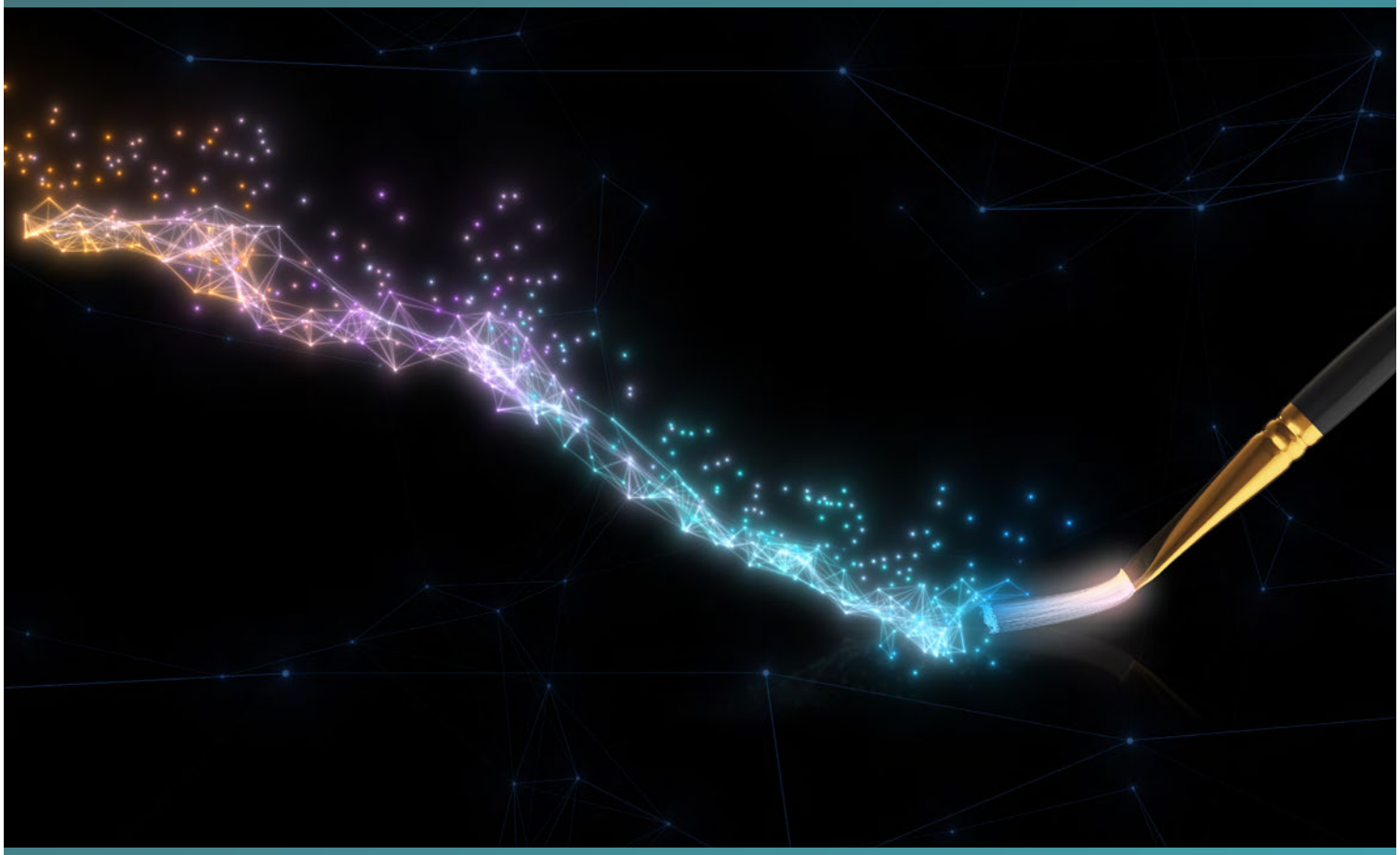


AI FOR CREATIVE WORKERS

A TUC MANIFESTO

TUC
Changing the world of work for good

CONTENTS

OVERVIEW

This manifesto outlines our values and proposals for addressing the impact of artificial intelligence (AI) on creative work and workers. While we focus on the creative and education sectors, our manifesto advocates for the interests of all workers who generate intellectual property or use their likeness while at work, including writers, performers, educators and others.

The creative and education sectors are vital to the UK's economy, social cohesion and cultural identity. Creative workers are key contributors to AI development but face economic vulnerability if their rights are not protected. The rapid development of AI technology requires a response which centres the rights and interests of creative workers.

Values

These are the values we consider fundamental to ensure this technology benefits all:

- **Transparency:** Technology companies should provide clear information about how the technology operates and the data it is trained on. This is crucial for informed consent and preventing misinformation.
- **Consent and agency:** People should be able to decide on how they engage with this technology and should be able to withdraw consent.
- **Human creativity and connection:** Human creativity has inherent value and should be safeguarded. Human input is essential for the quality, authenticity and emotional resonance of creative work.
- **Rights protection and preservation:** The development and deployment of technology should respect, preserve and support workers' rights and intellectual property rights.
- **Benefit-sharing, compensation and remuneration:** The gains from this new technology should be shared fairly with workers so they are compensated and can continue to contribute.
- **Technology 'for-and-by' creative workers:** AI should be designed with creative **workers to meet their needs.**
- **Training and skills development:** Digital literacy and traditional skills training are essential for safe and effective technology use.
- **Consultation and collective representation:** Creative workers and unions should be involved in technology design and deployment decisions.
- **Collaboration:** Increased collaboration between technology stakeholders and creative workers is needed.
- **Equality, inclusion and cultural diversity:** Technology should uphold equality, inclusion, and cultural diversity, avoiding content homogenisation.

Proposals

These proposals take forward the values outlined above:

- **Labelling of machine-generated outputs:** Clear labelling should be in place to differentiate machine-generated outputs from human-created content.
- **Opt-in for data mining and AI training:** The use of human-generated materials should only be permitted if creative workers and rights holders have given their permission and consent.
- **Right to remove content from training datasets:** The government should recognise a right to remove content from training datasets and ensure there are clear **enforcement routes.**
- **Fair contracts:** Safeguards should be put in place against unfair terms and practices in contracts, which often arise because creative workers can be vulnerable in contractual negotiations.
- **Preserved and increased intellectual property rights:** Government should confirm and uphold the principle that data mining for AI training without consent is an infringement of intellectual property rights and increase protection for creative workers in response to the new technology.
- **New likeness rights:** New rights should be implemented to protect workers' likenesses from being used without their consent, such as in 'deepfakes'.
- **Remuneration schemes and licensing agreement:** There should be licensing and compensation mechanisms for data mining and AI training so that they can be carried out legally with informed consent and fair remuneration of workers.
- **Credits and rights communication:** Workers should be clearly and consistently attributed for their work when it is used by technology companies.
- **Disclosures:** Technology companies should clearly disclose how their technology operates and what data it has been trained on.
- **Accessible legal redress:** There should be user-friendly and timely fora for rights enforcement, backed up with strong sanctions such as fines.
- **Harmonised protection of creative workers:** Governments should collaborate to prevent regulatory disparities which could encourage 'jurisdiction shopping'.
- **Independent AI regulatory body:** The government should establish a regulatory body, with social partner representation, to oversee and regulate the deployment of AI.
- **Support for sector-specific and rights-compliant AI:** There should be co-operation between workers' unions, technology leaders and government to support AI technology tailored to the usage needs of creative workers.
- **Specialised training and guidance:** The government, further and higher education organisations, as well as unions should provide training opportunities for creative workers on data, technology and rights relevant to new technologies like AI. This training should be sector-specific.

Paul Nowak
TUC general secretary

CONTEXT

Our manifesto outlines our values and proposals to address the impact of artificial intelligence (AI) on creative work and workers.

We acknowledge that workers across many industries engage in creative work when they carry out tasks capable of generating intellectual property or using their likeness. We refer to them as creative workers.

We recognise that creative workers are often but not always found in the creative sector. For example, teachers, academics, and other service workers who create or deliver content such as text, images, sound or video recordings in daily tasks also engage in creative work alongside writers, artists, and journalists. While we refer to the creative or education sectors in our manifesto to provide practical examples of issues and solutions, we advocate for the rights and interests of all creative workers across all industries.

We also acknowledge that the development of AI technology itself raises legal and ethical concerns on a global scale such as the wellbeing and safety of workers involved in creating the technology, data sovereignty or environmental degradation.

We acknowledge that artificial intelligence is a rapidly evolving technology whose impact on our work, education and personal lives will change. We may revisit the values and proposals outlined in our manifesto in light of future developments.

We note:

- Workers in the creative and education sectors are the backbone of the UK's 'soft power' industries, generating political influence and thought leadership worldwide. The creative sector is also a growth-driving industry of the country's economy and world-leading in creative and digital services export.[1] Last but not

least, the creative and education sectors play a vital role in building the country's social cohesion and cultural identity.

- Those creative workers are also key contributors to AI innovation. They are the custodians of public trust and main producers of human-generated content, both of which are core resources needed for technology development. Yet, the rights and interests of creative workers have not been adequately considered by technology developers or the UK government in their approach to AI.
- We therefore call on industry and government leaders to centre creative workers' rights and interests in AI innovation, policy and practice going forward.
- Although highly skilled, creative workers can be economically vulnerable. They often operate in less financially secure or resourced organisations like small medium enterprises (SMEs), under precarious contracts (self-employed or fixed-term), in increasingly concentrated markets where commercial practices are structured to extract value from workers to corporations.[2] For example, creative workers are routinely required to transfer all rights to their intellectual property, likeness or privacy in perpetuity as a non-negotiable condition of their engagement, losing their rights to further consent and fair remuneration in the process. This accumulation of rights concentrates economic power in the hands of a few market players such as media publishers, record labels, online platforms or digital service providers, and risks excluding creative workers from accessing the opportunities of AI.
- Adding to this challenge, it can be practically difficult for creative workers to organise as many are engaged on a project-by-project basis, often with no single or identifiable workplace, in sectors without statutory rights to union representation.

"It can be practically difficult for creative workers to organise as many are engaged on a project-by-project basis, often with no single or identifiable workplace."

- There is consensus among governments, the public and private sectors that 'ethical' or 'responsible AI' is key in accessing the benefits of technology while mitigating the risks.[3] However, existing 'ethical AI' declarations only provide high-level principles. As a result, it is unclear what 'ethical AI' looks like in practice, leaving everyone vulnerable to 'ethical AI washing', which occurs when technology developers and deployers make unsubstantiated claims of ethical practice to attract users. In the absence of enforceable regulations or industry agreements, declarations of 'ethical AI' will remain ineffective in protecting creative workers' rights and interests.

PART 1

OUR VALUES

These are the values we consider fundamental to ensure the technology is used for the benefit of all, and in particular workers, students or members of the public. We invite all employers, engagers, distributors, technology developers and regulators to adopt these values in the design, use and regulation of technology.

Worker voice

It should be clear to people:

- how the technology operates
- what content or information (including 'training data') the technology was built on
- what content has been generated or edited with technology
- how technology is used or deployed in relation to their work.

This information should be up to date, sufficiently detailed and made available in a clear and accessible manner.

This information is important for:

- workers who should know whether and how their work may be used to train technology, used with or be edited by technology. Without this information, it is impossible for workers to exercise their rights or provide informed consent
- everyone to prevent misinformation or truth decay by supporting our ability to contextualise or critically reflect on the information we encounter
- everyone to provide informed consent about when and how it is appropriate to engage with technology or the content it produces.

Consent and agency

People, whether they are workers, students or members of the public, should be given the freedom and opportunity to decide when, how or if:

- to use, or not to use, the technology in their work, education or personal lives, in particular where this may compromise their rights, their professional or ethical judgement
- content they created individually and collectively can be used to train or use technology.

Consent to engage with technology should be freely given, informed and express. In certain circumstances, workers should have the right and opportunity to withdraw their consent.

Workers should be free to adapt their use of technology to their individual needs or values. This is especially important to ensure professionalism, integrity and inclusivity at the workplace. Collectively bargained agreements on technology use should safeguard the right of individual workers to personalise their engagement with technological tools.

We stress that workers' consent and agency related to technology can be oppressed by disparities of power existing in their relationship with employers, engagers and technology, or other digital service providers, employers and engagers.

Strong rights, fair contractual terms and practices accounting and mitigating for those power imbalances are essential to safeguard consent and agency.

Human creativity and connection

We restate the inherent value of human creativity, human involvement in the creative process and human-created content.

Human connection and human creativity are required to maintain the quality, authenticity and emotional resonance of creative, factual and educational content or activities.

While technology may be a useful tool at workers' disposal when employed effectively and safely, maintaining meaningful human contact and involvement in the collection, creation and dissemination of information is crucial.

In particular, human engagement in the creative process is essential for professional and personal fulfilment, to meet the required standards of quality or care, or prevent deskilling. Human involvement is often necessary to ensure content generated with technology is context-appropriate and free from bias or errors. For example, human contact is essential in journalism to develop trust with sources and the public. In education, human contact is required to enable the emotional and relational dimension of learning and tailor the pace or outcome of learning to individual students.

Establishing robust rights and practices of attribution for human creatorship (eg, authorship, performership and craftsmanship) are key in safeguarding the value of human creativity and connection in creative, factual and educational content.

Rights protection and preservation

The development and deployment of technology should respect, preserve and support workers' rights.

Relevant workers' rights in the creation and use of technology can include:

- the respect and preservation of their intellectual property, name, reputation and likeness
- the respect of their personal data and privacy
- access to fair commercial and contractual terms
- the freedom from physical, emotional and commercial harm or coercion.

Workers' rights protection and preservation is implemented by ensuring that individual creators:

- receive robust rights to protect their intellectual property, reputation, likeness, labour, and privacy, balanced with the right to freedom of expression
- yield fair and proportionate remuneration for the exploitation of their work
- form fair contractual terms for the exploitation of their rights
- effective and transparent collective administration of their rights where appropriate, and access
- have access to legal representation
- have access to collective representation
- have access to user-friendly and affordable means of rights enforcement and legal redress, also effective in the context of cross-border infringement.

A rights-based approach is supported by international standard-setters like the United Nations (UNESCO),[4] and is at the core of most international agreements on the development of ethical or responsible AI.[5]

> "We acknowledge and welcome the economic and democratic benefits technology may bring to our society."

Benefit-sharing, compensation and remuneration

We acknowledge and welcome the economic and democratic benefits technology may bring to our society, as a tool and as a sector of our economy. In particular, we acknowledge the efficiency gains technology can bring to workers' activities, by completing tasks with less time or fewer resources.

Efficiency gains obtained from technology deployment should be redistributed to workers across the 'value chain' of the creative sector.

Legal and practical mechanisms should be introduced to ensure that the financial or technological value extracted from contributions by creative workers is shared with them.

In particular, workers should be financially compensated when rights-protected content they have created is used to develop or engage with technology for commercial purposes.

The deployment of technology to support information gathering, content creation or dissemination should not lead to the diminution or erosion of workers' pay. The direct and indirect impact of technology on creative workers' pay should be carefully monitored by the government to ensure careers can be started and sustained for workers of all ages and backgrounds.

Technology 'for-and-by' creative workers

Technology, in particular AI, should be designed for and with creative workers to ensure that its design and functions align with workers' needs and values.

Today, most AI investment is focused on other industries than the creative and education sectors. The most commonly used AI systems and tools relevant to creative workers primarily target the consumer market. This creates a gap in the technology offering available to workers in the creative and education sectors.

AI systems designed for, and with the creative or education sectors may include the creation and use of AI tools:

- trained on fully licensed data or content free of rights
- capable of identifying or attributing sources accurately
- capable of automating highly specialised tasks or generating outputs to professional quality standards and with high levels of accuracy
- capable of integration with the most commonly used digital infrastructures or software within a given domain or profession.

Training and skills development for workers

Education and skills development in digital literacy and awareness of rights are essential for workers to use technology safely and effectively, while also managing the structural changes that technology may bring to their sector. Specifically, the ability to discern why, how and when to use technology is vital.

Maintaining the training and proficiency of workers, especially young workers, in traditional techniques, methods and tools relevant to their craft is also essential to ensure a well-rounded skill profile and avoid technology dependency.

Consultation and collective representation

Creative workers and their unions should be consulted about the design and deployment of technology within their sector with a view to reaching an agreement.

Collective bargaining is an effective way for workers, engagers, employers, technology developers, and users to adapt to fast-changing technologies like Artificial Intelligence. Collective bargaining agreements can be tailored to specific sectors, technology or commercial use cases and be updated more flexibly than statutory regulations.

Where necessary, creative workers should be supported by the government and industry leaders in collectively organising and negotiating with technology developers and engagers on AI.

> An over-reliance on technology, particularly AI systems, can lead to the standardisation and homogenisation of content, education and cultures.

Creative workers and their unions should also be consulted to shape proposals for regulation through industrial approaches or legislation. Regulators should adopt methods of consultation engaging for, and suited to, creative workers and unions. Creative workers often lack the resources to document and report the challenges they face in their sector to regulators as effectively as other stakeholders in the technology industries.

Collaboration

We recognise that creative workers may face similar technological challenges as those experienced by stakeholders in other industries. This is the opportunity to work and stand together to make sure all interests are represented in technology design, deployment, and regulation.

We note the need to increase collaboration between stakeholders in the technology industry and creative workers. Collaboration should lead to reducing conflict (notably on data mining and the training of technology on rights-protected materials) and encourage technology development for-and-with creative workers.

Equality, inclusion and cultural diversity

Technology design or use should uphold equality and inclusion of workers as well as cultural diversity.

An over-reliance on technology, particularly AI systems, can lead to the standardisation and homogenisation of content, education and cultures that are created, shared, and consumed, resulting in a uniform view of the world.

The risk stems from:

- the dominant leadership of a few countries in AI innovation (primarily, the United States and China)
- the use of training datasets large in their size but non-diverse in their content
- the ubiquity of algorithmic recommendations for content consumption, which may be manipulated by a few market players or biased in its design towards dominant narratives, cultures or languages.

Transparency, combined with measures to see technology developed for-and-by the creative sector can safeguard equality, inclusion and cultural diversity.

PART 2

OUR PROPOSALS

These proposals implement the values outlined in Part 1 of our manifesto.

Labelling of machine-generated outputs

The transparent and clear labelling of machine-generated outputs is essential to maintain differentiation from human-created content and prevent the devaluation of human creativity.

To this end, the technology industry, the creative and education sectors must agree and adhere to consistent schemas and methods to label content generated by technology.

These labels should be both human- and machine-readable, accessible and sustainable to technology change.

Opt-in for commercial data mining and AI training

The use of human-generated materials protected by rights like copyright for commercial data mining and technology development should only be permitted if the relevant creative workers and rights holders have 'opted in' by granting express, informed and freely given consent to do so. Current UK laws are consistent with this proposal and should be upheld as such.

The UK should not adopt an 'opt-out' mechanism, similar to the regime introduced in the EU by the Copyright in the Digital Single Market Directive 2019 because:

- the regime likely breaches international intellectual property treaties binding on the UK[6]
- the regime is unworkable in practice.

Experience of the EU 'opt out' regime reveals the mechanism to be practically unworkable because:

- the scope of the regime regarding AI training is unclear
- data mining restrictions communicated by creators according to the conditions prescribed by the regime are not consistently respected by third parties scraping data online
- the regime requires advanced knowledge of intellectual property law and data management systems to be implemented accurately by industry stakeholders.

Right to have content removed from training datasets

The UK government should recognise a right for creative workers and rights holders to request the removal of protected content from training datasets made available for commercial purposes. This right should be accompanied by clear enforcement measures (eg fines or pre-set damages), similar to those found in the context of data subject requests under the UK data protection laws.

The government should require that technology developers and organisations collecting rights-protected data make available user-friendly processes for creative workers or their unions to request the take-down and erasure of rights-protected content from their datasets.

Contracts

Most statutory rights currently protecting creative workers' intellectual property, fair compensation, or privacy can be assigned, licensed, or waived by contract. Creative workers often lose rather than leverage their rights in their contracts with engagers, employers, technology or digital service providers, due to low bargaining power. This is especially true of creative workers without union representation or not engaged on the basis of a collective agreement negotiated by their union.

Without safeguards against unfair terms and practices, including regulation, the legal protection granted to creative workers by the law can often become meaningless in practice, leaving them exposed to exploitative and unconscionable bargains.

Creative workers should be recognised as vulnerable parties in contractual negotiations to acknowledge that:

- they are often bound by exploitative, predatory or unfair commercial agreements proposed to them on a take-it-or-leave-it basis by engagers, intermediaries or technology developers,
- they are often in precarious employment structures engaged in increasingly concentrated economic markets by large corporate groups which leaves them with low to no bargaining power to leverage their rights effectively.

Narrow interpretation of contracts, including 'historic' contracts

Contracts in which creative workers consent to broad transfers of rights should not be interpreted as a suitable legal basis for commercial data mining, technology development or digital imitations, unless the agreement explicitly references those activities and there is evidence of the worker's free and informed consent. Here, 'transfers

of rights' refer to assignments, licences, or waivers (sometimes known as 'buy-outs') of the creative workers' rights.

Similarly, the interpretation of rights transfers should not be interpreted to include commercial activities or technological advances unknown to, or unforeseen by, creative workers, who therefore could not provide informed consent.

These interpretation principles should apply to past (or 'historic'), present and future contracts made with creative workers.

These interpretation principles should be:
- adopted and upheld immediately by the industry in their contractual practice, judges in in settling contractual disputes,
- safeguarded by the introduction of new legislation to this effect by the government.

Mandatory clauses on data mining, AI training and use

Any clauses seeking to obtain rights or permissions to use of workers' content or likeness for data mining, technology development or use must be stated explicitly and separately from other clauses as well as written in plain language.

This is particularly important in the context of contracts which seek to obtain workers' consents and for services or commercial activities whose core objective is unrelated to data collection, processing, or technology development. There should be no risk of confusion or conflation in workers' minds regarding the commercial activity to which they consent.

Onerous and abusive contractual clauses

Any contractual clauses placing an undue burden on creative workers, in the context of technology use or otherwise, should be clearly disclosed and explained to them before the formation of the contract.

Contractual clauses seeking to obtain from creative workers their permission to use and exploit all and any rights, present or future, in their work or likeness, irrevocably and perpetuity, in any media or technology including those unknown at the time the contract was formed, should be presumed unfair and declared unenforceable unless evidence reversing this presumption can be provided.

Preserved and increased intellectual property rights

It is essential to prevent the erosion of creative workers' intellectual property rights arising in their work or likeness such as copyright, moral rights, performer's rights, and other registered rights.

Erosion of intellectual property rights occurs due to:
- ongoing, widespread infringement of rights without meaningful sanctions,
- uncertainty in the application or infringement of rights,
- lack of clarity in the ownership of outputs generated by workers with technology.

Government intervention is required to:
- confirm that the act of data mining and training technology on rights-protected content for commercial purposes without the appropriate consent of the creators is an infringement of existing copyright, performers' and other intellectual property rights
- clarify when and how authorship, performership and ownership arises in content generated with technology.

Government intervention is also required to increase intellectual property protection to:
- recognise algorithmic training and commercial data mining as individual acts restricted by copyright and performers' rights, separately from the right of reproduction

- introduce rights to fair remuneration or compensation for the use of rights-protected content in the context of commercial data mining
- introduce or confirm that performers' rights to consent to the recording of their performance and the reproduction of such recording is activated by the making of digital imitations with AI systems or other digital technologies
- ensure provisions for authors' and performers' moral rights are consistent with binding international treaties like the Beijing Treaty as well as enforceable
- introduce clear and comprehensive obligations of moderation or filtering by technology providers to limit the unauthorised use of protected content with their technology when 'prompting' or generating outputs.

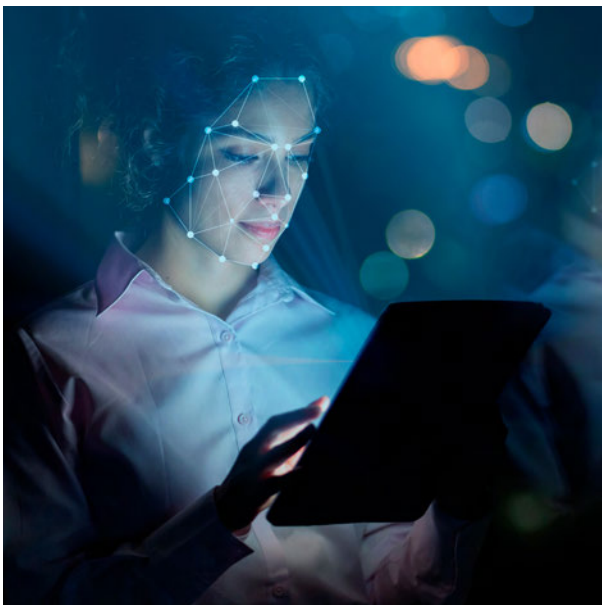
If and when amending existing legislation, the government should take care to ensure no new change diminishes or erodes existing rights granted to creative workers.

New likeness rights

Many workers rely on their likeness (their name, face, voice or physical appearance) in their daily work. Our likeness is not well protected under UK law. Although criminal protection against image-based abuse online notably in relation to 'deepfakes' is undergoing legislative reform, there remains a gap in protection for non-criminal yet harmful uses of people's likeness. This leaves workers vulnerable to unauthorised uses of their likeness in professional and commercial contexts.

New likeness rights similar to image or personality rights commonly found in other jurisdictions should be introduced to provide creative workers with a straight-forward, effective, and robust means to:

- protect all aspects of their likeness
- enable the dissemination or commercialisation of their likeness with control and consent.



"Many workers rely on their likeness (their name, face, voice or physical appearance) in their daily work."

These new rights will need to be balanced with others' freedom of expression which may permit, under clear conditions, the use of protected likeness.

Any new likeness protection introduced should take care to ensure these rights vest in, and remain in the control of the identity-holder. Safeguards should be introduced to limit any transfer of likeness rights away from the identity-holder to strict conditions, and preserve the latter's rights to work and trade, free speech and privacy.

Remuneration schemes and licensing agreements

Remuneration schemes in the form of licensing or compensation mechanisms should be implemented to ensure that new commercial activities such as data mining, AI training and other uses on rights-protected

content are carried out legally, with the informed consent and fair remuneration of workers.

Such remuneration schemes should be voluntary. Creative workers should be free to join or abstain from participating in these schemes.

Remuneration schemes, including licensing agreements should be established in negotiations with creative workers' unions.

These agreements and schemes should be both sector-specific and differentiated based on the context of application of the technology.

Remuneration schemes should take care to ensure that they benefit creative workers, rather than intermediaries, like studios, distributors, online platform services, who may have previously acquired other rights to control the commercial exploitation of workers' content or likeness.

We envisage the need to establish two regimes to cover data mining, AI training and use:

1. a scheme to compensate creative workers for past data mining, technology development and use of their work, which took place without appropriate consent or permissions
2. a scheme to remunerate creative workers who consent to the future use of their work in this way.

Additionally, those remuneration schemes will need to cover different points of interaction between the technology and rights-protected content:

- the commercial data mining of rights-protected content
- the training of technology on rights-protected content
- the prompting or fine-tuning of technology with rights-protected content
- the generation of outputs of technology reproducing or imitating rights-protected content.

A differentiated approach rather than a one-size-fits model to remuneration schemes is preferrable. Remuneration schemes should be sector specific, and in some cases use specific, to perform well for creative workers, technology developers and users.

For example, text written by journalists, academics or novelists may be subject to different terms of use and remuneration rates depending on whether the text:

- is used by a company to train their all-purpose foundational model
- is used by a company to fine-tune their AI tool to perform a specific task
- is uploaded onto an AI tool to generate a short-form summary by an employee for internal use or by a student for educational purposes
- is reproduced in AI-generated outputs.

Industrial needs to be assessed comprehensively by the UK government and with the participation of creative workers' unions and other industry stakeholders to inform industrial negotiations. The findings of this assessment should be made publicly available for transparency to inform negotiations between technology developers and creative workers' unions.

Creative worker unions are best placed to negotiate the terms of remuneration schemes with technology developers, engagers and employers. Depending on the outcome of these negotiations, the intervention of the UK government may be required to support its implementation through legislation, administration or financing.

The table on page 17 describes different options remuneration schemes which may be adapted to uses of protected content with or for AI.

	DESCRIPTION	PROS	CONS	EXAMPLES OF APPLICATION
Direct licensing by creative workers under collectively bargained terms and rates	Creative workers enter into individual bargains with technology developers or private entities offering media licensing services, on the basis of terms and rates negotiated by their unions.	› workers consent individually › remuneration rates tailored to individual use case › can grant credits or attribution where enabled by the technology › the terms are transparent › does not require legislative intervention.	› potentially high transaction costs if workers are contracted with individually › low to no capacity to audit or enforcement in case of breach › only applicable to individual creative workers and organisations engaging with the scheme › requires detailed information of what, how and when content is used by licensees.	› This approach has been introduced in the context of AI by artists' unions in the United States like the Writers' Guild of America and the actors' union SAG-AFTRA in late 2023.
Collective licensing by creative workers' unions on behalf of creative workers (classical or extended collective licensing)	Unions or collective rights management organisations (CMOs) license rights, collect and distribute remuneration on behalf of their members. If an extended collective licensing scheme is introduced, unions and CMOs can perform these tasks on behalf of non-members.	› potentially lower transaction costs › flexible terms and rates tailored to individual business models › can provide credits or attribution where enabled by the technology › capacity to audit or enforcement in case of breach › does not require legislative intervention › transparent terms and payments › scheme administrator is subject to regulation › well-suited for licensees sharing mutual interest, or with pre-existing commercial relationships with creative workers' unions.	› workers may not be able to consent individually, unless the administrator of the licence permits individual opt-in or opt-out mechanisms which increases transaction costs. › requires detailed information of what, how and when content is used by licensees unless a 'blanket fee' is agreed. › only covers uses by creative workers and organisations engaged in with the scheme.	› Collective licensing is common in the UK and practised by most creative workers' unions and CMOs in the UK for commercial uses of content such as print publications, lending and rental or public broadcasting. The Copyright Licensing Agency reports being in negotiation over licensing for AI use at the workplace with some of its stakeholders. › Extended collective licensing is administered by CMOs in other countries like France or Sweden.
Statutory licensing or 'blanket licensing' (also known as the 'permitted but paid' mechanism)	An exception to the relevant intellectual property and other rights is introduced together with a statutory right to remuneration to remunerate the statutory licence. The remuneration can be collected and distributed by a union, CMO or governmental body.	› lower transaction costs › transparent terms and payments › scheme administrator is subject to regulation › covers a broader base of licensees with or without pre-existing relationships with creative workers' unions › capacity to audit or enforcement in case of breach.	› no option for artists to object to the use of their content covered by the licence › requires legislative intervention › scope and key terms set by legislation (less flexible) › requires detailed information of what, how and when content is used by licensees › may only cover certain rights (copyright, or performers' rights) but less well equipped to manage privacy or personal data protection rights.	› In the US, statutory licensing is for the licensing of rights in sound recordings. › Many European countries like Italy have also introduced statutory licensing to stimulate nascent markets or socially positive uses.
Statutory compensation with a levy	A levy on revenues generated by AI tools or services is collected into a fund administered by a union, CMO or governmental body tasked with the redistribution of the collected fees to creative workers.	› well-suited to uses in uncontrollable environments like the scraping of content shared online on websites or platforms open to the public › well-suited to obtain remuneration from stakeholders without mutual interest or pre-existing relationship with workers' unions › transparent terms and payments › relatively low transaction costs › scheme administrator subject to regulation › terms of the scheme can be set to cover a broad base of creative workers › can provide compensation for rights infringement	› this scheme provides no mechanisms to respect consent or enforce attribution to creative worker for the use of their work › not well-suited to cover compensation for breach of rights other than intellectual property like personal data protection or privacy › requires legislative intervention.	› Over 20 countries in the EU have introduced a levy scheme from the sales of reproduction equipment to generate remuneration for rights holders as compensation for private copying of protected content. Note: This scheme provides a compensation mechanism not a licence.
Statutory compensation with a bespoke remuneration-by-registration scheme	Creative workers register to claim financial compensation from the government for the use of their work by technology developers or users. The scheme can be financed by raising a levy or taxes from AI developers.	› relatively low transaction costs for creative workers › well-suited to uses in uncontrollable environments or uses of content generating no clear revenues upon which to base licensing fees › applies regardless of shared mutual interests or bargaining relationships between technology developers, users and unions › transparent terms and payments › scheme administrator subject to regulation › terms of the scheme can be set to cover a broad base of creative workers › can provide compensation for rights infringement.	› remuneration received by workers is unlikely to be proportionate to the gains made by technology developers or users › remuneration received by workers may be capped on a discretionary basis › requires legislative intervention.	› This model is similar to the Public Lending Right administered by the British Library in the UK. Public Lending Right schemes are found in many countries. Note: This scheme provides a compensation mechanism not a licence.

Credits and rights communication

Robust legal protection for the right of attribution

Creative workers should receive enhanced protection in relation to their moral right to be attributed as authors or performers of their work.

The moral right should not require assertion or any other formality to be completed by the author or performer, in accordance with international treaties on moral rights binding under UK law.

New legislation should be introduced to:

- ensure that authors' and performers' moral rights of attribution and objection to the derogatory treatment of their work cannot be waived or transferred,
- remove any requirements that the rights be asserted.

Standardised practises and tools to communicate credits, rights restrictions and permissions

The creative sector and technology industry also need to practice improved and consistent credit and attribution standards to ensure human creativity and creatorship are clearly communicated.

The creative sector and technology industry should establish standardised, user-friendly and machine-readable schemas and tools to communicate credits, rights restrictions and permissions to use human-created content, including for data mining and training purposes. These schemas and tools should be both human- and machine-readable.

Disclosures

Technology developers must disclose clearly: how the technology operates, and what resources were used to develop the technology, such as the content used to train technology.

Clear description of the technology and commercial terms

Technology developers should provide a description of how their technology operates in a clear manner, free of technical jargon. This description should cover:

- the resources used to develop the technology
- core elements of the technology design
- tested performance levels of the technology:
  - This information is particularly important with regards to technology's rates of accuracy and bias, and other metrics relevant to the automated tasks or the context of application.
- whether and how the technology implements standards of ethical, responsible or human-centred AI relevant to the context of application
- the contractual terms upon which the technology is made available to users, including workers in the creative sector:
  - This is especially important for terms related to: intellectual property and other rights transfer from the user to the service provider, rights to collecting and processing user data by the service provider, liability limitations for rights infringement, indemnity of the user for harm arising from using the technology, guarantees of technology or service availability, and any other commercial terms which may be onerous to the user.

This information should be made available to:

- the public wherever their technology is accessible for use
- creative workers prior to engaging with the technology or the technology developer for contractual purposes
- unions and regulators upon request.

This information is important to correct the information asymmetry existing between technology developers and stakeholders in the creative and education sectors.

This information is also crucial for creative workers and other stakeholders in those sectors to make an informed choice of technology aligned with their values.

Clear logs of training data

Technology developers should evidence that their activities comply with applicable laws to correct the information asymmetry existing between and rights holders with regards to how and for what purpose their work has been used.

Where human-generated content is used to create or improve technology like AI systems, technology developers should make available clear, user-friendly, and sufficiently detailed logs of such content.

The logs should be structured and shared to enable rights holders to exercise their rights, where appropriate.

These logs should include information about what and how data has been collected, stored and processed, and on what legal basis.

Technology developers should produce and maintain such logs whether they develop technology for commercial and non-commercial purposes.

Accessible legal redress and means of rights enforcement

Creative workers need access to user-friendly, accessible and timely legal redress and means of enforcement to defend their rights.

A user-friendly forum for legal claims

Existing legal procedures providing simplified and specialist venues like the Intellectual Property Enterprise Court (IPEC) remain too technical and expensive for creative workers to engage with in the defence of their rights. This is especially the case for workers who are not union members and cannot easily access legal representation or represent themselves due a lack of resources.

By contrast, the Information Commissioner's complaint procedures for breach of the UK General Data Protection Regulations (UK GDPR) provides a more user-friendly approach to rights infringement, but its scope of application is limited. Similarly, the small claim track of the IPEC or the Intellectual Property Office's mediation services may provide more affordable and flexible means to dispute resolution but remain under-used by stakeholders.

Taking on board lessons learnt from user-experiences in the dispute support services of the IPEC, ICO and IPO, the UK government should introduce a new and specialised forum for rights enforcement accessible to creative workers.

Any new forum for rights enforcement should have the means and authority to hear disputes involving a foreign party, or activities carried out abroad. This is particularly important as online services enable rights infringement on a global scale, and the majority of technology market leaders are currently headquartered abroad.

“Creative workers need access to user-friendly, accessible and timely legal redress and means of enforcement to defend their rights.”

Additionally, the UK government should ensure unions are able to introduce legal proceedings in the collective interest of their members, and modify the law to this end where necessary.

Sanctions for breach of restrictions on data mining

The UK government should introduce clear and enforceable sanctions, such as fines, for the breach of data mining restrictions communicated by creative workers and rights holders.

These sections should be enforceable in the UK through user-friendly and accessible processes.

Harmonised protection of creative workers

International and UK regulators should seek to harmonise without watering down the rights of creative workers across countries to prevent 'jurisdiction shopping' by technology developers and users. At present, while intellectual property rights are relatively well harmonised, it is not the case of likeness protection, contracts, or personal data protection. Significant differences in protection exist between the UK and key trading partners or technology market leaders, like the United States and the European Union. These differences are a barrier to cross-border innovation partnerships and worker protection due to legal and commercial uncertainty. These differences may also incentivise investors to outsource their activities to countries with clearer or lower regulatory standards, inadvertently encouraging a 'race to the bottom'.

In particular, the UK should clarify its position in relation to recently introduced EU standards through the Digital Single Market Directive 2019, the Digital Services Act 2022, and the AI Act 2024. This is important because standards set by the EU may become global industry standards due to the economic weight of the EU, and to support the trading relations with EU countries.

Independent regulatory body for AI

The UK government should establish an independent body to oversee and regulate the integration of Artificial Intelligence into our lives, including the creative sector.

This body should have social partner representation and sufficient technical expertise to conduct sector-by-sector impact assessment and interventions to ensure a response tailored to the needs of individual industries.

This body should prioritise the collection and analysis of rigorous evidence on the impact of AI on the creative sector, both positive and negative. There is currently a lack of empirical and rigorous evidence capturing the benefits and risks of the technology for the creative sector, which makes it impossible for leaders of the creative sector or the technology industry to make effective and informed interventions.

This body should also be granted meaningful means of sanction for rights and regulation infringement.

Policy focus and recognition

The UK government and regulatory bodies should adopt a comprehensive cultural lens on the impact of technology, such as AI, on the creative and education sectors. This means documenting, assessing and supporting with appropriate policies the multi-faceted relationship the technology industry, the creative and education sectors entertain with each other, on AI specifically.

Creative workers are the custodians and producers of key resources needed for AI innovation (like human-generated content or public trust) and may grow to co-develop technology if supported adequately. National, regional and sector interventions on AI should seek to value and support the active role played by the creative workers in shaping AI innovation.

Support for sector-specific and rights-compliant AI

Creative workers are underserved by the technology market. The current offering of AI technologies targeting this sector is low, and not well aligned with their needs and interests. Noting this, the government should intervene to support collaboration between the technology industry and creative workers by fostering technology diplomacy.

Creative worker unions, technology leaders and the government should cooperate to increase technology diplomacy between them. This may take the form of regular roundtables held with these stakeholder groups, and the establishment of targeted fora to sustain ongoing discussion, collaboration and negotiations.

Such events must involve worker representation and should be designed to level power and resources inequalities amongst participants to ensure less-well-resourced participants feel equipped to engage on an equal footing. This may require upskilling participants on technical topics beforehand.

Specialised training and guidance

The government, further and higher education organisations, as well as unions should provide training opportunities for creative workers on data, technology and rights relevant to new technologies like artificial intelligence.

Training should be sector-specific, accessible by workers in different forms of employment (notably freelancers, self-employed or employees within SMEs structures), and the curriculum should be regularly updated.

Creative workers should have the opportunity to receive training in how to use AI in the context of their work before or after they've entered the workforce. Training prior to entering the workforce should cover both new and traditional skills, techniques and tools to prevent deskilling and technology dependency.

Training opportunities can be provided by further education institutions, professional associations, unions, and employers. The UK government should support organisations and employers by funding training opportunities. In particular, funding should be made available by the UK government to ensure access to training by freelance workers, and employees in less-well-resourced organisations to prevent digital and innovation exclusions.

FURTHER DETAILS

For anyone who would like to read more about the impact of AI on creative work, see the resources and vision shared by TUC members.

- Equity (2023) *AI Vision Statement*
- Equity (2023) *AI Toolkit*
- Equity (2023) *AI: Know Your Rights*
- NAHT (2024) *Artificial Intelligence (AI) in Education*
- National Union of Journalists (2023) *NUJ Briefing on Artificial Intelligence*
- National Union of Journalists (2024) *Artificial Intelligence: journalism before algorithms*
- NASUWT (2023) *Artificial Intelligence and Digital Technologies*
- Public and Commercial Services Union (2024) *Where We Stand on AI*
- University and College Union (2021) *Guidance on GDPR, Moral and Performance Rights and Accessibility in Recorded Lectures/Lessons*
- Writers' Guild of Great Britain (2024) *WGGB Manifesto: putting writers at the heart of the story*
- Writers' Guild of Great Britain (2023) *Writers and AI: a policy position statement*
- Writers' Guild of Great Britain (2024) *Using Generative AI as a Research and Writing Tool: the risks*

This manifesto builds our previous manifesto on *Dignity at Work and the AI Revolution*. If you are interested in discussing our work with us, or collaborating with us over any aspect of this manifesto, please contact us here.

REFERENCES

1 Department for Business and Trade (2024) *Invest 2035: the UK's modern industrial strategy*.

2 Rebecca Giblin and Cory Doctorow (2022) *Chokepoint Capitalism: how big tech and big content captured creative labor markets and how we'll win them back,* Beacon Press.

3 Mathilde Pavis (2024) *Recentering Culture in AI policy and practice*, UNESCO working document.

4 UNESCO (2022) ***Recommendation on the Ethics of Artificial Intelligence***.

5 Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law 2024; ***Seoul Declaration for Safe, Innovative and Inclusive AI: AI Seoul Summit 2024*** (GOV.UK); G7 ***Guiding Principles for Organisations Developing Advanced AI System*** (2023).

6 Those include the ***Berne Convention***, the ***Rome Convention***, the ***Trade Related Intellectual Property Rights Agreement*** (or TRIPS) and World Intellectual Property Organization ***Copyright Treaty***, the WIPO ***Performances and Phonograms Treaty***, and the ***Beijing Treaty on Audiovisual Performances***.

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