LABOUR AND SOCIAL JUSTICE

ECONOMIC AND SOCIAL RIGHTS THROUGH CHALLENGES IN THE DIGITAL AGE

(Consideration of Certain Issues with Reference to Bosnia and Herzegovina)

Dejan Lučka
Dragan Todorović
December 2020

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Digital technology is the most powerful resource of the new generation that can use it to solve complex social problems, and the digital revolution is a major global human rights issue.

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Ultimately, it should be emphasised that B&H is a country that did not properly implement digitalisation, especially of public services, within its system, and it is clear that it has yet to fully enter the digital transformation.

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The people who are most affected by computer calculations are almost as a rule those who are on the margins of society, who have their economic and social rights violated on a daily basis. Therefore, the implementation of these tools require a human rights-based approach.

FRIEDRICH EBERT STIFTUNG

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Conclusion

Introduction

The progress of society and new technologies has occurred regularly throughout history, from the oldest inventions of ancient masters, through Gutenberg's machine, all the way to computers, the Internet and artificial intelligence (hereinafter: AI). All this has made human life, and the transfer of information, goods and services much easier.

This brought us to the digital age in which we currently live. Digitalisation brings changes in the relationship between individuals and the state, science, education, everyday life, but also in the respect for human rights. Our society increasingly depends on all people becoming "digital citizens" confidently managing the digital world. This age is also defined by digitalisation of the entire society with a combination of technologies that blur the boundaries between the physical, digital and biological spheres, and is sometimes called the age of the *Fourth Industrial Revolution* or the last step before entering it.

The sad truth is that even though we are on the threshold (or living in) of the *Fourth Industrial Revolution*, many people around the world have still not benefited from the previous three. A huge number of the world's population still does not have access to clean, drinking water or electricity, and when it comes to access to digital technologies, the situation is even worse. That is why many discussions about the *Fourth Industrial Revolution* end with the same conclusion that "it is, if used smartly, the bearer of sustainable development of the future."

Modern technologies in the digital age have certainly contributed to improving the quality of life of individuals and society as a whole. However, the situation is not that straightforward. Although digital tools are present at almost every turn, not everyone has equal access to new technologies. Thusly, there is a specific social-economic stratification and the creation of certain classes, those that are "digitally included" and those that are "digitally excluded".

Digital inclusion means the possibility for citizens to access information and communication technologies (hereinafter: ICT), as well as education and empowerment of people to contribute to the digital economy and society by ICT, as well as their own, economic and social development. Digital inclusion is part of social inclusion and its increase should lead to a reduction of the gap that exists between individuals and groups. In order for an individual to be digitally involved, it is necessary to **possess digital skills**, such as knowledge of the use of digital devices and the Internet. Also, it is necessary for an individual to have **access** to the use of their knowledge or digital skills, and in addition to knowledge and access, the services they use should be **accessible**, so e.g. persons with visual impairments must be able to use public institutions' websites adapted for them.

Digital exclusion is the opposite of digital inclusion, and it is defined by opposite characteristics, inability to access ICT, lack of competencies, etc. The greatest digital exclusion in our society is among the elderly, the poor, people with disabilities and people living in rural areas, so a significant part of the population remains outside the digital world. Hence, it is impossible to exercise certain rights and services in full, such as e.g. health and social care or education services.

The state has a clear duty in the digital age to provide each person with an adequate standard of living and social well-being, which certainly means digital inclusion. *The United Nations 2030 Sustainable Development Goals*, among other things, specifically aims at improving living standards as well as having a better and sustainable future for the whole world.

Although B&H emerged from a country that functioned within the framework of socialist ideology, the protection of economic and social rights does not play a more prominent role. A large section of population lives in poor conditions and poverty and faces social exclusion on a daily basis. More than 600,000 people in B&H live below the poverty line, and about 70% of the population has access to the Internet, while just over 60% has access to a computer. This shows that about

30% of the population practically lives in digital darkness. The authorities in B&H do not pay enough attention to reducing the existing *digital gap*, nor do pay much attention to e.g. satellite technologies that have huge potential to provide better digital services, with their much greater prevalence.[1]

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1   Robert D. Atkinson, Daniel D. Castro, *Digital Quality of Life – Understanding the Personal & Social Benefits of the Information Technology Revolution (DQL),* [Information Technology and Innovation Foundation, Washington: 2008], page 2.; *Social Justice in the Digital Age,* [The Centre for Social Justice, London: 2017], page 4; Klaus Schwab, *The Fourth Industrial Revolution – What It Means and How to Respond,* [Foreign Affairs: 2015, (Can be found on: https://www.foreignaffairs.com/articles/2015-12-12/fourth-industrial-revolution, Accessed on: 25/11/2020 at 16:24)]; Nina Ukropina, *Četvrta tehnološka revolucija,* [Centar za tehnološki menadžment Fakulteta organizacionih nauka: 2019, (Can be found on: http://ctm.fon.bg.ac.rs/2019/03/11/cetvrta-industrijska-revolucija/, Accessed on: 12/11/2020 at 10:53)]; *International Covenant on Economic, Social and Cultural Rights,* [United Nations General Assembly, Res. A/RES/2200, New York: 1966], Article 6-15; *Universal Declaration of Human Rights (UDK),* [United Nations General Assembly, Res. A/RES/217, Paris: 1948], Article 25; *European Social Charter (Revised),* [Council of Europe, ETS 163, 1996]; *Ustav Republike Srpske,* [Skupština srpskog naroda u Bosni i Hercegovini (danas Narodna skupština Republike Srpske), Sarajevo: 1992, Službeni glasnik Republike Srpske brojevi 21/1992, 28/1994, 8/1996, 13/1996, 15/1996, 16/1996, 21/1996, 21/2002, 31/2002, 31/2003, 98/2003 i 115/2005], članovi 35-43, 51; *Ustav Federacije Bosne i Hercegovine,* [Ustavotvorna skupština Federacije Bosne i Hercegovine, Sarajevo: 1994, Službene novine Federacije Bosne i Hercegovine, brojevi 1/1994, 13/1997, 16/2002, 22/2002, 52/2002, 63/2003, 9/2004, 20/2004, 33/2004, 71/2005, 72/2005 i 88/2008], II/ l, m, n, o, p, r; *Transforming Our World: the 2030 Agenda for Sustainable Development,* [United Nations General Assembly, Res. A/RES/70/1, New York: 2015]; Nikolina Obradović, Mirna Jusić, Nermin Oruč, *In-work poverty in Bosnia and Herzegovina, ESPN Thematic Report on In-work poverty,* [European Commission, Brussels: 2019]; *Poverty Headcount Ratio at National Poverty Lines (% of Population) – Bosnia and Herzegovina,* [World Bank, (Can be found on: https://data.worldbank.org/indicator/SI.POV.NAHC?locations=BA, Accessed on: 11/11/2020 at 11.53)]; *Bosna i Hercegovina u brojevima 2019,* [Agencija za statistiku Bosne i Hercegovine, Sarajevo: 2019], page 105; *Upotreba informacionokomunikacionih tehnologija u Bosni i Hercegovini 2019,* [Agencija za statistiku Bosne i Hercegovine, Sarajevo: 2020], pages 13, 16, 19, 21; *DQL,* page 2; Dragana Malidžan Vinkić, *Digitalna uključenost,* Uvodnik 58. Biltena o socijalnom uključivanju i smanjenju siromaštva, [Tim za socijalno uključivanje i smanjenje siromaštva: 2019, (Can be found on: http://socijalnoukljucivanje.gov.rs/rs/digitalna-ukljucenost/, Accessed on: 7/11/2020 at 13:53)]; Nataša Todorović et al., *Starenje i digitalna uključenost: polazna studija s preporukama,* [Crveni krst Srbije, Beograd: 2019], pages 6-8; *Social Justice in the Digital Age,* [The Centre for Social Justice, London: 2017], page 11; .*Digital Inclusion Guide for Health and Social Care,* [National Health Service: 2019], pages 10-11; OECD, "Well-being in the Digital Age", *Going Digital Policy Note (GDPN),* [The Organisation for Economic Co-operation and Development, Paris: 2019]; Gorana Mlinarević, Anđela Lalović, *Ekonomska i socijalna prava u Bosni i Hercegovini – Izvještaj,* [Centar za ljudska prava Univerziteta u Sarajevu, Fondacija Heinrich Böll – Ured u Sarajevu, Sarajevo: 2010], pages 7-9.

I

RIGHT TO WORK

The *digital age* is a period defined by major changes in the labour market. New technologies and automated production lines caused a large number of workers left out of work due to technological revolution. New jobs are created very quickly, and tasks can be performed from any place with internet access.

Greater availability of information and new ways of fast communication enable **easier access to jobs**. One can simply find a vacancy and get in touch with the employer in a matter of minutes, sending information about competencies by e-mail. It is also possible to check these competencies *remotely*, which makes opening a vacancy much easier. So, both the job seeker and the job provider have positive effects from the new technologies in this case.

The new way of doing work via the Internet has shown that the **physical presence of workers is not a necessary condition** for a job well done. This applies not only to *freelance* jobs but also to *regular* jobs that can be performed with digital devices. The COVID-19 pandemic has shown the advantage companies have by being able to organise work from home. Their adaptation to the new reality was much better and, as a rule, they suffered smaller losses, and some even increased productivity. On the other hand, it enabled them to protect the health of their workers who did not have direct contact with colleagues.

Working from home gives people from **marginalised groups the opportunity** to find employment more easily. As accessibility to many facilities is a huge problem for people with disabilities, especially in B&H, in the new age they get the opportunity to work like everyone else, if they work from their home that is already adapted to their needs.

Digital age also created **new platforms for the provision of services** through the modernisation of traditional activities that are performed locally, such as e.g. transportation and delivery. The best example of this is the company "Uber", which provides transportation services. In Serbia, a similar activity is performed by the

company "CarGo", while in B&H, delivery services are increasingly offered through various applications. Unfortunately, with the advent of such services come certain issues, and workers in the industry in some cases do not fully enjoy all labour rights, such as sick leave and pension contributions, and the costs associated with equipment and maintenance are borne at their own expense.

Labour markets' pace is accelerating, which leads to a large fluctuation of workers resulting in the **employment being just as easy to lose**. The instability of labour relations and the rapid transformation of companies cause short-term and temporary jobs to emerge, which cannot provide workers with what they received from the workplace in an earlier setting. As a result, todays' workers are forced to be constantly on standby in looking for work again.

There are also problems that can exacerbate the **risks of abuse**, especially in relation to monitoring practices that, through the use of technology and data, can provide access to private information about workers and their private lives. This is especially important in connection to temporary and occasional work arrangements, which are very often easily terminated, and by using personal data, certain workers could not be eligible for employment because of certain personal attitudes or their past.

The autonomous character of digital work enables flexible work arrangements and enables access to the labour market for individuals who were previously excluded due to e.g. certain types of disabilities. However, there are also **significant limitations to working** across some digital platforms, such as those aimed at performing tasks related to data analysis or search engine optimisation. Namely, such jobs often consist of certain smaller tasks, and when there are no such tasks, there is no income/salary. For many workers, this can mean that they will have an income that is even lower than the minimum wage in the state. If working on a platform is the main source of income, it brings additional insecurity to workers, so in a certain cases,

working on such platforms is only an additional job, which complements the main source of income.

Digital platforms are adaptable to different markets and allow employers to maximise profits by choosing the state in which to pay taxes and contributions. In addition, there are **flexible contractual arrangements**, which pay less and less attention to the protection of workers' rights. Furthermore, the rise of digital work platforms creates additional uncertainty in the application and enforcement of labour rights, labour regulations and social security because the traditional notions of employer-worker relationship are becoming quite vague. Workers on certain digital platforms are generally considered self-employed. This classification does not always reflect reality, given that they often work for one client (employer) and are economically dependent on working on the platform, and have a lack of "bargaining power", which puts them in a similar position as regular employees. When self-employment status is used to disguise employment, in order to avoid paying social security contributions, then digital platforms should be recognised as employers and their workers should fully enjoy labour rights. Thus, certain platforms B&H workers use, such as "Upwork", introduced the practice of screenshots or installing special software that monitors working hours. Although it is assumed that those who perform individual tasks are not in a permanent employment relationship, monitoring their performance and productivity says the opposite. Overall, it is estimated that almost half of Internet "freelancers" are in the grey zone of dependent or covert self-employment. In addition to labour laws, this raises other issues about privacy and human dignity, especially since these workers mostly work from their private computers.

Also, when working on digital platforms, there is the question of **eight-hour working day**, i.e. limiting working hours and paying overtime, given that certain tasks may require much more time on a daily basis, which can lead to health risks and exploitation of workers.

A significant problem in the new age in B&H is the great **insensitivity of the authorities** to the problems encountered by freelancers. Thus, the system was very rigid when it came to retroactive payment of taxes by this group. In 2018, the authorities in the Federation of B&H started collecting various duties, without seriously investigating how this could affect the standard of living and the performance of freelance work. This is especially important because the system itself did not previously provide clear obligations for taxes of certain categories of payers, so there were quite different cases in practice. Although there is no appropriate legal framework that meets the needs of modern times, institutions do not listen to the needs of the digital generation, which leads to certain freelancers not being able to pay their taxes and have to stop working, hide their work or even move out of B&H, which is a direct product of state intervention.

Although unemployment is high throughout B&H (in August 2020, there were 427,593 officially registered persons in the records of employment services, and according to the *Agency for Statistics of B&H*, the number of employed persons in B&H in July 2020 was 803,326) and although young people who go into freelancing solve this burning problem on their own, the government does not have a proper solution for this type of work. Despite the initiatives to reduce taxes and duties, to facilitate business and declare free zones for freelancing, institutions have not taken steps to implement these ideas, even when some of them have been adopted by certain documents.

A special and serious issue in the digital age is the **connection between education and employment**, i.e. the constant improvement of knowledge and skills in order to get or keep a job. The *World Economic Forum* predicts that by 2022, about 54% of employees will be in need of training and retraining. Traditional, non-formal and informal education is becoming very important in the digital age. The job market requires advanced cognitive skills, critical thinking, and digital literacy, and even relatively low-skilled jobs require and will require the ability to use digital tools. While the younger generation of workers in B&H is mostly familiar with the basic set of digital skills (although this is not the rule either), the generations who grew up in another time are have a gap between skills and experience they gained over the years, and digital knowledge necessary for many other skills to have practical use. For the time being, B&H does not have significant and enforceable policies aimed at digital literacy of a larger number of citizens in order to exercise their right to work. Progress in this direction is being made mainly through short-term projects, without sustainability and without targeting a large number of mostly older population who need to develop digital skills in order to be an equal participant in the labour market.

When it comes to the right to work, the subject of **automation of production processes** is also inevitable, which is slowly taking over human labour in routine tasks. Certain estimates suggest that globally, 75,000,000 jobs could soon be lost in the division of labour between humans and machines, while at the same time 133,000,000 new roles could emerge that are more adapted to the new division of labour. Occupations that have a lower risk of becoming automated require high-level cognitive skills and complex social interactions, such as, among others, educational, legal, medical, scientific, and engineering occupations. The opposite scenario is expected for occupations that are defined by certain repetitive tasks, which are performed by drivers, food processing staff, agricultural workers and machine operators. Employers are guided by cost reduction in making business decisions related to process automation. The lower the labour costs of an individual in relation to a machine, the less chance that his work will be automated. This, of course, is not a positive attitude because low-skilled repetitive occupations thus become very poorly paid. However, even certain occupations that at first glance can be cheaply robotised, are still not automated. For example, floor-cleaning jobs are simple enough to automate, however, unlike a machine, a human worker will, in addition to cleaning the floor, also dust the furniture, empty the garbage, clean the desks, etc.

Automation of certain processes, and introduction of robots and AI technology certainly brings great advantages in performing new jobs, from the ability to instantly process and analyse and recognize patterns, all the way to speeding up the work process. However, it is clear that such work lacks critical and ethical criteria of judgment and intuition, which are usually based on years of experience, broad contextual information, and nonlinear reasoning. It is the greatest, unique and irreplaceable human advantage. Automation and AI can only solve certain problems. It is clear that **machines will not take over all human jobs in the near future and thus endanger people's right to work**. It is especially clear that in a country like B&H, which is poorly digitally developed, such processes will not start on a large scale soon. Especially because the citizens of B&H, which have certain digital or other skills that are in demand in the labour market, are seen by certain companies as reliable, but also as profitable, because they serve as cheap labour in the digital climate. Hence, the costs of hiring this workforce are in some forms much

lower than it would be to "hire" machines and automate processes.[2]

2   Dominique La Salle, Greta Cartoceti, *Social Security for the Digital Age – Addressing the New Challenges and Opportunities for Social Security Systems (SSDA)*, [International Social Security Association, Geneva: 2019], pages 1-3, 7, 8-9, 11-12; Janine Berg et al., *Digital Labour Platforms and the Future of Work – Towards Decent Work in the Online World*, [International Labour Office, Geneva: 2018], pages 56, 60; *Velike kompanije za rad od kuće i nakon završetka pandemije*, [Al Jazeera Balkans: 2020, (Can be found on: http://balkans.aljazeera.net/vijesti/velike-kompanije-za-rad-od-kuce-i-nakon-zavrsetka-pandemije, Accessed on: 5/12/2020 at 16:34)]; Valerio De Stefan, *Negotiating the algorithm: Automation, artificial intelligence and labour protection – Employment Working Paper No. 246 (NAA)*, [International Labour Organization, Geneva: 2018], page 19; Mariya Aleksynska, Anastasia Bastrakova, Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives*, [International Labour Organization, Geneva: 2018], Pages 34-36; Petar Paunović, *Šta su frilenseri u Bosni uradili kada im je Poreska uprava poslala preteće saopštenje?*, [StartIt: 2020, (Can be found on: https://startit.rs/sta-su-frilenseri-u-bosni-uradili-kada-im-je-poreska-uprava-poslala-pretece-saopstenje/?fbclid=IwAR0W0FDQLbl-GNNyKE3aPSHUI-JsO81G0ZVSace3zDE1FDAUxDBFBD2_EKo, Accessed on: 5/12/2020 at 17:34)]; *Registrirana nezaposlenost u avgustu 2020. godine*, [Agencija za statistiku Bosne i Hercegovine, Sarajevo: 2020]; *Zaposleni po djelatnostima u julu 2020. godine*, [Agencija za statistiku Bosne i Hercegovine, Sarajevo: 2020]; Davor Strika, Dejan Lučka, Petar Jokanović, *Omladinska politika Grada Banje Luke (Za period od 2018. do 2022. godine)*, [Grad Banja Luka, Savjet omladinskih organizacija Banja Luka, Banja Luka: 2018], pages 27, 29, 136-137; *A World Bank Group Flagship Report, The Changing Nature of Work*, [International Bank for Reconstruction and Development - The World Bank, Washington: 2019], page 70; Till Alexander Leopold, Vesselina Stefanova Ratcheva, Saadia Zahidi, *Insight Report - The Future of Jobs Report 2018 (FoJ2018)*, [Centre for the New Economy and Society, World Economic Forum, Cologny/Geneva: 2018], pages 8, 13; Ljubica Nedelkoska, Glenda Quintini, *OECD Social, Employment and Migration Working Papers No. 202, Automation, Skills Use and Training*, [Organisation for Economic Co-operation and Development, DELSA/ELSA/WD/SEM(2018)3: 2018], pages 21, 27; Melanie Arntz, Terry Gregory, Ulrich Zierahn, *The Risk of Automation for Jobs in OECD Countries: A Comparative Analysis – OECD Social, Employment and Migration Working Papers No. 189*, [Organisation for Economic Co-operation and Development, Paris: 2016], Pages 21-24; Technical Commission on Information and Communication Technology, *Applying Emerging Technologies in Social Security – Summary report 2017–2019*, [The International Social Security Association, World Social Security Forum 33rd ISSA General Assembly, Brussels: 2019], pages 3-4.

II

RIGHT TO HEALTH AND NEW TECHNOLOGIES

The health sector in B&H is in a very bad shape and there is no clear recovery plan, which directly endangers the citizens' right to health. The way out of the bad situation can be found in the implementation of new technological solutions in order for citizens to receive a much better service. However, it is also necessary to meet the basic preconditions regarding spatial, innovation and other supporting capacities. First of all, it is necessary to **solve the problems of human resources**, i.e. to give much higher salaries, better working conditions and benefits in an effort to reduce the outflow of medical staff from B&H, which is alarming.

Although the resources are lacking, good initial example for **modernising health services** is the *Banja Luka Health Centre*, whose site enables access to a service called "e-Waiting Room for Family Medicine" and schedule an examination, consultation, referral or prescription for any medicine from local dispensaries. Institutions in some other cities offer a similar way of facilitating access to health sector services. A good example is the introduction of electronic health cards in B&H, as well as future integrated health systems which will not only bring users closer to the health sector but also enable financial savings in practice, through the integration of electronic health records, electronic cards, electronic referrals and recipes.

Digital technologies in B&H should certainly enable **better connection between the patients and doctors**, which should contribute to faster and more accurate care. This is especially important for senior citizens, who may be spared unnecessary visits to health facilities for services that can be provided by apps. Digital technology can play a huge role in making old age much easier, while alleviating geographical distance and providing instant access to services when needed. However, turning this approach into reality will require a high degree of coordination between different levels of government, institutions and medical staff, so that the services provided are tailored to the needs of the individual.

Digital innovation in healthcare is not always driven by those who should ultimately benefit or who have expertise in **solving problems in accordance with human rights**. Therefore, only a handful of innovations specifically target women, children and adolescents, although they should have much better and more affordable care. The poorest and most vulnerable groups also need to benefit from the digital age, but this is not the case. To this end, there is much more work to be done on new applications, which could provide personalised and high-quality health guidance to people who are socially excluded, as well as the implementation of technology in directly solving health problems.

The progress of robotics represent a **great opportunity in the development of quality of health**, making it much simpler and easier to perform routine surgical procedures, and even upgrading prosthetics. In addition, scientific progress in the field of diagnostics would not be possible without new devices that have been developed solely due to technological progress. Following the same pattern, the treatment process has been improved by introducing new treatments based on high-tech devices, while the application of the new superfast 5G technology offers incredible opportunities for better performance of various types of surgical procedures. These examples represent only a small part of the opportunities provided by new technologies in terms of developing the health system and ensuring the right to health.

The digital age has not only brought positive things for people's health. **The negative impact of new information technologies** is, above all, on people's mental health. The term *modern age disease* perfectly reflects the negative effects that accelerated technological development has on the health of individuals. Diseases and disorders such as addiction to technology, attention deficit, depression, anxiety and alienation due to, for example, excessive use of social networks, psychological violence via the Internet and the consequences it leaves, did not pose a significant health risk 30 or 40 years ago. Today, these are common conditions for an increasing number of people, especially children and teenagers.

The **effect to occupational health and safety** must not be overlooked either. Employees working on different digital platforms may work in inadequate environments, which are poorly equipped, polluted, noisy, etc., as well as without proper breaks, leading to possible work-related injuries. In addition, their digital platforms' health insurance is questionable at the very least, so they mostly obtain it in other ways. All this can lead to their practical exclusion from health services and prevent them from exercising their right to health.[3]

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3   *Promovisana prva elektronska kartica i početak rada IZIS-a,* [Fond zdravstvenog osiguranja Republike Srpske: 2020, (Can be found on: https://www.zdravstvo-srpske.org/novosti/promovisana-prva-elektronska-kartica-i-pocetak-rada-izis-a.html, Accessed on: 2/12/2020 at 10:51)]; *SSDA*, page 21; Flavia Bustreo, Marcel Tanner, *How do we reimagine health in a digital age?,* [Bulletin of the World Health Organization, (Can be found on: https://www.who.int/bulletin/volumes/98/4/19-235358/en/, Accessed on: 7/11/2020 at 1:51)].

III

RIGHT TO SOCIAL SECURITY

New forms of social security rights management are already emerging around the globe, relying heavily on the processing of vast amounts of data, and using analysis in their work to predict various risks. **The digitalisation of countries in the social security system** should certainly serve to achieve the goal of ensuring that all citizens benefit from new technologies. However, the digitalization of social services is often accompanied by a profound reduction in the total budget of these services, narrowing the user base, abolishing certain services, introducing demanding requirements and completely reversing the idea that "the state should be responsible to the individual."

At the global level, digitalisation has a **positive impact on the administrative aspects** of social security, by simplifying registration and collection procedures and reducing fraud and errors. At the same time, the provision of benefits becomes faster and more efficient over time, thus increasing people's confidence in social security institutions. However, there are also possible risks, such as those related to social exclusion, problems related to the right to privacy, as well as cyber security. Examples of additional problems include electronic payment cards issued to social assistance recipients in certain countries. Users of these cards often face difficulties in accessing and fully exercising their right to social security, and are sometimes stigmatised because the cards are clearly recognisable as a link to social benefits.

In addition, **access to social services** in the age of digitalisation is becoming very difficult for groups that are digitally excluded. Communication that used to take place in person is increasingly done via emails or apps. As a result, users face difficulties associated with a lack of access to devices, the Internet, and digital skills. In addition, specialised websites sometimes create confusion and provide conflicting information, which undermines the right of citizens to understand and complain about decisions that affect their social rights. A special problem is the overview of certain websites on different devices, while some information remains hidden from users.

The B&H authorities should initiate appropriate fiscal policies and incentives, as well as regulatory initiatives, demonstrating a genuine commitment to **designing a *digital welfare state*** as part of efforts to achieve greater digital inclusion of social service users and thus ensure a decent standard of living. However, with this setting of social and political life, it is impossible to expect this, because the digitalisation of social services in B&H is currently very slow, and due to lack of connection between records, even the needs of citizens are not known. The negligence of the public authorities is evident in the fact that B&H has not made an appropriate social map on the entire territory, so it is not known exactly what problems the citizens are facing. Social maps are made in smaller administrative units, such as municipalities or cantons, so that individuals with the same social needs are discriminated against in the practical actions of the government, receiving a completely different level of assistance despite being in the same social status. When we add to this the poor e-government system and the fact that the average B&H resident has to spend hours and hours in the physical premises of public authorities to obtain certain services or documents, filling out often complicated forms, it is clear that **B&H is moving very slowly towards digitisation of public services**, and thus digitalisation in the field of social security.

In addition to service delivery reforms, it is necessary to **ensure proper taxation** to ensure inclusive growth and redistribution of wealth. Closing the loopholes that allow companies and digital platforms to pay taxes where tax policies is more favourable would create a much more effective social security system for digital workers. Tax avoidance in one country is not only an issue for B&H, but it is also a global challenge arising from digitalisation. Collection of contributions from digital platforms has been successfully introduced in some countries on a voluntary basis, such as Singapore, where certain platforms voluntarily contribute to social security institutions. Private insurance companies can also offer products tailored to the needs of workers on digital

platforms. In this sense, the *Axa-Uber* partnership is a pilot project that provides *Uber* drivers across Europe with, inter alia, the right to hospitalisation, illness and injury compensation and parental benefits. In B&H, these problems are not considered in the right way and it all comes down to the fact that the entire burden of contributions is often placed on the individuals, which can endanger their standard of living and existence.

Digitalisation processes through the use of algorithms and AI in the future will play an increasing role in automated decision making. At the same time, there is a great fear that these processes will be bureaucratised and the right to social security will be forgotten, where the state will assume that individuals "are not the right holders but only applicants". The process of determining eligibility for a particular right can easily be transformed into an electronic *question and answer* procedure that almost inevitably puts an already vulnerable person in an even worse position. Digital services could effectively eliminate much of human interaction and compassion, which are often necessary components in providing the care and assistance needed by some welfare recipients. Therefore, ensuring this right must not be based on the assumption that there is always a technological solution to every problem.

To date, alarmingly little attention has been paid to the ways how new technologies could transform the social state for the better, and as B&H lags behind the digitalisation of social services, all these issues still await. Looking at the current attitude of public authorities towards users, there is a great fear that when creating digital services, more attention will be paid to who will win the tender for the app, how much it will be paid and who will still be able to get involved in the process, rather than paying attention to the true needs of users. What should not be allowed when switching to digital services is to respect only the logic of the market, because it often neglects the respect for human rights, and only caring about profit may lead to bias and discrimination. Predictive analytics, algorithms, and other forms of AI can easily exacerbate existing bias in policies, while embedded forms of discrimination can jeopardise the right to social protection of groups and individuals. Therefore, constant review and monitoring is needed to ensure that rights are respected.[4]

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4 *Report of the Special Rapporteur on Extreme Poverty and Human Rights (RSREP),* [A/74/493: 2019], pages 4-5, 6-7, 10, 11-12, 15, 16-17, 21-23; *SSDA,* pages 15-16, 19; Uroš Vukić, *Socijalna karta nasušno potrebna Srpskoj,* [Nezavisne novine: 2019, (Can be found on: https://www.who.int/bulletin/volumes/98/4/19-235358/en/, Accessed on: 1/11/2020 at 9:13)]; *Partner Protection Insurance with AXA XL,* [Uber: 2019, (Can be found on: https://www.uber.com/gb/en/drive/insurance/, Accessed on: 23/11/2020 at 8:53)].

IV

ORGANISATION OF TRADE UNIONS IN THE FREELANCING ERA

Until recently, organising trade unions was considered a *conditio sine qua non* in the field of labour relations. In the digital age, instead of large production halls and hangars, the focus of economic activity began to shift to the digital environment, and true union organisation remained out of the focus of digital workers. The emergence of freelance work has called **into question the importance of trade union**s, as the protection of workers' rights through traditional trade unions has so far been relatively incompatible with this new form of work. It was hard to imagine that workers working in different parts of the world could find a way to organise into unions. Serious problems would arise when determining legal jurisdiction. There is the question of how the union would put pressure on the employer in order to improve working conditions in the workplace, because it is different for each worker. Union pressure on the government to improve labour regulations would also be limited, as workers work in different countries, with different labour regulations. In such circumstances, it is difficult to put pressure on the authorities, because the states would ignore the remarks that would come from workers from other countries. The role of trade unions in exercising collective labour rights would also be very difficult to achieve. Concluding collective agreements between employees and the employer is a difficult job in the field of freelance work (especially in B&H), because even individual employment contracts are often not concluded in a standard way.

The loss of importance of trade unions in the framework of new labour relations should result in their **re-examination and harmonisation** with the needs of the digital world. We saw indications of this new type of organised activity of workers in the Republic of Serbia and Bosnia and Herzegovina when freelancers protested against the introduction of tax and other levies on their income. The most common platforms for articulating that protest were social media they used to convey their message to a large number of people. Protests of workers are slowly moving from city squares and factories to the virtual world and to "virtual squares",

with a similar principle: present the problem to as many people as possible, send them a message and convince them of their correctness, and then put direct public pressure to decision makers.

In addition, traditional unions are currently largely faced with new challenges in terms of preserving the jobs of their members, dealing with problems of automation and replacement of people with machines. In the digital society, part of the workers do not have the necessary security in their work, and unions are, as a rule, perceived by employers as a threat. The resilience of trade unions to survive previous turbulent times and the resistance of employers should also serve as a guiding idea towards adapting to the challenges of the digital age.[5]

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5   Murad Salman Mirza, *How Unions Can Survive the Digital Age,* , [TLNT: 2020, (Can be found on: https://www.tlnt.com/how-unions-can-survive-the-digital-age/, Accessed on: 22/11/2020 at 7:53)].

V

PROTECTION OF CHILDREN IN DIGITAL ENVIRONMENT

Children are exposed to many dangers when accessing the Internet. Some of them fall into the domain of social and economic rights and others into the domain of other rights (forms of violence such as cyber-bulling, grooming, sexting, sextortion, etc.).

In the new era, platforms such as *YouTube*, *Instagram* or *TikTok* also provide new opportunities for the younger generation. With the development of social media and *influencer culture*, young people who practically work on these platforms become a new type of freelancers, who grew up and live in the digital world, but who are not fully aware of all the rights and obligations they encounter and who can easily be **economically exploited**. Their children's rights present a special issue, especially for those who start filming and editing clips or retouching photos for these platforms very early.

Also, an increasing number of children become **victims of sexual exploitation and exploitation of children** in the digital environment, due to, among other things, **social status** in which they find themselves. In a large number of cases, children use social media although they do not have the knowledge of risks for them, nor do they know how to protect themselves from these risks. They provide their personal information and addresses publicly, exchange personal photos, correspond with strangers, and sometimes agree to live meetings with strangers. At the same time, abusers especially target children from poor families, which there are many in B&H, counting on their social status, so in such environment, children easily become the target of internet predators. Predators in certain cases offer children money or gifts in exchange for pornographic material, taking advantage of their social position.

Moreover, in addition to information that children arbitrarily reveal on social media, their data can be obtained in other ways, such as official databases, through e.g. school servers in B&H, which are not well secured. Even the Internet service providers in B&H do not have rules of conduct aimed at protecting children on the Internet, nor are they mutually organised in this regard, which creates additional problems to prevent abuse. Also, it is very important to mention the role of the so-called *Dark Web* in sexual exploitation on the Internet. The *Dark Web* presents thousands of websites that use various encryption and anonymity tools that cannot be found or visited using traditional Internet browsers. It is very often used to post child pornography, as well as to buy it. The public in B&H talks about it mostly in professional circles, while the dangers of the *Dark Web* are mostly not detected or eliminated.

Legislators, law enforcement agencies, educational and health institutions, but also the private sector are emerging as subjects who must oppose child abuse in the digital environment. Without interconnection, a secure digital environment cannot be created. In the protection of children's rights, it is very important to properly educate children and provide access to technological devices. Of course, improving the social position of a certain number of children would also successfully prevent their digital exploitation, and it is in this field that the state fails the most, because it does not make sufficient efforts to eradicate poverty in many families in B&H.[6]

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6   Elmedin Muratbegović et al., *Smjernice za postupanje u slučaju nasilja nad djecom u digitalnom okruženju u Bosni i Hercegovini*, [Međunarodni forum solidarnosti – EMMAUS, Sarajevo: 2017], pages 32-47; Srđan Vujović, *Seksualno iskorištavanje i zlostavljanje djece u digitalnom okruženju: Intenzitet rizika, težina posljedice i adekvatna reakcija u BiH (Policy brief) (SIZD)*, [Can be found on: https://www.researchgate.net/publication/334680541_Seksualno_isk oristavanje_i_zlostavljanje_djece_u_digitalnom_okruzenju_Intenzitet_ rizika_tezina_posljedice_i_adekvatna_reakcija_u_BiH_Policy_brief, Accessed on: 27/11/2020 at 15:53], pages 1-2; Almir Maljević et al., *Međunarodna studija o samoprijavljenom prestupništvu djece u Bosni i Hercegovini: Izvještaj za stručne radnike iz oblasti zaštite djece*, [Centar za istraživanje politike suprotstavljanja kriminalitetu, Sarajevo: 2017], pages 28-36; Sunethra Sathyanarayanan, *Pregled stanja – Izvještaj o obimu, predmetu i kontekstu seksualnog iskorištavanja djece*, [ECPAT International: 2018], pages 7-8; Matt Egan, *What is the Dark Web, What's on it & How to Access it*, [Tech Advisor: 2019, (Can be found on: https://www.techadvisor.co.uk/how- to/internet/dark-web-3593569/, Accessed on: 15/11/2020 at 9:53)]; Andy Greenberg, *Hacker Lexicon: What Is the Dark Web?*, [Wired: 2014, (Can be found on: https://www.wired.com/2014/11/hacker- lexicon-whats-dark-web/, Accessed on: 17/11/2020 at 11:12)]; Mark Ward, *Tor's Most Visited Hidden Sites Host Child Abuse Images*, [BBC: 2014, (Can be found on: https://www.bbc.com/news/technology-30637010, Accessed on: 10/12/2020 at 13:3)]; Predrag Puharić, *Smjernice za društveno odgovorne informacijsko-komunikacijske kompanije u oblasti zaštite djece od seksualnog iskorištavanja i zlostavljanja*, [Save the Children in North West Balkans, Sarajevo: 2019], page 16.

CONCLUSION

Digital technology is the most powerful resource of the new generation that can use it to solve complex social problems, and the **digital revolution is a major global human rights issue**. When we talk about economic and social rights in the new age, it is quite clear that in order to fully enjoy them, the state must build new forms of social policies, which should accept innovation and create a positive difference in relation to the existing situation.

Authorities should thus **remove barriers to adult learning** through policies that support new techniques such as distance learning while developing a skills testing system. The standard education system should also be revised and reformed to improve the accessibility, quality and equality of education for young people. Digital literacy needs to be strengthened a lot in schools, especially in terms of safe use of the Internet. To facilitate the adaptability and mobility of the workforce and avoid long-term unemployment, retraining and development programs must be available throughout career.

When it comes to those working in the digital industry, they often have unstable employment and do not have the benefits that come with secure jobs. Their enjoyment of rights is hampered by the hybrid nature of working on digital platforms. Therefore, it is necessary to **regulate their legal status** by harmonising relevant laws and reducing the possibility of circumventing the protection of workers. The legal framework needs to be adjusted so that all workers have the right to full social protection, and financial models need to be adapted to new forms of work. To this end, a greater degree of cooperation between social security institutions, tax institutions and the private sector is needed.

Furthermore, it is necessary to **ensure the financing of the social security system** for the circumventing sustainable provision of services. Where employers can choose low-tax states or avoid their tax liability altogether, it is important to develop new approaches and cooperation with other states. As labour fragmentation occurs more and more, it is necessary to **facilitate the free movement of workers and the continuity of coverage**. Within this, new questions are raised related to interstate cooperation and transferability of rights and benefits across borders. In addition to changes in the state legal framework, it is necessary to work further on bilateral and multilateral agreements with which this would be implemented.

The B&H authorities, which still do not implement services such as e-government or e-social services as nearly as they should, ought to focus their approach to building these services on a more **holistic and user-friendly digital approach**, while at the same time improving public services that can be obtained online. Through various programs, the authorities should ensure the coherent use of digital technologies and data in all parts and levels of government, from municipal and entity to state, as well as stimulate innovation in the public sector with the involvement of the business and non-governmental sector.

With the advancement of technology, artificial intelligence systems will increasingly assess and classify people in the future, drawing conclusions about their physical and mental features, predicting their future health conditions, job suitability, and even the likelihood of possible employment. People profiles, "scoring" and "ranking" can be used to assess eligibility for health care, insurance and financial services, but can also be abused. The people who are most affected by computer calculations are almost as a rule those who are on the margins of society, who have their economic and social rights violated on a daily basis. Therefore, the implementation of these tools require a **human rights-based approach.**

The **right to privacy** is also an important issue in digitalisation. Personal data and data analytics have become one of the most valued commodities in today's digital world. As a repository of large amounts of data, social security institutions are required to protect these information from various cyber threats and privacy breaches. It is very important that the exchange of personal data is regulated by transparent rules, with

explicit consent and the necessary measure of invasion of privacy that creates tangible benefits from the quality of services for users.

Ultimately, it should be emphasised that B&H is a country that **did not properly implement digitalisation**, especially of public services, within its system, and it is clear that it has yet to fully enter the digital transformation. Having websites of various institutions and responding to emails from officials are not enough to truly introduce citizens to the digital sphere of human rights. For that to happen, people in decision-making positions need to pay more attention to the betterment of society and the state, and less to ethnic strife and political squabbles. With the hope that this will happen soon, we end the *Analysis* with the Latin proverb ***non progredi est regredi*** (not to progress means to regress).[7]

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7   Michelle Bachelet, *Human rights in the digital age - Can they make a difference? (HRDA),* [Office of the United Nations High Commissioner for Human Rights: 2019, (Can be found on: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25158&LangID=E Accessed on: 7/11/2020 at 12:22)]; *SSDA,* pages 23-24.

ABOUT THE AUTHORS

Dejan Lučka is a jurist and civil activist from Banja Luka. He is the Director of the Banja Luka Centre for Human Rights and a consultant for several domestic and international organisations. He is closely involved in human rights, cyber law and constitutional law, and is interested in new technologies, political science, history and philosophy. So far, he has published nine publications, as well as several scientific and professional papers. He is also the author of a large number of texts and articles in various magazines and portals. More about the author can be found on his website at: www.dejanlucka.com

Dragan Todorović is a jurist and human rights activist. He is the Deputy Director and Head of the Legal Department at the Banja Luka Centre for Human Rights. In addition, he is professionally engaged in the higher education sector. The areas he deals with the most are human rights law, business law, labour law and higher education. He is the co-author of several publications on human rights and one business law textbook. He has participated as a lecturer in a number of trainings and conferences in various legal fields.

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