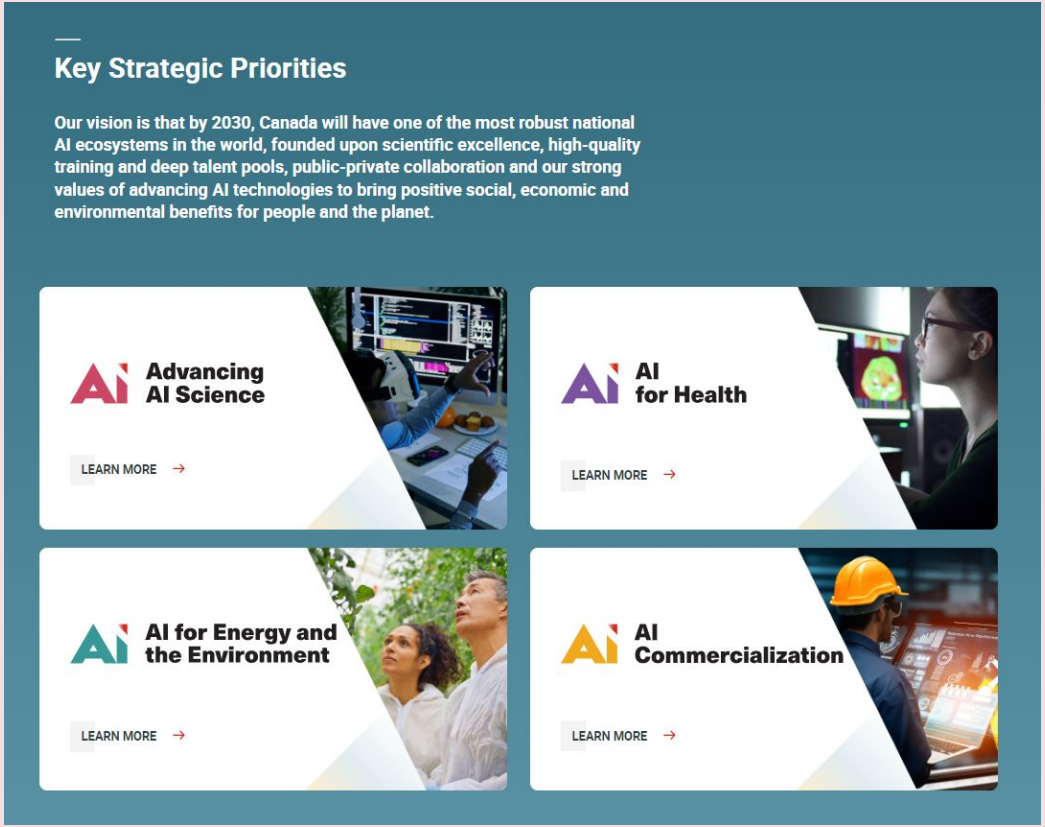
- Commissioned by Innovation, Science and Economic Development Canada, launched by the Canadian Institute for Advanced Research (CIFAR) in 2017 with **$125 million** budget

- Phase One programs included National AI Institutes, AI Research Chairs, AI Futures Policy Labs, Solution Networks, and training activities

Pan-Canadian AI Strategy

- Phase Two began in 2022: **$440 million** for programs including National AI Institutes, AI commercialization, AI standardization, research & training, and computing infrastructure

- Greater emphasis on **targeted economic development** than Phase One



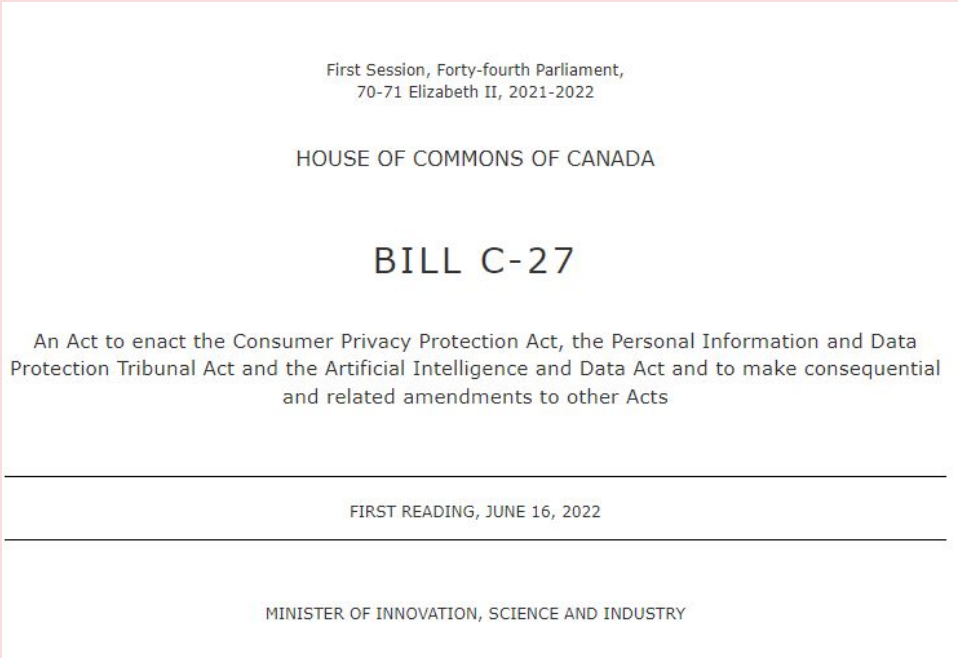
https://cifar.ca/ai/

Bill C-27

- "Digital Charter Implementation Act" - Originally tabled in Parliament as Bill C-11 in 2020, re-worked & re-tabled as Bill C-27 in 2022 following federal election of 2021

Three main functions:

- New protection measures for consumer privacy (e.g., data transfer & use requirements)
- Creation of new Data Protection Tribunal to enforce those measures
- New general responsibilities for persons & companies using AI systems



First Session, Forty-fourth Parliament,
70-71 Elizabeth II, 2021-2022

HOUSE OF COMMONS OF CANADA

BILL C-27

An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts

FIRST READING, JUNE 16, 2022

MINISTER OF INNOVATION, SCIENCE AND INDUSTRY

https://www.parl.ca/DocumentViewer/en/44-1/bill/C-27/first-reading

Directive on Automated Decision-making

Government of Canada | Gouvernement du Canada

Home ➔ How government works ➔ Policies, directives, standards and guidelines

Directive on Automated Decision-Making

The Government of Canada is increasingly looking to utilize artificial intelligence to make, or assist in making, administrative decisions to improve service delivery. The Government is committed to doing so in a manner that is compatible with core administrative law principles such as transparency, accountability, legality, and procedural fairness. Understanding that this technology is changing rapidly, this Directive will continue to evolve to ensure that it remains relevant.

Date modified: 2021-04-01

- Put into force by the Treasury Board of Canada Secretariat (TBS) in 2019, specifies operational requirements for automated decision-making in federal institutions
- Accompanied by the **Algorithmic Impact Assessment** tool: divides system risk into multiple categories that require various mitigation measures based upon a broad set of expected system impacts

Level	Description
I	The decision will likely have little to no impact on: • the rights of individuals or communities, • the health or well-being of individuals or communities, • the economic interests of individuals, entities, or communities, • the ongoing sustainability of an ecosystem. Level I decisions will often lead to impacts that are reversible and brief.
II	The decision will likely have moderate impacts on: • the rights of individuals or communities, • the health or well-being of individuals or communities, • the economic interests of individuals, entities, or communities, • the ongoing sustainability of an ecosystem. Level II decisions will often lead to impacts that are likely reversible and short-term.
III	The decision will likely have high impacts on: • the rights of individuals or communities, • the health or well-being of individuals or communities, • the economic interests of individuals, entities, or communities, • the ongoing sustainability of an ecosystem. Level III decisions will often lead to impacts that can be difficult to reverse, and are ongoing.
IV	The decision will likely have very high impacts on: • the rights of individuals or communities, • the health or well-being of individuals or communities, • the economic interests of individuals, entities, or communities, • the ongoing sustainability of an ecosystem. Level IV decisions will often lead to impacts that are irreversible, and are perpetual.

https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32592

Notable Ontario Initiatives

- **Artificial Intelligence Guidance:** Launched by Ontario Digital Service in 2021. Specifies **6 principles for ethical use** of AI and **8 best practices** for AI transparency in Ontario's public sector.

  https://www.ontario.ca/page/artificial-intelligence-ai-guidance

- **Written Policy on Electronic Monitoring of Employees:** Added to the Employment Standards Act in April 2022, requires employers with 25 or more employees to maintain a written policy describing how and why they electronically monitor employees.

  - **Does not mandate any worker protections** or cover AI specifically.

  - Does not "affect or limit an employer's ability to use information obtained through the electronic monitoring of its employees **in any way it sees fit.**"

https://www.ontario.ca/document/your-guide-employment-standards-act-0/written-policy-electronic-monitoring-employees

Worker Protection Challenges

- Canada currently has **no policy or strategy** with a distinct focus on **protecting workers** from harmful practices of AI development and use.

- AI-related workforce policy focuses on role of AI in skills/talent development, economic development, and hypothetical labor displacement scenarios. **No focus on worker rights** and **workplace safety.**

- **No prohibitions or restrictions** targeted at high-risk AI applications like automated employment decision-making or employee surveillance.

- **No targeted regulations** for vulnerable workers in the AI value chain such as data workers or content moderators.

Worker Protection Opportunities

1) AI policy & industrial strategy can't focus only on consumers and innovation: need greater focus on **workers** and **safety**.

2) **Application-specific policies** like those of the European Union's *AI Act* can be adapted to institute worker protections (e.g., by prohibiting/restricting specific uses of automated hiring tools or facial recognition in the workplace).

3) Re-think AI ethics as a **value chain ethics**: this will enable ethics guidelines and policy interventions to better protect workers across the full spectrum of resourcing activities that are required to create and operate AI systems (e.g., including data collection from electronic monitoring of employees).

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Further Reading

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