Committee Policy Document

Topic 1: Addressing the International Liability of Artificial Intelligence (AI)

Disclaimer: none of the below perspectives represent dais staff personal views and any perspectives brought up are for the purpose of generating discussion and providing starting points for debate/research.

Background

Artificial Intelligence (AI) has taken the world by storm through rapid tech development and wide-spanning application in science, industry, military, and the public use. To put it simply, AI is a wide-ranging branch of computer science that builds machines and software capable of performing tasks that would usually require human intelligence. AI systems can be found in self-driving cars, surgery robots, automatic drones, etc. These systems have led to massive progress in the 21st century and advancement in medicine, military, and more.[1]

However, like everything else, there is a possibility of AI systems failing to perform. Failure to perform can result in serious harm to people and the planet. For example, if an automated drone was to crash and kill hundreds of innocent people, or a self-driving truck of oil spills into the ocean, or a surgery robot misses a fraction of a centimeter and creates an incision where it should not have, there are real consequences to the actions of AI. Typically, if someone is injured or harmed by another person (whether intentionally or not), they can pursue legal remedies through lawsuits called torts. For example, if you were hit by a car and hurt your leg, you could sue the person that was driving that car with the allegation that they committed a tort of battery against you. In general, when people make mistakes while performing tasks such as driving or surgery, they can be sued and even held liable for harming the injured party through

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[1] https://builtin.com/artificial-intelligence

the courts. However, what happens when the party causing the injury is not human? Who is liable?[2]

The idea of suing AI for injuring someone is not as easy as it might sound because current AI tech is not yet considered the same as fully functioning responsible adults; ie. they rely on their manufacturers and are not fully acting of their own volition. One of the key principles in common law is that the loss must be able to be foreseen. This means that the injury should be somewhat expected in a cause and effect chain, raising the question of whether manufacturers can foresee the harms that their AI could cause. Some businesses will protect against this by having a provision in their sale of products contracts by excluding liability for defective AI - in simple terms, it is not their fault if something goes wrong with the AI.[3] If countries establish that AI does have full legal responsibilities due to the ability to process rationally and make independent decisions, then who would pay the damages that the injured party deserves if the AI is liable? With greater technological progress, it will become harder to establish how criteria used in current legal traditions can be applied to AI.

Current Events

As AI abilities grow and technological advancements continue to progress, people are questioning the ethics and legality of AI-based actions and tech companies that run AI programs. The following events are currently taking place around the world because people want to hold AI accountable to the law.

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[2] https://cms.law/en/gbr/publication/artificial-intelligence-who-is-liable-when-ai-fails-to-perform

[3] https://www.dlapiper.com/en/spain/insights/publications/2021/10/man-vs-machine-legal-liability-artificial-intelligence-contracts/

Lawsuits against Clearview AI to restrict use of facial-recognition technology

Clearview AI amassed a database of more than 3 billion photos of individuals by gathering data on sites such as Facebook, Twitter, and Google to develop one of the biggest facial-recognition databases (bigger than the FBIs). It uses algorithms to map the photos in the database to construct a "faceprint." While the technology can help law enforcement agencies to determine people's identities, lawsuits were filed in Alameda County Superior Court regarding violations of privacy and protected political speech and activity[4]. There are claims that Clearview AI enhances law enforcement agencies' efforts to monitor activists immigrants, people of colour, and anyone labelled a dissident of the state.

It also faced scrutiny internationally when France's Commission Nationale made an announcement indicating that Clearview AI violated Europe's General Data Protection Regulation (GDPR)[5]. Similar to the California lawsuit, the French regulatory committee is asking Clearview AI to delete its library, databases, and sources of the billions of people in the data.

McDonald's Replacing Workers With AI

McDonald's AI practices have long been seen as an example of replacing people's jobs with AI as in with the automated kiosks reducing the number of employees necessary at each location. Recently there was a lawsuit filed in Chicago regarding AI replacing DriveThru workers[6]. McDonalds claims the AI helps to have a consistent greeting and remain calm under pressure with the added ability to suggest popular items to improve customer experience. This

[4] https://www.latimes.com/business/technology/story/2021-03-09/clearview-ai-lawsuit-privacy-violations
[5] https://www.techtimes.com/articles/269483/20211216/clearview-ai-hit-lawsuit-france-asking-delete-data-worth-10.htm
[6] https://thepremierdaily.com/mcdonalds-replacing-drive-thru-workers-with-ai/

raises the question of AI in the global market and opens the scope of debate to include concerns about economic conditions about the job market. Some claim that it reduces the need for employees while others claim that the human employees can be focused on having an improved work experience or get higher level jobs.

Class Action lawsuit against Tesla in 2017:

There have been accusations that Tesla is selling vehicles with a defect that causes unexpected and dangerous acceleration. There was a high profile case where a Tesla Model 3 accelerated without command, ran off a public highway, and struck an office building which killed an office worker in the impact. In another incident, a consumer was trying to park their car and ended up ramming across the parking lot into the wall of a Subway restaurant, resulting in serious injuries to his family[7]. Many plaintiffs with similar experiences have come together to bring legal action against Tesla for these AI-related issues.

Questions to Consider

- What social, economic and political factors will the LEGAL committee have to consider in its resolution drafting?
- How will different nations address the legality associated with the transfer of information between corporations and other transnational entities?
- Consider the role of the government in the promotion of the protection of data privacy.

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[7] https://topclassactions.com/lawsuit-settlements/consumer-products/auto-news/tesla-class-action-lawsuit-alleges-acceleration-defect/

- The European Union has strict legislation on the transfer of data between consumers and third parties. How could statutes in different economic regions affect AI in the broader international community?

Terminology

Artificial Intelligence: creating systems and programs that function in the same manner as a person.

Machine Learning: technical concept of creating and training machines to build upon stimuli in order to better execute an objective or program.

Liability: being responsible for something by law.

Common Law: legal tradition distinguished by judicial precedent and one of the main systems of law (the other one is civil law which is where statues are more predominant than legal precedence in the courts).

Tort: a civil wrong that causes someone to suffer loss or harm.

Plaintiff: also known as a claimant is the party that suffered a loss or harm and is suing someone else.

Defendant: the party being sued and accused of doing something wrong.

Class Action: multiple parties that have something in common suing one person (ex. Many people coming together to sue Tesla).

Damages: the financial compensation that a plaintiff receives if they win the lawsuit when the judge rules in favour of the plaintiff and against the defendant (ie. defendant is guilty and the courts say they are responsible for the injury that the plaintiff suffered).

Additional Resources

Background on AI risks:

https://www.npr.org/2021/09/16/1037902314/the-u-n-warns-that-ai-can-pose-a-threat-to-human-rights

A study done on racial bias of AI:

https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing

Building accountability into AI: https://hbr.org/2021/08/how-to-build-accountability-into-your-ai

Increasingly popularity in the movement:

https://www.wired.com/story/movement-hold-ai-accountable-gains-steam/

Digital age Privacy Laws:

https://www.ohchr.org/EN/Issues/DigitalAge/Pages/cfi-digital-age.aspx

AI Laws:

https://www.forbes.com/sites/cognitiveworld/2020/02/20/ai-laws-are-coming/?sh=2242b29fa2b4

UN News: https://news.un.org/en/story/2021/09/1099972

Legality + Human Rights:

https://www.sciencedirect.com/science/article/pii/S2666659620300056

UN action on AI against Human Rights:

https://www.washingtonpost.com/world/2021/09/15/un-ai-moratorium/

Topic 2: Addressing the Legal Right of Workers to a Livable Wage

Background

As our modern world has developed and changed, the complexity of national and international economies have only grown. However, the basic human needs of every individual human, such as food and shelter, have remained the same through changing costs, growing inflation and shifting labour practices. The Universal Declaration of Human Rights, accepted by the United Nations General Assembly in 1948, states in its Article 23 that "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection"[8]. But the question still remains, what is the best way to accomplish this?

Around the world, free market capitalism is typically what determines wages for workers (often in combination with a national or regional minimum wage), with wages rising and falling in correlation with the supply and demand for labour. Hypothetically, this will ensure that wages meet the needs of those being paid, since workers can simply choose not to work for employers offering less than a living wage, and this will force the wages to rise. This also takes into consideration the issue of unemployment, since companies can afford to hire more people, allowing people who have less experience or training to have more opportunities for employment. However in many situations, the free market on its own is not sufficient to ensure that workers are being provided with a livable wage.

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[8] https://www.un.org/en/about-us/universal-declaration-of-human-rights

Most countries have instituted a mandatory minimum wage, which varies greatly around the world depending on the goal of the government and the context of the country's economy, but few minimum wages are high enough to be considered livable (as in, working full time at the country's minimum wage is not sufficient to cover all basic needs). This is particularly problematic in regions with less restrictive labour practices, in which workers may be in dangerous or inhumane working conditions, while not receiving high enough wages to cover their basic needs. Even in countries with higher minimum wage, it is difficult to gauge exactly what a livable wage entails. Increases in living expenses due to inflation typically happen more quickly than governments raise the minimum wage. As well, the question of what a "livable wage" should cover is contentious, and the amount of money needed by different people to attain a reasonable quality of life is different. For example, should the livable wage be enough to provide for an individual, or should it account for people with families that depend on them financially? Where minimum wages are not sufficient to meet many people's needs, the individuals may need to get an additional job, or depend on government subsidies.

Although this may initially seem like an issue that every country can settle domestically, with their own minimum wage, there are international factors to consider. The success of many international businesses depends on lower wages and less strict labour practices in other regions (particularly developing countries). This brings more job opportunities to those regions, and may provide chances for economic growth within the country. However, though there are more opportunities, the fact that the companies are there to lower their costs mean that (as mentioned in the previous paragraph), often workers are not being paid a livable wage, and these opportunities can look more like exploitation. This also places the region at the mercy of

consumers in developed countries, whose demands shape the industries and employment opportunities available to them. It is also important to consider the discrepancies between purchasing power in different countries. For example, the minimum wage in Alberta would be far greater than the minimum wage necessary to meet their basic needs in Mexico, as the cost of living is so much lower.

Current Events

The effect of Covid-19

Since Covid-19 first emerged in late 2019, it has had immense effects on the world economy, and in particular on income inequality. In February 2020, stock markets plummeted, reporting the greatest single week declines since the 2008 financial crisis.[9] The worldwide financial downturn led to widespread unemployment, not only due to companies losing money on the stock market but also a lack of consumer support for brick-and-mortar stores and restaurants, and disruption in supply chains and industry because of Covid-19 safety measures and sick workers. In contrast, Covid-19 also led to a vast increase in the fortune of the ultra wealthy. American billionaires alone gained approximately $1.2 trillion between January 2020 and April 2021[10].

Amazon Workers' Protests

In November 2021, over the Black Friday weekend, Amazon factory workers and delivery workers in several countries protested for higher wages and improved working conditions, in a

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[9] https://fraser.stlouisfed.org/timeline/covid-19-pandemic#13

[10] https://www.forbes.com/sites/chasewithorn/2021/04/30/american-billionaires-have-gotten-12-trillion-richer-during-the-pandemic/?sh=4efee137f557

global protest called for by Make Amazon Pay, an international organization of unions and activists. The protests were supported by labour unions in Italy, Germany and France, where the largest protests occurred. The protests were triggered by frustration about the growing disparity between the massive increases in Amazon's profit throughout Covid-19 pandemic and the low wages provided to workers, as well as frustration with excessive hours and inflexible shifts for workers, employee surveillance, a lack of commitment to environmental sustainability and insufficient Covid safety measures. In response to the Italian union representatives, Amazon claimed that they "already offer what these groups are asking for — excellent pay, excellent benefits and excellent opportunities for career growth, all while working in a safe, modern work environment"[11].

Where Countries Stand

Western democracies are expected to ensure that all citizens have the opportunity to make a livable wage. Most democratic nations have established a federal minimum wage but allow provincial governments to implement any minimum wage above this value. As businesses are offered freedom of commerce, it is difficult for a democratic government to regulate wage without impeding on employers. Similarly, a nation that relies on a capitalist approach would be reluctant to enforce a livable wage as it affects private corporations. Rather than implementing a government regulation, the capitalist nation would prefer to encourage private businesses to negotiate with employees and decide on a wage that is acceptable to both parties. If companies do not provide an appropriate wage and benefits, employees are free to join and form unions in a capitalist society to pressure employers to change their policies. In contrast, a socialist society has set rules and regulations administered by the government that employers must follow when

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[11] https://www.cnbc.com/2021/03/22/amazon-workers-go-on-strike-in-italy-over-labor-conditions-.html

paying their employees and offering benefits. The government ensures that all citizens are paid a living wage while allowing businesses freedom in the way they sell their products and services. The minimum wage in socialist societies mitigates the power gap that may exist between employees and employers.

Notably, authoritarian nations usually have an uneven distribution of wealth as there are little to no minimum wage laws. In addition to this, citizens are expected to follow laws and are prohibited from forming groups that argue set laws such as unions. Depending on the side of the political and economic spectrum the authoritarian nation lies on, corporations could be completely privatized (with no government regulations) or owned by the government; both cases result in a difficult situation for employees desiring a livable wage.

Questions to Consider

- Countries such as the United States and Canada allow provincial and state governments to determine minimum wages in their economic region. What jurisdictional level should determine the minimum wage for a given economic community?
- Can the LEGAL committee account for the differences in disposition between nations in its deliberations on what constitutes a livable wage?
- Consider the broader economic ramifications of set wages in free market economies?
- Consider the different economic and political systems used in different nations? Can common definitions and standards apply to unique nations?

Terminology

Livable wage: Estimated income required for an individual to afford necessities for living in a particular society.

Minimum wage: The lowest wage allowed by law that an individual can be paid.

Additional Resources

UN Global Compact encourages business to pay workers a living wage,

https://www.unglobalcompact.org/news/4704-06-09-2021

A CEO's take on the living wage,

https://www.weforum.org/agenda/2021/03/living-wage-business-government-changes/

Raising wages: an urgent imperative, https://www.ethicaltrade.org/issues/living-wage-workers

International Labour Forum: Global Forum on Living Wages

https://laborrights.org/issues/living-wage

Poverty Wages: Clean Clothes Forum

https://cleanclothes.org/poverty-wages

Global Living Wage Forum

https://www.globallivingwage.org/