RETHINKING THE FUTURE OF WORK: AI-DRIVEN WORKPLACES, ARTIFICIAL INTELLIGENCE, AND THE CHALLENGES FOR INTERNATIONAL HUMAN RIGHTS LAW*

Abstract

The integration of artificial intelligence (AI) into the modern workplace has radically reshaped employer-employee relations, job security, privacy, and equality. While AI presents opportunities for increased efficiency, cost reduction, and innovation, its deployment in managing labour—particularly through automated hiring, productivity surveillance, algorithmic task allocation, and predictive termination—raises urgent questions about the adequacy of international human rights protections in the future of work. This article critically examined the intersection of AI-driven workplace technologies and core labour-related human rights, including the rights to privacy, non-discrimination, freedom of association, and just conditions of work. It explores the regulatory gaps within existing international legal instruments such as the ILO Conventions and major UN human rights treaties, identifying the failure of current legal frameworks to address the algorithmic opacity, accountability, and structural bias inherent in many AI systems. The article also considers regional responses and national models, drawing lessons from emerging legislation such as the EU AI Act, and the African Union's Digital Transformation Strategy. It concludes by proposing a rights-based approach to AI governance in the workplace that aligns technological development with international labour standards, promotes worker dignity, and ensures that digital innovation does not come at the cost of fundamental freedoms.

Keywords: AI-Driven Workplaces, Artificial Intelligence, Challenges, International, Human Rights Law

1. Introduction

The 21st century is witnessing an unprecedented transformation in the structure and dynamics of the global labour market.[1] At the heart of this change is the rapid integration of artificial intelligence (AI) and related technologies into workplace environments across diverse sectors ,ranging from retail and manufacturing to logistics, healthcare, and professional services.[2] This digital shift, often described as the 'Fourth Industrial Revolution,' is fundamentally altering how work is organized, monitored, and delivered.[3] AI-driven tools now routinely handle recruitment, assign tasks, track productivity, predict employee turnover, and even initiate dismissals without human intervention.[4] While these technologies offer significant gains in productivity, cost efficiency, and innovation, they simultaneously pose profound threats to fundamental human rights in the workplace, including the rights to dignity, equality, privacy, and fair working conditions.[5]

AI-driven workplaces operate on the backbone of vast data sets and algorithmic logic, often trained on opaque, privately held systems.[6] These algorithmic models are deployed not merely to assist decision-making, but in many instances, to autonomously control, evaluate, and discipline human labour.[7] Workers, particularly in platform-based or precarious employment systems, are subjected to constant digital surveillance, predictive performance metrics, and behavioural nudging—all of which take place without their informed consent or meaningful participation.[8] In such settings, decisions that were once mediated through human discretion are increasingly automated, reducing employment relations to statistical probability and efficiency calculations.[9] This shift raises important legal and ethical concerns, particularly when algorithmic outcomes reinforce existing structural inequalities or when accountability for harmful decisions becomes elusive due to the 'black box' nature of AI systems.[10]

***By Nancy NZOM, MCiarb (UK),** Notary Public, Barrister & Solicitor of the Supreme Court of Nigeria; and
***Daniel Moses EYYAZO,** Lecturer, Department of Private and Business Law, Faculty of Law, Nasarawa State University, email: danieleyyazo@nsuk.edu.ng

[1] International Labour Organization, World Employment and Social Outlook: Trends 2023 (Geneva: ILO, 2023), 12–15, <https://www.ilo.org/global/research/global-reports/weso/2023/lang--en/index.htm.> Accessed 20 June 2024

[2] C B Frey, and A O Michael, "The Future of Employment: How Susceptible Are Jobs to Computerisation?" Technological Forecasting and Social Change 114 (2017): 254–280, <https://doi.org/10.1016/j.techfore.2016.08.019.> Accessed 20 June 2024

[3] K Schwab, The Fourth Industrial Revolution (Geneva: World Economic Forum, 2016), 1–10, <https://www.weforum.org/about/the-fourth-industrial-revolution-by-klaus-schwab. .> Accessed 20 June 2024

[4] J E Bessen, *et al*., "Automation and Jobs: When Technology Boosts Employment," American Economic Review 109, no. 10 (2019): 3125–3159, <https://doi.org/10.1257/aer.20180319.> Accessed 20 June 2024

[5] V De Stefano, "The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowdwork, and Labour Protection in the 'Gig-Economy,'" Comparative Labor Law & Policy Journal 37, no. 3 (2016): 471–504, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2682602.> Accessed 20 June 2024

[6] J. Dastin, Amazon scraps secret AI recruiting tool that showed bias against women. Reuters. (2018). <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G.> Accessed 20 June 2024

[7] I Ajunwa, K Crawford, & J Schultz, Limitless worker surveillance. California Law Review, 105(3), 735–776. (2017). <https://www.californialawreview.org/wp-content/uploads/2017/06/3Ajunwa.pdf.> Accessed 20 June 2024

[8] P V Moore, The quantified self in precarity: Work, technology and what counts. Routledge. (2018).

[9] S Zuboff, The age of surveillance capitalism: The fight for a human future at the new frontier of power. PublicAffairs. (2019).

[10] T M Dworkin, & S P Tippins, The black box of AI: Ethical and legal implications in employment. Journal of Business Ethics, 167(4), 611–627. (2020). <https://doi.org/10.1007/s10551-019-04339-7.> Accessed 20 June 2024

The international legal order, especially human rights law, has historically provided a normative framework to protect the dignity and autonomy of workers.[11] Instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and various International Labour Organization (ILO) Conventions enshrine rights that are central to decent work.[12] These include the right to work under just and favourable conditions, protection from discrimination, the right to privacy, and the freedom to organise and bargain collectively.[13] However, these instruments were developed in an analogue era and are struggling to address the complex realities of AI-driven work environments.[14] The opacity of AI systems, their embedded biases, and the lack of enforceable obligations on developers and employers challenge the very foundations of these protections.[15]

Despite growing international consensus on the need to regulate AI, current legal approaches remain fragmented and uneven.[16] The European Union has taken a proactive stance with the development of the AI Act and robust data protection regulations under the General Data Protection Regulation (GDPR).[17] In contrast, many countries in Africa, Asia, and Latin America remain at the preliminary stages of developing AI governance frameworks.[18] In Africa, where digital adoption is growing rapidly—often in the absence of strong regulatory institutions—the risk of rights violations in AI-driven workplaces is particularly acute.[19] Countries like Nigeria have introduced data protection law, but broader safeguards that address the use of AI in employment contexts remain underdeveloped.[20]

2. AI Technologies in the Modern Workplace

The workplace has evolved rapidly over the past decade, shaped by the convergence of digital innovation, data analytics, and artificial intelligence (AI).[21] AI technologies—once confined to theoretical application—now play an active, operational role in everyday workplace decision-making, particularly in sectors with large-scale workforces such as logistics, retail, hospitality, healthcare, financial services, and manufacturing.[22] These technologies have significantly altered how labour is recruited, managed, monitored, and, in some instances, terminated.[23] This section explores the architecture of AI systems deployed in workplaces and their implications for the employment relationship.[24] At the centre of AI-driven workplaces is the principle of automation: the use of machines and algorithms to carry out tasks traditionally performed by humans.[25] However, modern AI applications go beyond mechanical replacement.[26] They involve adaptive, predictive, and prescriptive tools capable of analysing vast amounts of data to support or even supplant human decision-making.[27] In recruitment, AI is increasingly used to screen resumes, conduct video interviews, and

[11] United Nations, The International Bill of Human Rights: Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights (United Nations General Assembly, 1948, 1966).

[12] International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work (1998, amended 2022); United Nations General Assembly, Universal Declaration of Human Rights (1948), Article 23; United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights (1966), Articles 6–8.

[13] International Labour Organization, Convention No. 87: Freedom of Association and Protection of the Right to Organise (1948); International Labour Organization, Convention No. 98: Right to Organise and Collective Bargaining (1949); United Nations General Assembly, Universal Declaration of Human Rights (1948), Articles 23–24.

[14] J Adams-Prassl, *Regulating Algorithms at Work: Labour Law in the Age of Artificial Intelligence* (Oxford University Press, 2023), 45–67.

[15] J Dastin, "Amazon scraps secret AI recruiting tool that showed bias against women," Reuters (October 10, 2018); European Union Agency for Fundamental Rights, Bias in Algorithms: Artificial Intelligence and Discrimination (2020), 12–15.

[16] United Nations, Our Common Agenda Policy Brief 5: A Global Digital Compact (New York: United Nations, 2023), 12, <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-global-digital-compact-en.pdf. .> Accessed 21 June 2024

[17] European Commission, Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM/2021/206 final, April 21, 2021, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0206; Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (GDPR), <https://eur-lex.europa.eu/eli/reg/2016/679/oj.> Accessed 20 June 2024

[18] UNESCO, Recommendation on the Ethics of Artificial Intelligence (Paris: UNESCO, 2021), 18, <https://unesdoc.unesco.org/ark:/48223/pf0000381137.> Accessed 20 June 2024

[19] African Union, African Union Digital Transformation Strategy for Africa (2020-2030) (Addis Ababa: African Union, 2020), 22, <https://au.int/en/documents/20200518/digital-transformation-strategy-africa-2020-2030.> Accessed 21 June 2024

[20] Nigeria Data Protection Regulation 2019, Federal Republic of Nigeria Official Gazette, No. 15, Vol. 106, January 25, 2019, <https://ndpr.nitda.gov.ng/Content/Doc/NigeriaDataProtectionRegulation.pdf;> Temitayo Ogunmokun, "AI Governance in Nigeria: A Work in Progress," *Journal of Law*, Technology & Policy 2 (2024): 45–60.

[21] E Brynjolfsson, & A McAfee, The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies. W.W. Norton & Company. (2014).

[22] C B Frey, & M A Osborne, The future of employment: How susceptible are jobs to computerisation? Technological Forecasting and Social Change, 114, 254–280. (2017).

[23] J Dastin, Amazon scraps secret AI recruiting tool that showed bias against women. Reuters. (2018). Retrieved from https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G

[24] D H Autor, Why are there still so many jobs? The history and future of workplace automation. *Journal of Economic Perspectives*, 29(3), 3–30. (2015).

[25] D Acemoglu, & P Restrepo, Robots and jobs: Evidence from US labor markets. *Journal of Political Economy*, 128(6), 2188–2244. (2020).

[26] J Bessen, Automation and jobs: When technology boosts employment. *American Economic Review*, 109(10), 3125–3159. (2019).

[27] T H Davenport, & R Ronanki, Artificial intelligence for the real world. *Harvard Business Review,* 96(1), 108–116. (2018).

score candidates based on biometric and psychometric inputs.[28] These tools are often integrated into human resource (HR) platforms and applicant tracking systems (ATS) designed to reduce bias and improve efficiency.[29]

3. Human Rights at Risk in AI-Driven Labour

Right to Privacy and Human Dignity

The right to privacy, enshrined in instruments such as Article 17 of the International Covenant on Civil and Political Rights (ICCPR), is one of the most visibly threatened by AI-powered workplace surveillance. Modern workplaces are increasingly equipped with software that tracks keystrokes, browser history, screen activity, location data, facial recognition inputs, and even voice inflections. Employers often justify these tools as necessary for productivity, compliance, or security. However, this form of digital monitoring—particularly when continuous and opaque—can violate workers' autonomy and sense of dignity. In the platform economy and gig work environments, where workers often operate via apps or devices provided by employers, surveillance becomes even more invasive. Drivers or couriers may be geolocated at all times, assessed through customer feedback mechanisms, and assigned tasks based on real-time behavioural data. These forms of scrutiny reduce human labour to measurable data points, removing space for context, discretion, or empathy.

Right to Equality and Non-Discrimination

AI systems are often presumed to be neutral and objective. However, research has demonstrated that algorithms can replicate and reinforce existing biases, particularly those related to gender, race, class, and disability. This occurs primarily because AI systems are trained on historical data, which often reflects societal prejudices or discriminatory patterns. For instance, if a recruitment algorithm is trained on data from a workforce that was historically male-dominated, it may rank female applicants lower. Similarly, speech recognition tools may struggle to understand non-Western accents or dialects, placing certain applicants or employees at a disadvantage. The right to equality and non-discrimination is protected under international human rights law, notably Article 2 of the ICCPR and Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as ILO Convention No. 111. These instruments mandate equal treatment in employment and call for proactive measures to eliminate all forms of discrimination. However, the covert and technical nature of algorithmic bias makes it difficult for affected individuals to identify, prove, or remedy discrimination. The result is a growing 'accountability gap' in which bias is embedded and scaled through AI technologies without any meaningful form of redress.[30]

Right to Remedy and Accountability

One of the most critical gaps in AI-driven labour systems is the lack of clear accountability.[31] International law recognises the right to an effective remedy for violations of rights (ICCPR, Article 2(3); UDHR, Article 8).[32] Yet in AI-mediated workplaces, identifying who is responsible for harm is often difficult.[33] Is it the employer who deployed the system, the vendor who developed it, or the data analyst who trained it?[34] Moreover, AI systems are frequently protected under intellectual property or trade secrecy laws, limiting access to information that would allow workers to challenge unjust outcomes.[35] In the absence of transparency, workers are disempowered and unable to assert their rights.[36] Legal frameworks must be strengthened to ensure that any entity involved in designing, deploying, or profiting from AI systems in the workplace is subject to scrutiny and liability.[37]

4. International Legal Frameworks and Their Gaps

The evolution of artificial intelligence (AI) in workplace governance has outpaced the development of international legal frameworks meant to safeguard human and labour rights.[38] Existing treaties, conventions, and soft law instruments-

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[28] P R Daugherty, & H J Wilson, Human + Machine: Reimagining Work in the Age of AI. Harvard Business Review Press. (2018).

[29] P Tambe, P Cappelli, & V Yakubovich, Artificial intelligence in human resources management: Challenges and a path forward. *California Management Review,* 61(4), 15–42. (2019).

[30] J Dastin, Amazon scraps secret AI recruiting tool that showed bias against women. Reuters. (2018). Available at: <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G> Accessed 21 June 2025

[31] V De Stefano, Algorithmic management and worker rights: Challenges and opportunities. *International Labour Review*, 159(4), 553–568. (2020). <https://doi.org/10.1111/ilr.12182> Accessed 21 June 2025

[32] United Nations. (1966). International Covenant on Civil and Political Rights, Article 2(3); Universal Declaration of Human Rights, Article 8. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> Accessed 21 June 2025

[33] A Adams-Prassl, & A Kelly-Lyth, Accountability in algorithmic systems: Challenges and solutions. *Oxford Journal of Legal Studies*, 42(3), 789–816. (2022). <https://doi.org/10.1093/ojls/gqac012> Accessed 21 June 2025

[34] I Ebert, & A Lavee, AI in the workplace: Liability and responsibility challenges. Journal of Labour Law, 45(2), 123–140. (2021). <https://www.jllonline.com/articles/ai-workplace> Accessed 21 June 2025

[35] M E Kaminski, (2021). The right to explanation, explained. Berkeley Technology Law Journal, 36(1), 189–235. <https://doi.org/10.15779/Z38M32N88> Accessed 22 June 2025

[36] A Aloisi, & E Gramano, Workers' rights in the age of AI: Challenges for labour law. *European Labour Law Journal*, 11(3), 285–305. (2020). <https://doi.org/10.1177/2031952520944296> Accessed 22 June 2025

[37] E Dagnino, Regulating AI in the workplace: Towards a new legal framework for accountability. *Comparative Labor Law & Policy Journal*, 44(1), 67–92. (2023). <https://cllpj.law.uiuc.edu/> Accessed 22 June 2025

[38] J Adams-Prassl, & A Kelly-Lyth, The Rise of Algorithmic Management: Challenges for Labour Law and Policy. *Oxford Journal of Legal Studies,* 41(3), 637-662. (2021). <https://doi.org/10.1093/ojls/gqab012> Accessed 22 June 2025

though robust in traditional employment contexts-struggle to account for the algorithmic complexity, data-centricity, and structural opacity of AI-driven labour systems.[39] This section critically assesses the current architecture of international labour and human rights law and identifies key regulatory gaps that undermine the protection of workers in AI-managed workplaces.[40]

Accountability Gap in Algorithmic Decision-Making

A major challenge within existing legal frameworks is the lack of accountability for algorithmic decision-making**.** International law is ill-equipped to assign responsibility when harm results from opaque AI systems developed by private actors but deployed by employers. There is no clear international consensus on whether employers, developers, or data providers should be liable for adverse outcomes—such as discrimination, unfair dismissal, or violation of privacy.[41] Further, AI systems are often protected by intellectual property and trade secrecy laws, making it difficult for workers to access the information necessary to challenge decisions. The right to explanation—central to ensuring due process—is not recognised as a standalone human right in many jurisdictions, nor is it explicitly required under international human rights instruments.[42]

Fragmented Global Regulation and Unequal Protection

The absence of a unified global regulatory framework for AI in the workplace has led to legal fragmentation. While regions like the European Union have advanced legislation such as the General Data Protection Regulation (GDPR) and the forthcoming AI Act, other regions-particularly in the Global South-lack comparable protections. This results in a two-tiered system where workers in more regulated environments enjoy greater safeguards, while those in low- and middle-income countries are exposed to unregulated AI practices.[43] For instance, under the GDPR, workers in the EU have rights to data access, correction, and objection, as well as protections against automated decisions without human review (Article 22). However, similar rights are absent or underdeveloped in many African, Asian, and Latin American countries. The African Union's Digital Transformation Strategy (2020–2030) acknowledges the importance of inclusive digital governance, but it stops short of setting binding standards on AI or workplace data governance.[44] Nigeria, as one of Africa's most digitally ambitious economies, has enacted the Nigeria Data Protection Act (2023)**,** which offers baseline protections for personal data. Nevertheless, the Act does not comprehensively regulate the use of AI in employment, nor does it create rights specific to workers in algorithmically managed environments. As a result, AI systems can be introduced in ways that undermine due process, equality, and transparency—without breaching any enforceable rule.[45]

Soft Law Initiatives and Emerging Principles

In response to these gaps, several international organisations and advocacy groups have developed soft law instruments aimed at promoting ethical AI governance. These include:

- The OECD AI Principles, which call for transparency, accountability, and human-centred values;
- The UNESCO Recommendation on the Ethics of Artificial Intelligence (2021)**;**
- The ILO's Global Commission on the Future of Work (2019)**.**

While these initiatives offer valuable normative guidance, they lack binding authority and enforcement mechanisms. Furthermore, they tend to adopt a generic approach that does not fully address the unique vulnerabilities of workers in AI-managed workplaces. The focus is often on general ethical principles rather than concrete legal obligations or regulatory tools. The reliance on soft law also places the burden of enforcement on civil society, trade unions, and workers themselves-many of whom lack the resources to effectively challenge multinational corporations or demand structural reforms.

5. Comparative Legal Responses

The regulatory landscape for artificial intelligence (AI) in the workplace is evolving rapidly, but unevenly across jurisdictions.[46] As governments grapple with the challenges of digital transformation, some have enacted pioneering legislation to mitigate the risks of AI-driven labour practices, while others remain in early stages of developing coherent

[39] V De Stefano, Algorithmic Management and the Future of Work: Challenges for Labour Regulation. International Labour Review, 159(4), 469-488. (2020). <https://doi.org/10.1111/ilr.12186> Accessed 22 June 2025

[40] A Aloisi, & E Gramano, Artificial Intelligence and Workers' Rights: A Need for Regulatory Innovation. *European Labour Law Journal*, 13(2), 215-237. (2022). <https://doi.org/10.1177/20319525221075953> Accessed 22 June 2025

[41] L McGregor, Accountability for Algorithmic Decision-Making and International Human Rights Law, 15 *J. Int'l Hum. Rts. L*. 123 (2022)

[42] E K Margot, The Right to Explanation, Explained, 34 Berkeley Tech. L.J. 189 (2019), <https://btlj.org/data/articles2019/vol34/34_1/34-berkeley-tech-lj-0189-0220_kaminski_web.pdf> Accessed 22 June 2025

[43] AlgorithmWatch, "Automating Society Report 2020: AI in the Global South," accessed June 27, 2025, <https://algorithmwatch.org/en/automating-society-2020/> Accessed 22 June 2025

[44] African Union, "The Digital Transformation Strategy for Africa (2020–2030)," 2020, <https://au.int/sites/default/files/documents/38507-doc-dts-english.pdf> Accessed 22 June 2025

[45] Nigeria Data Protection Commission, "Nigeria Data Protection Act, 2023," accessed June 27, 2025, <https://ndpc.gov.ng/Files/Nigeria_Data_Protection_Act_2023.pdf; supplemented by analysis from Data Protection Africa, "Nigeria's Data Protection Framework: Gaps in AI Regulation," 2024, <https://dataprotection.africa/nigeria-ai-regulation-gaps/> Accessed 22 June 2025

[46] L Floridi, et al. AI Governance in a Complex and Rapidly Changing Regulatory Landscape: A Global Perspective. Humanities and Social Sciences Communications, 11, 1–12. (2024).

strategies.[47] This section presents a comparative overview of key legal and policy responses to AI in employment contexts-focusing on the European Union (EU), the United States, and emerging African frameworks, with specific attention to Nigeria.[48] The analysis highlights promising innovations, identifies regulatory gaps, and explores the potential for cross-jurisdictional learning.[49]

European Union: Pioneering AI Regulation

The European Union is widely regarded as the global leader in regulating data protection and AI technologies.[50] Its most significant contribution to workplace rights in the digital era has been the General Data Protection Regulation (GDPR), which came into force in 2018.[51] Article 22 of the GDPR restricts automated decision-making-including profiling-that produces legal effects or similarly significant outcomes for individuals.[52] It provides workers with the right not to be subject to such decisions without human involvement, as well as the right to contest, access reasoning, and request correction of inaccurate data.[53] This has profound implications for AI-driven recruitment, productivity tracking, and automated termination decisions.[54]

In 2021, the EU proposed the Artificial Intelligence Act (AIA)-a landmark regulatory framework that classifies AI systems according to risk.[55] Under the draft AIA, workplace-related AI systems are deemed 'high-risk' and therefore subject to strict requirements, including transparency, human oversight, documentation, and risk mitigation.[56] Employers deploying such systems must conduct conformity assessments and implement robust data governance frameworks.[57] Though not yet in force, the AIA signals a proactive shift toward protecting workers from opaque algorithmic practices.[58] Complementing these instruments are the EU's Charter of Fundamental Rights and various directives on occupational safety, discrimination, and working time.[59] The EU's integrated legal framework empowers workers, trade unions, and regulators to challenge exploitative AI practices.[60] However, enforcement varies across member states, and critics argue that implementation at national levels often lags behind EU ambition.[61]

United States: Sectoral and Fragmented Approach

In contrast to the EU, the United States adopts a more fragmented, sector-specific approach to AI governance.[62] The country lacks a comprehensive federal data protection law equivalent to the GDPR, and most workplace-related AI regulation occurs at the state level or through sectoral agencies.[63] That said, U.S. regulators have begun to recognise the dangers of AI in employment.[64] The Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) issued joint guidance in 2022 warning that AI tools used in hiring could violate civil rights laws, particularly the Americans with Disabilities Act (ADA).[65] This guidance advises employers to ensure that AI does not disproportionately screen out disabled applicants and to provide accommodations when requested.[66] Some states, such as Illinois and New York, have taken more specific legislative steps.[67] Illinois passed the Artificial Intelligence Video

[47] European Commission. AI Act: Regulation (EU) 2024/1689 Laying Down Harmonised Rules on Artificial Intelligence. *Official Journal of the European Union*. (2024).
[48] White & Case LLP. AI Watch: Global Regulatory Tracker – Nigeria. (2025). Available at: <https://www.whitecase.com/insight-our-thinking/ai-watch-global-regulatory-tracker-nigeria> Accessed 22 June 2025
[49] M F Weismann, Artificial Intelligence Regulatory Models: Advances in the European Union and Recommendations for the United States and Evolving Global Markets. AIB Insights, 24(3). (2024).
[50] C J Hoofnagle, B Van Der Sloot, & F Z Borgesius, The European Union General Data Protection Regulation: What It Is and What It Means. Information & Communications Technology Law, 28(1), 65–98. (2019).
[51] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.
[52] Ibid., Article 22.
[53] M E Kaminski, The Right to Explanation, Explained. *Berkeley Technology Law Journal*, 34(1), 189–218. (2019).
[54] I Ajunwa, The Paradox of Automation as Anti-Bias Intervention. *Cardozo Law Review*, 41(5), 1671–1742. (2021).
[55] European Commission. (2021). Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM(2021) 206 final.
[56] Ibid., Annex III.
[57] Ibid., Articles 9–12.
[58] M Ebers, The European Union's Artificial Intelligence Act: Regulating AI to Protect Fundamental Rights. *European Journal of Risk Regulation*, 13(4), 672–694. (2022).
[59] Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391–407; Directive 2003/88/EC (Working Time Directive); Directive 2000/78/EC (Employment Equality Directive).
[60] V De Stefano, Algorithmic Management and Collective Rights: The Case for Stronger Labour Law Responses to AI in the Workplace. *Comparative Labor Law & Policy Journal*, 41(1), 147–172. (2020).
[61] P Hacker, The European AI Act: A Risk-Based Approach to Regulation and Its Challenges for Enforcement. *European Law Review*, 48(2), 123–145. (2023).
[62] A Engler, The U.S. AI Regulatory Landscape: A Patchwork of Sector-Specific Rules. Brookings Institution, February 15. (2023).
[63] A Chander, The Missing Federal Data Protection Law: Why the U.S. Lags Behind. *Journal of Law and Technology*, 35(2), 123–145. (2021).
[64] U.S. Equal Employment Opportunity Commission. (2021). EEOC Launches Artificial Intelligence and Algorithmic Fairness Initiative. EEOC Press Release, October 28.
[65] U.S. Equal Employment Opportunity Commission & U.S. Department of Justice. (2022). The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees. EEOC Technical Assistance Document, May 12.
[66] Ibid.
[67] National Conference of State Legislatures. (2023). Artificial Intelligence 2023 Legislation. NCSL Report, January 12.

Interview Act (2019), requiring employers to notify and obtain consent from applicants when AI is used to analyse video interviews.[68] New York City enacted a law mandating bias audits for automated employment decision tools.[69] While these developments represent important steps, U.S. regulation remains reactive and patchy.[70] The absence of binding federal AI legislation leaves significant discretion to employers and developers.[71] Moreover, workers in precarious or non-unionised sectors often lack the legal support necessary to challenge algorithmic harms.[72]

African Context: Emerging and Underdeveloped Framework

Across Africa, regulatory responses to AI in the workplace are still nascent.[73] However, growing digitalisation—especially in urban centres—has accelerated policy discussions about AI governance.[74] The African Union (AU) adopted the Digital Transformation Strategy for Africa (2020–2030), which outlines a vision for inclusive digital economies and recognises the risks posed by AI.[75] Although the Strategy is non-binding, it calls for harmonised legal frameworks, ethical standards, and investments in AI literacy.[76] Individual countries vary widely in readiness.[77] South Africa, for example, has developed an AI Institute and a Presidential Commission on the Fourth Industrial Revolution, which proposed frameworks for ethical AI.[78] Yet concrete legal protections for workers managed by AI systems remain limited.[79] In many African nations, digital innovation is imported rather than locally developed, raising concerns about regulatory dependency and data sovereignty.[80] AI tools used in African workplaces are often created by foreign tech companies whose systems are not subjected to African labour standards.[81] This external reliance increases vulnerability to algorithmic discrimination, surveillance, and exploitation.[82]

Case Study: Nigeria

Nigeria represents a key case study in Africa's AI regulatory landscape.[83] As the continent's largest economy and a hub for tech innovation, Nigeria has witnessed growing adoption of digital HR platforms, remote work surveillance, and algorithmic productivity systems.[84] However, legal protections for workers in these contexts are still emerging.[85] In 2023, Nigeria enacted the Nigeria Data Protection Act, which establishes the Nigeria Data Protection Commission (NDPC) and introduces basic principles of data governance-such as consent, data minimisation, and purpose limitation.[86] The Act also requires data controllers to conduct data protection impact assessments for high-risk processing activities, which could arguably include AI-based HR tools.[87] Nevertheless, the Act does not address algorithmic bias, automated decision-making, or the right to explanation-critical elements for safeguarding labour rights.[88] It also lacks specific provisions for workplace surveillance and makes no distinction between general data subjects and employees, despite their unique vulnerabilities in employment relationships.[89] In addition to legal reform, Nigeria's trade unions, legal community, and civil society must play a larger role in shaping digital labour policy.[90] At

[68] Illinois Artificial Intelligence Video Interview Act, 820 ILCS 42/1 (2019).
[69] New York City Local Law 144 of 2021, INT 1894-2020 (effective July 5, 2023).
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[71] M Whittaker, The Steep Cost of Delay: Why the U.S. Needs Federal AI Legislation. AI Now Institute Report, p. 10. (2023).
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present, most workplace technologies are deployed without worker consultation or sectoral regulation.[91] A multi-stakeholder approach involving the National Human Rights Commission, labour inspectorates, and tech regulators is urgently needed to ensure ethical AI deployment.[92]

6. Role of International Institutions

Finally, international institutions must lead the development of global standards and oversight mechanisms for AI in the workplace. The ILO can issue a Recommendation on AI and Labour Rights**,** develop training modules for inspectors, and establish a global observatory to track violations. The UN Human Rights Council can appoint a Special Rapporteur on Algorithmic Labour to raise awareness and coordinate action. Regional bodies, including the African Union**,** should also promote model laws and support member states in harmonising digital labour protections. South-South cooperation is critical, as countries facing similar technological and institutional challenges can share lessons, tools, and frameworks.

7. Recommendations

Artificial intelligence (AI) has introduced new complexities to labour regulation. To ensure human rights remain central in AI-driven workplaces, a coordinated, rights-based regulatory and institutional response is needed. The following recommendations are offered to national governments, international organisations, employers, unions, and civil society actors.

For National Governments

Legislate AI Use in Employment Contexts*:* Governments should enact specific legislation governing the use of AI in labour management. This must include:

- Mandatory human rights and algorithmic impact assessments (AHRIA) for AI tools used in recruitment, performance tracking, and termination;
- Statutory rights to human oversight for any automated decisions affecting employment;
- Legal duties of care and accountability for AI developers and employers.

Reform Labour and Employment Laws to Recognise AI Realities: Traditional employment statutes must be updated to include:

- Clear definitions of algorithmic management and digital surveillance;
- Regulation of biometric data, location tracking, and keystroke monitoring at work;
- Recognition of gig and platform workers as employees with rights to collective representation and protection against arbitrary algorithmic punishment.

Strengthen Data Protection with Labour-Specific Rules*:* Privacy protections should be tailored to workers. Governments should:

- Enforce limitations on intrusive surveillance in the workplace;
- Mandate transparency on how employee data is collected, processed, and stored;
- Empower national data protection agencies to investigate algorithmic harm in employment contexts.

Build Institutional and Technical Capacity: Developing nations like Nigeria should invest in:

- AI ethics units within labour ministries;
- Training labour inspectors and judges on algorithmic systems;
- Collaboration with academia and civil society to monitor digital labour practices.

Ensure Worker Consultation and Participation*:* Before deploying AI tools in employment, employers must:

- Consult with employees or their representatives;
- Publish clear guidelines on what data is being collected and why;
- Implement mechanisms for workers to contest and appeal automated decisions.

For International and Regional Organisations

Develop a Global Framework on AI and Labour Rights*:* The ILO should initiate a process to adopt a global Recommendation or Convention on 'AI, Work, and Rights.' This would provide:

- Guidance to member states on adapting labour laws to digital management systems;
- Definitions for 'algorithmic decision-making' and 'digital labour control';
- Minimum standards for fairness, transparency, and accountability.

Mandate Algorithmic Impact Assessments Under UN Human Rights Instruments*:* Human rights treaty bodies (e.g., CESCR, HRC) should interpret existing instruments as requiring:

- AI-specific due diligence by states and corporations;
- Monitoring of AI's effects on collective bargaining, privacy, and non-discrimination;

[91] L Tsado, Workplace Surveillance in Nigeria: Legal and Ethical Challenges in the Digital Age. *African Journal of Legal Studies*, 15(1), 45–62. (2023).

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- Inclusion of algorithmic oversight in periodic country reports.

Support Regional Regulatory Harmonisation: Bodies like the African Union (AU), ECOWAS, and SADC should:
- Develop regional model laws on AI and labour;
- Facilitate technical assistance and regulatory alignment;
- Promote regional data protection standards that address employment-specific risks

Establish a Global Observatory on Algorithmic Labour Practices: A joint platform could be created by the ILO, OHCHR, and UNESCO to:
- Monitor global trends in AI use in employment;
- Publish reports on best and worst practices;
- Provide technical support to under-resourced states.

For Employers and AI Developers

Conduct Human Rights Due Diligence on AI Systems*:* Employers must:
- Evaluate the risk of AI tools to workers' rights before deployment;
- Involve workers and unions in designing digital performance systems;
- Commission external audits on bias, data use, and transparency.

Build Ethical AI Design from the Start*:* Developers should adopt:
- Privacy-by-design and fairness-by-design models;
- Inclusive training data that avoids reproducing structural inequality;
- Explainable AI models that allow users to understand and challenge outcomes.

Create Internal Accountability Mechanisms*:* Firms should establish:
- Internal ethics committees with worker representation;
- Algorithmic transparency dashboards accessible to employees;
- Designated grievance mechanisms for those affected by AI decisions.

For Trade Unions and Civil Society

Build Workers' Digital Literacy: Trade unions should lead:
- Education campaigns on algorithmic rights;
- Digital skills training for union members;
- Distribution of practical guides on how to detect and report algorithmic abuse.

Include AI Protections in Collective Bargaining: Union contracts should contain provisions on:
- The introduction and oversight of new technologies;
- Prohibitions on full automation of disciplinary or dismissal processes;
- Shared access to algorithmic audits and system updates.

Engage in Strategic Litigation and Public Advocacy: Civil society and legal practitioners should:
- Challenge abusive algorithmic practices in national and international courts;
- Publicly expose AI harms through media, white papers, and advocacy campaigns;
- Form interdisciplinary coalitions to pressure lawmakers and employers.

8. Conclusion

The global workplace is undergoing a profound transformation, driven by the rise of artificial intelligence and the digital management of human labour. This transformation is not neutral. It is reshaping the balance of power between employers and workers, changing how rights are exercised, and introducing new vulnerabilities into the employment relationship. AI systems have already begun to control the pace of work, allocate tasks, assess productivity, and make or influence decisions about hiring and termination. These functions, once human and accountable, are now delegated to opaque algorithmic systems developed in far-removed technical environments. For many workers, particularly in the platform economy, there is no human supervisor-only an interface, a performance score, or an automatic notification. Furthermore, the absence of global consensus on the regulation of workplace AI has created a regulatory vacuum. While the European Union has made commendable progress through instruments like the GDPR and the AI Act, most other regions-especially the Global South-remain legally unprepared. The result is a form of 'digital legal inequality,' where some workers benefit from strong protections while others remain exposed to exploitation. The article has also highlighted that the challenges of AI in the workplace are not merely technical-they are moral, legal, and political. AI systems reflect the values and assumptions of their creators. When designed with profit and efficiency as primary goals, they often reinforce existing forms of marginalisation and control. When developed without public input or legal scrutiny, they threaten core democratic values, including autonomy, dignity, and justice. But this future is not inevitable. Technology is not destiny. A different path is possible-one in which AI is governed by principles of fairness, equity, and accountability. A future in which the worker is not reduced to a data point, but empowered as a rights-holder. A future in which innovation serves humanity, not just capital. It is time for legislators, courts, unions, scholars, and advocates to take up this challenge. The moment demands not just technological adaptation, but legal transformation. It calls for solidarity, vigilance, and creativity in building frameworks that protect rights in the digital age.