

Introducing an AI tool equipped with ELYSÉA: what the works council must receive¹

A sheet to hand to the works council (comité social et économique) before any deployment: the text that requires its consultation, what the courts said about it in 2025, and ELYSÉA's answers to the questions it will ask.^{1,2}

WHAT THIS SHEET IS FOR

- **For whom:** the management, human resources and data protection officer (DPO) of the company that deploys an AI tool in which ELYSÉA is integrated.
- **For what:** preparing the information and consultation of the works council (CSE), then handing it the technical note in the second part.

THE LAW AND THE 2025 RULINGS

- **The text:** the French Labour Code, Article L2312-8, II, 4°, provides that the council is informed and consulted on the introduction of new technologies and on any significant change to health and safety conditions or working conditions.¹
- **The threshold:** these powers apply in companies with at least 50 employees (same article, IV).¹
- **Nanterre, 2025-02-14:** in summary proceedings, the court held that AI tools deployed for several months, still called pilots, amounted to a first implementation that required consultation (No. 24/01457).²
- **Créteil, 2025-07-15:** in summary proceedings, the use of generative AI tools was suspended until the end of the council's consultation (No. 25/00851).²
- **Parisian court, 2025-09-02:** no new consultation for an improved version of a tool already presented, without a change of technology or a new function affecting employees; consultation required for a new tool opened to all (No. 25/53278).²
- **What we take from it:** consult before opening the tool to real teams, pilots included, and consult again for each new function that affects work.²

TECHNICAL NOTE TO HAND TO THE COUNCIL

THE COUNCIL'S QUESTION ANSWER, AND ITS LIMIT

Does the tool read our emotions?	No: emotion recognition is locked in ELYSÉA, out of reach of any configuration; a voice analysis path remains on the deployed service, removed with voice in the version being prepared. ³
Will the employer see our conversations?	Not through ELYSÉA: no individual monitoring dashboard, no conversation content passed on; only an alert without content is sent in case of vital danger (next question). What the employer sees also depends on the tool it deploys, to be described to the council by that tool's publisher.
Can the tool manipulate us or make us dependent?	Four prohibitions are checked on every answer: domination, dependence, substitution, manipulation; the company can tighten them, never weaken them.
What if an employee is struggling?	Distress is read from the meaning of the message; the answer points to public helplines, without taking charge.
Can the employer know that an employee is in danger?	Today, when ELYSÉA confirms a vital danger, it writes an alert for the application that deployed it, the employer's or the tool publisher's: a fixed text asking for urgent human care, the time, a fingerprint of the person's identifier, no conversation content; readable in that application's portal, kept for 90 days. Planned before the first real user: the alert becomes a setting the deployer chooses at installation, yes or no, and if yes, who receives it and under which procedure; without a choice, no alert. The emergency numbers given to the employee always remain, and the deployer cannot switch them off.
Is it a high-risk system?	Not for ELYSÉA; the company's own use remains for it to qualify.
Does it work?	No measured result to date: the measurement is still to be done, published after the campaign, favourable or not.

WHAT THIS SHEET DOES NOT SAY

- **Not legal advice:** the rulings cited are summary orders, read in a law firm's analysis; we have not read their full text.²
- **Not the employer's tool:** the note describes ELYSÉA, not the interface or settings of the tool the company deploys.

