# Global Workplace Law & Policy

## Machines aren't only coming for your job, but for much more.

Valerio De Stefano (Osgoode Hall (Canada)) · Thursday, March 7th, 2019

The debate on the future of work has largely concentrated how many jobs will be lost to automation and the number of workers who will likely be displaced. Since the publication of Frey and Osborne's working paper in 2013, there has been a fury of policy and academic discussions on the issue, much of which has been picked up by the media. In March 2019, the *New Yorker* ran an article on automation, and even John Oliver's long piece in *Last Week Tonight* was devoted to it.

Attention to how innovation affects the quality of jobs and work, on the other hand, has received scant attention. Yet a panoply of technological devices and IT-empowered tracking methods is invading workplaces, affecting the conditions under which workers do their jobs, as well as their privacy.

Wearable devices such as "smart badges", measuring how fast people walk and complete tasks, where they move in the workplace, with whom they interact, and the quality of their conversations are a growing reality in the world of work. Software that scans work emails and texts to track productivity, as well as to identify the most innovative workers and detect deviant behaviours, is also spreading.

New technologies can have significant beneficial effects, such as helping with monotonous or hazardous jobs and help to detect past and future wrongdoings. But they also pave the way to enhanced and undesirable monitoring and stress at the workplace. Algorithmic-based management can lead to insidious forms of discrimination, by hiding the explicit and implicit bias of programmers behind a technologically "objective" façade. The *Comparative Labor Law and Policy Journal* has decided to devote a special issue to this neglected side of the debate.

The special issue will be guest-edited by me and will follow an interdisciplinary approach, hosting contributions from economists, lawyers, sociologists, and industrial relations specialists. The authors are academics and ILO officers and their contributions will link academic and policy debates on technology and work. A workshop in preparation of the special issued was co-organised by the ILO Employment Policy Department and the Institute for Labour Law of KU Leuven and was hosted at the ILO at the end of February. The discussion benefited from the participation of several ILO colleagues as well as of colleagues and friends from the ILO constituents, who contributed to the academic debate.

The papers of the special issue aim to highlight the impact of automation, artificial intelligence and "management by algorithm" on working conditions. We will address their consequences on occupational health and safety and workers' human dignity as well as the potential role of social

dialogue in this respect. Against this backdrop, we will also cover fundamental questions on the consequences of job automation, including re-shoring of production, and proposals to introduce measures such as the Universal Basic Income to deal with job losses.

Papers will be contributed from **Matt Finkin**, who is writing a piece on the historical implications of automation throughout the last centuries, and **Phoebe Moore**, covering the impact of worker surveillance and artificial intelligence (AI) on occupational safety and health. **My paper** then discusses the legal implications of automation and artificial intelligence within the workplace and the potential role of social dialogue in governing these phenomena (a preliminary version can be read **here**).

**David Kucera** and **Fernanda Barcia de Mattos** discuss automation threat to jobs and the implication of re-shoring in workplaces in industrialised and developing countries, while **Antonio Casilli** shows how digital work, paid and unpaid, is used to build and reinforce AI systems and outlines what policy measures can tackle this phenomenon. **Frank Hendrickx** discusses the many challenges big data and AI pose to existing privacy regulation, including the GDPR, while **Miriam Cherry** examines past policy debates on automation, with a specific focus on the ILO, to draw directions for the future of regulation in this area.

**Abi Adams** and **Jeremias Prassl** contribute a joint paper on the legal and economic implications of algorithmic management and automation. **Janine Berg** discusses the future of labour and social protection in the digital age, including the potentialities and shortcomings of Universal Basic Income proposals. **Uma Rani** will then analyse the labour implication of automation, big data and AI for developing countries.

Finally, **Antonio Aloisi** and **Elena Gramano** examine how employment law, data protection and privacy regulation can be used to counter undesirable AI-enabled digital monitoring at the workplace, while **Emanuele Dagnino** and **Ilaria Armaroli** present case studies on how trade unions are reacting to the introduction of AI-monitoring and of automating technologies in the workplace and how existing labour regulation assist them in doing this.

The special issue will be published later this year, and the draft papers will soon also be available on SSRN. We hope they contribute moving the debate further, in the direction of ensuring that technological advances result in just and equitable progress for all.

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