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ETUCE position on

Ethical guidelines on Artificial Intelligence and data usage in education

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Background:

In the framework of the implementation of the [Digital Education Action Plan \(2021-2027\)](#), the European Commission set up a one-year Expert Group to support the development of '**Ethical guidelines on artificial intelligence (AI) and data usage in teaching and learning for educators**' (In the below text, "the Guidelines"). In February 2022, the EU Commission launched [a survey](#) directly asking teachers for their feedback and suggestions on the content of the Guidelines. Some ETUCE member organisations also participated in this survey. Besides, on 28 March 2022, an ETUCE representative participated in an ad-hoc consultation organised for the members of the ET2030 working group on digital education to inform the work of the Expert Group.

While the draft content of the Ethical Guidelines is not available yet, the text is expected to be finalised by the Expert Group and put forward by the European Commission by autumn 2022.

The following ETUCE position expresses the view of education trade unions across Europe on the initiative of the Guidelines only. Its content is grounded in the [ETUCE Resolution on Artificial Intelligence in the education sector \(2021\)](#) and consultation with ETUCE member organisations. For a more extensive overview of the ETUCE position on the topic of AI in education, please consult the:

- [ETUCE position on the EU Regulation on Artificial Intelligence \(June 2021\)](#).
- [ETUCE Statement on the European Commission White Paper on Artificial Intelligence \(March 2020\)](#).

The consulting process and social dialogue:

ETUCE welcomes the EU Commission's initiative in a context where AI systems are rapidly impacting the education sector. However, ETUCE remarks that **while AI can offer new solutions for educational pedagogies**, among other existing pedagogies, **AI systems utilised in education present several risks in terms of equity, security, privacy, and human rights**.



In order for these risks to be duly addressed, it is necessary to adopt a **particular level of caution and engage in extensive consultation with education social partners and education stakeholders**. In particular, **close cooperation and concrete dialogue with education trade unions are crucial to take into account the impact that AI systems and data usage have on teachers, students, and educational pedagogies**.

While ETUCE acknowledges the EU Commission's effort to engage with the teaching profession through a [Survey](#) addressing the teachers directly, ETUCE also remarks that the survey in question only gathered a few thousand answers from teachers across Europe which cannot be representative of the diversity of millions of teachers across Europe. In this respect, concrete social dialogue with education trade unions is more adequate to ensure that the interests of teachers, particularly more disadvantaged groups are adequately represented.

In addition, as the impact of AI systems and data usage in education is still being explored and important proposals of legislation (e.g., AI Act, Data Act) are being negotiated, it is regrettable that the **work around the Guidelines was rushed with a very tight timeline** (as also remarked by the members of the Expert Group in their second meeting) without allowing for adequate consultation and social dialogue. In the framework of this initiative, education trade unions were only consulted during an ad-hoc consultation organised for the ET2030 Working Group on Digital Education (28 March 2022) with a very restricted room for participation.

Therefore, **ETUCE demands that the EU Commission provides education trade unions with further opportunities for consultation on this initiative ahead of the adoption of the Guidelines**. Besides, as the draft content of the Guidelines is not publicly available, **ETUCE expects the draft version of the Guidelines to be opened to consultation among the education stakeholders, including education trade unions**.

The scope of the Guidelines:

As with this initiative, the EU Commission and the Expert Group only focus on the "use" of AI systems, ETUCE underlines that **in order for AI to produce ethical outcomes, trustworthiness must be ensured during the entire lifetime of AI systems in education**. With this view, ETUCE demands that the scope of the **Guidelines is broadened to include ethical issues stemming from the selection, use, and monitoring of the AI systems in the education sector**.

It is also essential that this initiative is developed in coherence with other legal and non-legal EU initiatives on Artificial Intelligence and data, including the GDPR Regulation, the Proposal for an AI Act and Data Act as well as the initiatives within the Digital Education Action Plan (e.g., the updated DigiComp 2.2, the upcoming Guidelines on disinformation and digital literacy, as well as the proposals for Council Recommendations on Digital Skills and Enabling Factors for Success).

Nevertheless, as the [proposal for a EU Regulation on Artificial Intelligence](#) is expected to provide harmonised rules for AI systems, the Guidelines must ensure the setting up of ethical principles for the use of AI systems and data usage in education. By doing this, it is essential that the Guidelines respect **the domains subjected to EU legislation such as designing, training, governance, and monitoring**.

ETUCE further remarks that while **the Guidelines** can be a starting point for setting up ethical principles for the use of AI in education, **they must respect the national competences of member states in education and should answer to the needs of each context, without applying a one-size-fits-all approach.**

Target group of the Guidelines:

While this initiative mainly addresses teachers, trainers, and education personnel, ETUCE remarks that the ethical responsibility to make proper use of AI systems should not only rely on teachers, academics, and other education personnel. Besides them, **a wide range of actors must be responsible for contributing to the ethical use of AI systems in education.**

Therefore, ETUCE calls on the Expert Group and the EU Commission to extend the target group of the Guidelines to cover all actors involved in the selection, use, and monitoring of AI systems in education. These include policymakers, education authorities, school leaders, and education institutions, but also EdTech companies, and AI system operators, which at the moment seem to be excluded from the target group of the Guidelines.

Content of the Guidelines:

While ETUCE welcomes the work of the EU Commission and Expert Group to put forward Ethical guidelines on Artificial Intelligence and data usage in education, **ETUCE also remarks that the Guidelines cannot replace the need for binding legislation at EU and national levels on AI systems and data usage.**

With this view, ETUCE underlines issues such as **the a) role of EdTech in Education, b) Intellectual Property Rights of Teachers, c) Data Privacy of teachers and students, d) Non-discrimination and inclusiveness in the design and use of AI systems** must be the object of binding measures whose development still requires efforts from EU institutions and member states.

Therefore, ETUCE calls on the EU Commission and the Expert Group to **refrain from putting forward recommendations that risk deregulating the sector.** Conversely, the Guidelines should make good arguments for advocating robust legislation to safeguard teachers and students from the misuse of AI systems and data usage. In this regard, ETUCE calls on the EU Commission and the Expert Group to take into account the [ETUCE position on the EU Regulation on Artificial Intelligence \(June 2021\)](#) which extensively presents the demands of education trade unions on the abovementioned issues.

In addition to issues addressed in the ETUCE position on the AI Regulation (June 2021), for the purpose of this initiative, ETUCE urges the EU Commission and the Expert Group to consider that:

- **Education is a human right and public good, not a commodity:**

While AI systems in education are hailed as means to improve the learning opportunities and reduce the workload of teachers, **research shows that so far, AI has not been implemented in education to improve the benefit of teachers and students.**

Conversely, education is increasingly considered a profitable market by private AI system operators and EdTech companies which have been increasingly expanding their businesses at all levels of education while making unprecedented profits. ETUCE further warns that the increasing role of EdTech in education risks undermining the existing national definitions of education as a public good and a human right. In this regard, ETUCE urges the EU Commission and the Expert Group **to clearly state in the Guidelines that education is not a commodity**. ETUCE further demands that **the entire framework of the Guidelines is built around the main pillars of education as a human right and public good**.

- **AI must be compatible with holistic education:**

Within its holistic mission, education plays a crucial role in ensuring pedagogies that foster the development of the full potential of each student while leaving no one behind.

With this view, it is essential that the Guidelines include the requirement for AI systems to be carefully integrated within the overall education mission to enable each student to develop their critical self-reflection skills so that they can become responsible and active citizens. To this scope, it is essential to respect the professional autonomy and academic freedom of teachers and academics in freely choosing whether to adopt AI-based systems in their pedagogies.

- **A common understanding is needed of what AI in education can(not) do:**

There is a common consensus on defining education as a high-risk sector for the implementation of AI systems. Consequently, AI should be handled sensibly and carefully, as a high-risk factor giving rise to a need for ethical guidelines complementing the robust binding EU and national legislative measures. ETUCE believes that the Guidelines should encourage each educational environment to discuss and **reach a common understanding of what artificial intelligence systems should be allowed to do in education, and what they should not be allowed to do**. To this aim, the Guidelines must:

- Draw up a **categorisation of all existing applications of AI in education** to have a concrete overview of what AI for education consists of.
- Identify common ethical principles for the use of AI systems in education. These include that AI should ensure human control, fairness, inclusiveness, non-discrimination, and safety.
- Recommend that teachers and school leaders can develop a **critical view of both the potentials and risks of using a specific AI in education**, including from an ethical perspective. This can vary depending on each educational context and requires **adequate training for teachers, academics, education personnel and school leaders both in initial education and continuous professional development**.
- Concretely, in each education institution there should be a **common understanding** among school leaders, teachers, students, and parents **on the ethical uses of each AI system for education**.

- **Adequate teacher training remains an unaddressed need:**

The findings of the [ETUCE study on challenges and opportunities for the education sector in the digital era](#) show that across Europe, **50% of teachers feel they do not have adequate skills to adequately deal with digital tools**. More interestingly, almost **65% of education trade unions report that teachers have not received effective and quality professional training on digital pedagogies**. Against this backdrop, it is essential that the Guidelines:

- Urges the development of **adequate initial education programmes and quality and accessible professional development opportunities** within the working time to meet the needs of digital skills, digital literacy, and pedagogies for digital education, including AI systems and data safety.
- To this scope, while the dissemination of **online resources and massive online courses** on AI and data safety can act as complementary tools for training, these **should not be interpreted by education authorities as a pretext to replace quality initial education and continuous professional development for teachers**.
- Call for increased technical educational staff to support teachers in addressing the opportunities and challenges of AI systems and data usage in education.
- Encourage the integration of **digital literacy and provision of digital skills** with educational curricula in accordance with the holistic mission of education.

- **Teachers and education trade unions are rarely involved in the decisions concerning AI in education:**

While in its position on the AI Regulation ETUCE demanded concrete involvement of teachers in the design and training of AI systems, regarding the use of AI systems in education, ETUCE underlines that the **teachers and education trade unions are rarely consulted by the education institutions and education authorities on the decision of using artificial intelligence systems in education**. Conversely, ETUCE recommends that the Guidelines include:

- Ensuring meaningful involvement of education workers and education trade unions **in the decision to introduce an AI system in education or not**.
- No AI-based system should be introduced within education pedagogies without adequate consultation with and consent of teachers, academics, and other education personnel.
- A clear call for **collective agreements and collective bargaining** with education trade unions. This is essential to ensure that the interests of education workers are respected. In this context, the [European cross-sectoral agreement on digitalisation](#) should serve as a guideline for further sectoral negotiations at national, regional and local levels.
- Before an AI system is implemented within education, **there must be a regular risk assessment and monitoring of the opportunities and challenges of an AI system within education settings**. This should be done jointly by social partners and should take into account the needs of all teachers and students, with particular attention to addressing the biases. This can be done, for instance, by nominating an **advisory committee within the education institutions, which should include, among others, the representatives of teachers** (e.g., by instituting the role of a digital and data safety officer).

- Rely on the professionalism of teachers to assess the pedagogical impact of AI systems and data usage in education.
- During the implementation phase of AI systems in education, there must be **regular monitoring, follow-up, and evaluation** of the effectiveness of the AI systems.

**The European Trade Union Committee for Education (ETUCE) represents 127 Education Trade Unions and 11 million teachers in 51 countries of Europe. ETUCE is a Social Partner in education at the EU level and a European Trade Union Federation within ETUC, the European Trade Union Confederation. ETUCE is the European Region of Education International, the global federation of education trade unions.*