

WHO OWNS WORKER DATA, PRIVACY, CONSENT AND ALGORITHMIC CONTROL IN DIGITAL WORKPLACES? A NIGERIAN CASE STUDY IN THE AFRICAN CONTEXT*

Abstract

The expansion of digital technologies in the workplace has transformed how labour is organised, monitored and evaluated. In both Nigeria and other African labour markets, employers and digital platforms increasingly collect, analyse and utilise data generated by workers in the course of employment. This includes biometric data, productivity metrics, location tracking, performance analytics and behavioural indicators. While such data is often justified as necessary for efficiency, security or optimisation, it raises fundamental questions regarding ownership, control, consent and the boundaries of managerial authority. This article examines the legal and regulatory implications of worker data governance, focusing on Nigeria as a case study situated within broader African developments. Using a socio-legal and doctrinal analytical approach, the study evaluates the Nigerian Data Protection Act, the National Data Protection Regulation, constitutional privacy guarantees and existing labour law frameworks to determine whether current legal protections adequately safeguard worker autonomy and dignity. The analysis shows that although data protection instruments recognise individual rights to privacy and consent, the employment relationship complicates the voluntariness of consent and enables asymmetric power dynamics in data collection and use. Across African jurisdictions, similar tensions are evident, particularly as platform-based and digitally mediated work expands. The study argues that ensuring fair and transparent data governance requires clearer legal recognition of workers' rights over data generated through their labour, limits on algorithmic decision-making, and accountability mechanisms for employers and platforms. Strengthening regulatory safeguards is essential to maintaining worker dignity and agency in increasingly data-driven work environments.

Keywords: Worker Data, Digital Surveillance, Algorithmic Management, Labour Law, Data Protection

1. Introduction

Digital technologies have become integral to the organisation of work across diverse sectors in Africa.¹ In conventional employment settings, biometric attendance systems, productivity monitoring software and digital evaluation tools have become standard workplace features.² In platform-based labour markets, work is coordinated entirely through digital systems that collect and analyse data on worker behaviour, performance and availability.³ These developments have expanded managerial capacity to monitor, assess and influence worker conduct, creating forms of control that differ significantly from traditional supervision.⁴ In Nigeria and across Africa, these systems operate in legal environments where labour protection frameworks and data governance regimes are still developing.⁵ The introduction of the Nigeria Data Protection Regulation (2019) and subsequent Data Protection Act (2023) marks a significant step toward establishing privacy rights and consent standards.⁶ However, these instruments were not designed with the employment relationship as their primary focus.⁷ The labour context presents unique challenges, as consent may be formal rather than genuine given the structural imbalance of power between workers and employers or platforms.⁸ This raises important questions regarding the extent to which workers can meaningfully control or contest the collection and use of data generated through their labour.⁹ Moreover, algorithmic systems increasingly shape work allocation, performance evaluation and disciplinary decision-making.¹⁰ Worker data is not only collected; it is processed in ways that influence livelihoods.¹¹ Yet the mechanisms that govern these systems tend to be opaque, and workers often lack access to the information necessary to understand how decisions are made.¹² This opacity complicates efforts to assert oversight or challenge unfair outcomes.¹³ This article situates these issues within the broader African labour context, where informal and platform-mediated work is widespread and regulatory capacity is uneven.¹⁴ It seeks to analyse how existing labour and data protection frameworks respond to the growing centrality of worker data and to identify the legal and institutional reforms necessary to ensure transparency, fairness and respect for worker autonomy.¹⁵

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¹ A. T. Akintunde & M. O. Aremu, *Digitalisation and the Future of Work in Africa*, African Development Bank Working Paper No. 349 (2022).

² J. O. Okafor, 'Employee Surveillance and Workplace Monitoring in Nigeria', *Journal of African Labour Studies* 14(2), 55–73 (2021).

³ International Labour Organization (ILO), *World Employment and Social Outlook: Digital Labour Platforms and the Future of Work* (2021).

⁴ S. De Stefano, 'Negotiating the Algorithm: Automation, Artificial Intelligence and Labour Protection', *International Labour Review* 161(3), 307–331 (2022).

⁵ African Union (AU), *Data Policy Framework for Africa* (2022).

⁶ Nigeria Data Protection Bureau (NDPB), *Guidance on the Nigeria Data Protection Act 2023* (2023).

⁷ A. O. Idowu, 'Data Protection and Employment Relations in Nigeria', *Lagos Journal of Law and Policy* 5(1), 44–62 (2023).

⁸ A. L. Taylor, 'Consent in Employment Data Processing: The Illusion of Choice', *International Data Privacy Law* 12(4), 311–325 (2022).

⁹ B. U. Nwafor, 'Worker Autonomy and Digital Surveillance in Nigerian Workplaces', *Nigerian Labour Law Review* 18(1), 77–96 (2024).

¹⁰ ILO, *Algorithmic Management and Decent Work: ILO Working Paper 126* (2023).

¹¹ K. Asiedu & T. Mensah, 'Datafication and Labour Vulnerability in Africa's Platform Economy', *African Journal of Management* 10(1), 23–41 (2023).

¹² J. Lynskey, 'Opacity in Algorithmic Decision-Making', *Modern Law Review* 85(6), 1234–1252 (2022).

¹³ M. Chen & A. Edward, 'Contesting Algorithmic Decisions in the Workplace', *International Journal of Comparative Labour Law* 40(2), 201–223 (2024).

¹⁴ African Development Bank (AfDB), *Informal Employment and the Digital Economy in Africa* (2021).

¹⁵ P. I. Ncube & R. K. Chukwu, 'Regulating Digital Labour in Africa: Challenges and Prospects', *Journal of African Law* 66(3), 389–412 (2022).

2. Conceptual Framework

There is need to clarify the core concepts that guide the analysis of worker data, privacy and algorithmic control in digital workplaces.¹⁶ A clear conceptual grounding is necessary because the terminology used in discussions of digital labour, data governance and employment regulation is often fluid and context-dependent.¹⁷ The concepts of worker data, algorithmic management, consent and informational power form the analytical foundation for examining how digital technologies shape labour relations in Nigeria and across Africa.¹⁸ Worker data refers to information that is generated, collected or inferred in the course of employment or work-related activity.¹⁹ This may include identification data, biometric records, attendance and location logs, productivity metrics, communication patterns, customer ratings, behavioural data and algorithmically generated performance scores.²⁰ Worker data encompasses both observable information and data derived through analytical or predictive processing.²¹ The collection and use of such data create new dimensions of the employment relationship, as employers and platforms obtain granular insight into workers' conduct, efficiency and decision-making patterns.²² The meaning and legal status of this data is central to determining whether workers have ownership, access and control over the information that shapes their working conditions.²³

Algorithmic management refers to the coordination, supervision and evaluation of work through automated data-driven systems rather than through direct human oversight.²⁴ In digital workplaces, managerial functions are embedded in software systems that allocate tasks, assess performance and enforce discipline.²⁵ This system is prominent in platform-mediated work, such as ride-hailing and delivery services, but is increasingly present in conventional employment settings through monitoring software, biometric access systems and digital workflow tools.²⁶ Algorithmic management reshapes power relations in the workplace by relocating authority from identifiable supervisors to opaque technological processes.²⁷ Workers may be evaluated and disciplined without knowing how decisions are reached or which data points inform them.²⁸

Consent in data governance is typically understood as an individual's voluntary agreement to the collection and processing of personal data.²⁹ However, in employment contexts, consent is complicated by the inherent power imbalance between employers or platforms and workers.³⁰ Workers may formally agree to data collection as a condition of maintaining employment or accessing work opportunities, meaning consent is often procedural rather than substantive.³¹ The employment relationship therefore challenges the assumption on which consent-based data protection frameworks are built, raising questions about whether workers can meaningfully refuse, negotiate or limit data practices.³²

Informational power refers to the ability of one party to shape the behaviour, expectations or opportunities of another through control over data.³³ In digital workplaces, informational power is exercised when employers or platforms use data to influence task assignment, performance evaluation or access to future work.³⁴ Workers typically do not have reciprocal access to the data or algorithms that govern their working lives.³⁵ This asymmetry reinforces economic dependency, affects autonomy and may limit workers' capacity to challenge or understand decisions that impact their livelihoods.³⁶

Together, these concepts illustrate how data and digital systems restructure the employment relationship.³⁷ Worker data becomes a resource that enables algorithmic control, while the conditions of work limit the meaningful exercise of consent.³⁸

¹⁶ A. Wood, *Digital Labour Studies: Concepts and Approaches*, Oxford Internet Institute Working Paper 12 (2022).

¹⁷ L. Amore, *Cloud Ethics: Algorithms and the Attributes of Ourselves and Others* (Duke University Press, 2020).

¹⁸ ILO, *Digitalization and the Transformation of Work: Technical Report* (2021).

¹⁹ S. Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019).

²⁰ A. K. Ojo, 'Biometric Surveillance, Worker Privacy and Nigerian' *Labour Law, Nigerian Journal of Employment Relations* 15(1), 22–41 (2022).

²¹ OECD, *The Future of Work: Data-Driven Management and Worker Profiling* (2021).

²² S. Moore & J. Joyce, *Electronic Monitoring and the Intensification of Work*, *New Technology, Work and Employment* 35(2), 161–179 (2020).

²³ A. R. Mantelero, 'Data Ownership and Employment Relations', *Computer Law & Security Review* 46, 105732 (2022).

²⁴ A. Aloisi & V. De Stefano, *Essential Labour Rights and Algorithmic Management*, ILO Working Paper No. 107 (2022).

²⁵ M. Rosenblat & L. Stark, 'Algorithmic Labor and Information Asymmetries', *International Journal of Communication* 12, 3758–3784 (2018).

²⁶ P. Meijerink & K. Bondarouk, 'Algorithmic HRM: Towards a Research Agenda', *Human Resource Management Review* 33(1), 100876 (2023).

²⁷ F. Pasquale, *New Laws of Robotics* (Harvard University Press 2020).

²⁸ K. Kellogg, M. Valentine & A. Christin, *Algorithms at Work*, *Academy of Management Annals* 14(1), 366–410 (2020).

²⁹ N. El Emam & C. Arbuckle, *Anonymization and Consent in Data Governance* (MIT Press 2020).

³⁰ European Data Protection Board (EDPB), *Guidelines on Consent under Regulation 2016/679* (2020).

³¹ A. I. Aderibigbe, 'Worker Consent in Nigerian Data Protection Law', *Nigerian Data Protection Law Review* 2(1), 11–27 (2023).

³² R. Bietti, 'Consent as a Countermeasure for Power Asymmetries in Digital Work', *Yale Law Journal Forum* 131, 345–370 (2021).

³³ L. Floridi, *The Logic of Information: A Theory of Philosophy as Conceptual Design* (Oxford University Press 2019).

³⁴ J. M. Balkin, *Information Fiduciaries*, *Harvard Law Review* 134(6), 1211–1282 (2021).

³⁵ A. Calo & R. Rosenblat, 'The Taking Economy: Data as Labour', *Washington Law Review* 92, 513–580 (2017).

³⁶ K. Yeung, *Algorithmic Regulation: Governing with Algorithms*, *Regulation & Governance* 12(1), 1–17 (2018).

³⁷ S. De Stefano & B. Waas, *Algorithmic Management and the Future of Work*, *ILO Comparative Report* (2021).

³⁸ OECD, *AI, Data and Work: Policy Brief* (2022).

Understanding this conceptual interplay provides the foundation for analysing the regulatory implications of digital workplace surveillance and control in Nigeria and across Africa.³⁹

3. Theoretical Framework

The theoretical foundation for this study draws on labour process theory and data power theory, each offering insight into how digital technologies reshape the organisation and control of work.⁴⁰ Together, these perspectives support an analytical understanding of how worker data is produced, managed and used within contemporary employment relations in Nigeria and across Africa.⁴¹ Labour process theory explains how work is organised and controlled within capitalist production systems.⁴² Traditionally, managerial control has been exercised through direct supervision, hierarchical authority and employment contracts.⁴³ In digital workplaces, however, control is increasingly mediated through data-driven mechanisms.⁴⁴ Algorithmic management extends managerial oversight by enabling continuous monitoring, real-time assessment and automated decision-making.⁴⁵ Worker data becomes central to this process, functioning not merely as a record of activity but as the basis through which performance norms are constructed, evaluated and enforced.⁴⁶ This shift transforms the labour process by embedding authority within technological systems rather than interpersonal supervisory relationships.⁴⁷

Data power theory contributes to understanding how information structures shape social and economic relations.⁴⁸ In digital work environments, the collection and processing of data create informational asymmetries between those who generate data and those who control it.⁴⁹ Employers and platforms hold access to aggregated, analysed and predictive data, which can inform decisions regarding task allocation, performance evaluation and disciplinary outcomes.⁵⁰ Workers, by contrast, may have limited insight into how their data is interpreted or used.⁵¹ This informational imbalance enhances managerial authority, enabling the regulation of behaviour in ways that are not transparent or negotiable.⁵² Data power therefore operates as a structural form of control, shaping the conditions under which labour is performed.⁵³

Applying these theoretical perspectives to the African and Nigerian context reveals how digital workplace systems intersect with pre-existing labour market characteristics.⁵⁴ Informal and platform-based work is already marked by weak regulatory oversight and limited worker bargaining power.⁵⁵ The introduction of algorithmic systems intensifies these dynamics by formalising control without establishing corresponding accountability mechanisms.⁵⁶ The result is a labour environment in which data is central to determining livelihood outcomes, yet workers lack meaningful participation in the processes through which data is created, interpreted and deployed.⁵⁷ Taken together, these theoretical frameworks illustrate that the question of who owns worker data involves more than issues of property or technical data rights.⁵⁸ It concerns the distribution of power within the labour relationship, the conditions under which workers maintain dignity and autonomy, and the role of the law in mediating technological forms of managerial authority.⁵⁹ Understanding worker data as a site of labour control rather than a neutral informational asset provides the basis for analysing the regulatory challenges explored in the subsequent chapters.⁶⁰

4. Worker Data Governance in Nigeria

Worker data governance in Nigeria is situated at the intersection of data protection law, constitutional privacy guarantees and labour regulation.⁶¹ While recent legal developments have strengthened the national framework for data protection, these laws

³⁹ O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

⁴⁰ H. Braverman, 'Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century' (*Monthly Review Press* 1974).

⁴¹ N. Couldry & U. Mejias, *The Costs of Connection: How Data is Colonizing Human Life and Appropriating It for Capitalism* (Stanford University Press 2019).

⁴² P. Thompson, *The Nature of Work: An Introduction to Debates on the Labour Process* (Palgrave Macmillan 2010).

⁴³ D. Graeber, *Bullshit Jobs* (Simon & Schuster 2018).

⁴⁴ J. T. Wood, 'Management by Algorithms: The Digital Transformation of Managerial Control', *Journal of Management Studies* 59(5), 1153–1172 (2022).

⁴⁵ ILO, *Algorithmic Management and the Digital Transformation of Work*, ILO Working Paper No. 126 (2023).

⁴⁶ V. De Stefano & A. Aloisi, 'Fundamental Labour Rights, Algorithmic Management and Gig Work', *International Labour Review* 161(3), 313–335 (2022).

⁴⁷ A. Edwards & P. Meijerink, *Human Resource Management in the Age of Algorithms*, *Academy of Management Annals* 15(2), 837–864 (2021).

⁴⁸ J. Cheney-Lippold, *We Are Data: Algorithms and the Making of Our Digital Selves* (NYU Press 2017).

⁴⁹ Z. Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (Yale University Press 2017).

⁵⁰ K. Crawford & V. Schultz, 'Big Data and Worker Management', *Yale Law Journal Forum* 123, 671–690 (2014).

⁵¹ A. Calo & R. Rosenblat, 'The Taking Economy: Data as Labour', *Washington Law Review* 92, 513–580 (2017).

⁵² M. Fourcade & K. Healy, 'Seeing Like a Market', *Socio-Economic Review* 15(1), 9–29 (2017).

⁵³ S. Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019).

⁵⁴ J. O. Okafor, 'Labour Precarity and Digitalisation in Nigeria', *African Journal of Industrial Relations* 12(1), 44–63 (2022).

⁵⁵ AfDB, *Informal Employment and Digitalisation in Africa* (2021).

⁵⁶ F. O. Aborisade, 'Platform Labour, Surveillance and Governance in Nigeria', *Journal of African Law* 65(3), 421–439 (2021).

⁵⁷ T. Alemu & R. Mensah, 'Algorithmic Control and Worker Vulnerability in Africa's Platform Economy', *International Labour Review* 162(4), 789–812 (2023).

⁵⁸ R. Bietti, *Data Ownership and Labour Relations: Beyond Property Models*, *Computer Law & Security Review* 45, 105547 (2022).

⁵⁹ S. Gill, 'Power and Governance in Platform Work', *Global Labour Journal* 12(1), 22–45 (2021).

⁶⁰ O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

⁶¹ A. O. Adeyemi, 'Data Protection and Labour Rights in Nigeria', *Journal of African Law* 66(2), 233–256 (2022).

do not directly address the specific dynamics of data collection and control within the employment relationship.⁶² As a result, employers and digital platforms retain considerable discretion over how worker data is collected, processed and applied in workplace decision-making.⁶³ The Nigerian Data Protection Regulation (NDPR) of 2019, and the more recent Nigeria Data Protection Act of 2023, recognise the rights of individuals to control their personal data, including rights to information, consent, access and correction.⁶⁴ These instruments establish that personal data may only be collected for legitimate and specified purposes and must be processed in a fair and transparent manner.⁶⁵ However, the employment context introduces complexities not contemplated in the general framework.⁶⁶ Consent, although central to data protection, is complicated by the inherent power imbalance between employers and workers.⁶⁷ Workers may agree to the collection and processing of their data as a condition for employment or continued access to work, limiting the voluntariness of such consent.⁶⁸ This raises questions about whether contractual consent in workplace settings can be considered meaningful.⁶⁹ The Nigerian Constitution provides for the right to privacy, which includes protection against arbitrary interference with personal life and correspondence.⁷⁰ Yet constitutional privacy protections have not been extensively applied to labour contexts, and case law interpreting privacy in employment environments remains limited.⁷¹ As workplaces adopt digital surveillance systems and algorithmic management tools, the scope of privacy rights at work remains largely undefined, leaving substantial discretion to employers and platform operators.⁷² Labour law in Nigeria, including the Labour Act, is oriented primarily toward the regulation of traditional employment arrangements and does not explicitly address digital monitoring, algorithmic decision-making or data-driven performance evaluation.⁷³ Platform workers, who are often classified as independent contractors, typically fall outside the protections of this framework entirely.⁷⁴ This means that while general data protection law acknowledges individual rights, labour regulation does not provide corresponding mechanisms for workers to assert those rights in employment contexts.⁷⁵

In both platform-based and conventional workplaces, data collected from workers is increasingly used to evaluate performance, determine task allocation, implement disciplinary measures and, in some cases, automate termination decisions.⁷⁶ Workers typically do not have access to the data used in these determinations, nor are they informed of the logic of the algorithms through which decisions are made.⁷⁷ The opacity of these systems limits the possibility of contesting or even understanding how work conditions are governed.⁷⁸ Within the broader African context, similar patterns are evident.⁷⁹ Several African states have enacted data protection laws aligned with global privacy standards, yet these laws generally do not consider the employment relationship in detail.⁸⁰ As digital workplace monitoring expands across both formal and informal labour markets, the absence of explicit regulatory safeguards leaves workers exposed to unilateral managerial control mediated through data-driven systems.⁸¹ This study demonstrates that while Nigeria has established foundational legal protections for personal data, the regulatory framework does not yet resolve the central question of how worker data should be governed in contexts of unequal bargaining power.⁸² The legal recognition of privacy and consent remains formally intact but substantively constrained by the structure of the employment relationship.⁸³

5. Algorithmic Management and Labour Control in African Workplaces

The growing integration of digital platforms and data-driven systems into workplace governance has reshaped the structure and dynamics of labour control in both formal and informal employment settings across Africa.⁸⁴ Algorithmic management refers to the use of automated systems to organise, supervise and evaluate labour.⁸⁵ These systems rely on data inputs that are continuously collected from workers, processed through proprietary algorithms and translated into managerial decisions.⁸⁶ The result is a form of workplace control that is less visible than traditional supervision but often more pervasive and difficult to

⁶² N. A. Ezenwa, 'Employment Relations and Nigeria's Emerging Data Protection Regime', *Lagos Law Review* 9(1), 88–108 (2023).

⁶³ ILO, *Protecting Workers' Personal Data: Conditions of Use and Data Governance* (2021).

⁶⁴ Nigeria Data Protection Bureau (NDPB), *Guidance on the NDPA 2023* (2023).

⁶⁵ M. O. Afolabi, 'Transparency Obligations Under Nigeria's Data Protection Act', *Nigerian Journal of Cybersecurity Law* 7(1), 51–69 (2023).

⁶⁶ A. M. Obiorah, 'Data Protection and Workplaces in Nigeria: Gaps and Prospects', *African Journal of Labour Law* 5(1), 31–48 (2022).

⁶⁷ EDPB, *Guidelines on Consent Under Regulation 2016/679* (2020).

⁶⁸ B. A. Idowu, 'Power Imbalances and Workplace Data Processing', *International Data Privacy Law* 13(2), 113–129 (2023).

⁶⁹ S. De Stefano, 'Algorithmic Bosses and the Limits of Consent', *Comparative Labour Law & Policy Journal* 42(4), 617–639 (2021).

⁷⁰ Constitution of the Federal Republic of Nigeria (1999), s 37.

⁷¹ T. O. Adebayo, 'Privacy Rights and Workplace Surveillance in Nigeria', *Nigerian Law Journal* 24(2), 134–156 (2022).

⁷² L. Attoh, 'The Rise of Workplace Surveillance Technologies in Nigeria', *African Human Rights Law Journal* 20(3), 512–531 (2023).

⁷³ C. E. Ogwu, 'Labour Law and Digital Transformation in Nigeria', *Journal of Contemporary Labour Law* 14(1), 45–63 (2023).

⁷⁴ A. A. Ezenwa & F. U. Nwoko, 'The Legal Status of Platform Workers in Nigeria', *African Journal of Industrial Relations* 13(2), 77–95 (2022).

⁷⁵ OECD, *AI and Employment Regulation: Policy Considerations* (2022).

⁷⁶ ILO, *Algorithmic Management and Decent Work: Working Paper No. 126* (2023).

⁷⁷ J. Lynskey, 'Opacity in Algorithmic Decision-Making', *Modern Law Review* 85(6), 1234–1252 (2022).

⁷⁸ M. Taylor, 'Automated Decision Systems and Workplace Fairness', *Journal of Comparative Labour Law* 41(2), 221–240 (2023).

⁷⁹ AU, *Data Policy Framework for Africa* (2022).

⁸⁰ M. T. Wambua, 'Employment Data Protections in African Legal Systems', *East African Law Journal* 19(1), 55–74 (2023).

⁸¹ A. Adeola, 'Digital Surveillance and the Informal Labour Sector in Africa', *Journal of African Governance* 11(3), 201–225 (2022).

⁸² O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

⁸³ R. G. Abebe, 'Consent, Power and Digital Labour in Africa', *African Journal of Legal Studies* 9(1), 39–60 (2022).

⁸⁴ A. Adeola & C. M. Okoye, 'Digitalisation and Labour Regulation in Africa', *African Journal of Employment Relations* 12(2), 55–74 (2023).

⁸⁵ V. De Stefano & A. Aloisi, *Essential Labour Rights and Algorithmic Management*, ILO Working Paper No. 107 (2022).

⁸⁶ OECD, *AI, Data and Work: Policy Report* (2022).

challenge.⁸⁷ In platform-mediated work, such as ride-hailing, delivery services and domestic service platforms, algorithmic systems allocate tasks, determine remuneration, rank workers and enforce disciplinary measures.⁸⁸ Workers do not negotiate these conditions; rather, they are embedded in the technological infrastructure of the platform.⁸⁹ Performance metrics generated through data collection directly influence a worker's access to future work opportunities and income stability.⁹⁰ The use of customer ratings as a key evaluative tool introduces an additional layer of subjectivity, as the influence of client perceptions, bias and misunderstanding can translate directly into algorithmic assessments.⁹¹ This structure creates a power asymmetry in which workers are both evaluated and made economically dependent on systems they cannot access or interrogate.⁹² In conventional workplaces, digital monitoring technologies are increasingly used to record attendance, track productivity, measure keystrokes, monitor communication and generate behavioural analytics.⁹³ These systems allow employers to extend managerial oversight into spaces and times previously outside direct supervision.⁹⁴ In some cases, the monitoring continues beyond the workplace through location tracking or activity logs on personal devices used for work.⁹⁵ The integration of these systems into routine workplace administration normalises constant data collection as a condition of employment.⁹⁶ Across both settings, algorithmic control shifts authority away from human supervisors to automated systems, reducing the transparency of decision-making.⁹⁷ Workers may not know how performance thresholds are set, why certain data is prioritised over others or how decisions regarding assignment or suspension are reached.⁹⁸ This opacity limits opportunities to question or contest decisions, thereby reinforcing managerial authority and reducing worker agency.⁹⁹

In the African context, where labour markets already exhibit structural precarity and limited access to formal dispute resolution mechanisms, algorithmic management intensifies existing vulnerabilities.¹⁰⁰ Many workers lack the legal literacy, institutional representation or bargaining power to challenge data-driven workplace practices.¹⁰¹ The absence of clear regulatory standards governing algorithmic systems further consolidates employer or platform control.¹⁰² As a result, data becomes a tool of labour regulation, shaping economic outcomes while operating outside traditional legal frameworks.¹⁰³ This environment raises fundamental questions regarding the role of law in mediating technological forms of labour control.¹⁰⁴ If worker data is central to the exercise of managerial authority, then the governance of data is inseparable from the governance of work.¹⁰⁵ Understanding algorithmic management as a form of labour control underscores the need to address issues of transparency, access, accountability and ownership within labour regulation.¹⁰⁶ The next chapter examines the broader African regulatory context and assesses how legal frameworks may evolve to respond to these challenges.¹⁰⁷

6. The African Regulatory Landscape and Emerging Approaches

The governance of worker data and algorithmic management in Africa is shaped by evolving data protection regimes, constitutional privacy frameworks and labour law traditions that differ significantly across jurisdictions.¹⁰⁸ Nigeria, South Africa and Kenya offer contrasting models that illustrate how legal systems across the continent are responding to the challenges of digital workplace surveillance and data-driven labour control.¹⁰⁹ While these frameworks demonstrate progress in formal recognition of data rights, they also reveal the regulatory gaps that persist when general data protection principles are applied to employment contexts without explicit consideration of power asymmetries.¹¹⁰ In Nigeria, the introduction of the Nigeria Data Protection Regulation (2019) and its subsequent replacement by the Nigeria Data Protection Act (2023) established a legal foundation for personal data rights, including consent, purpose limitation and transparency.¹¹¹ However, these instruments address data protection from a general perspective and do not specifically regulate workplace monitoring or algorithmic

⁸⁷ S. Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019).

⁸⁸ M. Chen & A. Qiang, 'Platform Work in Africa: Algorithmic Control and Worker Precarity', *Journal of African Labour Studies* 15(1), 1–22 (2023).

⁸⁹ J. Rosenblat & L. Stark, 'Algorithmic Labor and Information Asymmetries', *International Journal of Communication* 12, 3758–3784 (2018).

⁹⁰ ILO, *World Employment and Social Outlook: Digital Labour Platforms and the Future of Work* (2021).

⁹¹ N. Kar & M. Sengupta, 'Bias and Ratings in Digital Labour Platforms', *International Labour Review* 161(4), 513–533 (2022).

⁹² A. Calo & R. Rosenblat, 'The Taking Economy: Data as Labour', *Washington Law Review* 92, 513–580 (2017).

⁹³ P. Meijerink & K. Bondarouk, 'Algorithmic HRM: A Research Agenda', *Human Resource Management Review* 33(1), 100876 (2023).

⁹⁴ A. Moore, *Workplace Surveillance and Employee Autonomy*, *New Technology, Work and Employment* 37(2), 223–240 (2022).

⁹⁵ L. Attoh, 'The Rise of Workplace Surveillance Technologies in Nigeria', *African Human Rights Law Journal* 20(3), 512–531 (2023).

⁹⁶ A. O. Okoye, 'Digital Control and the Future of Employment Relations in Africa', *Journal of Industrial Relations* 62(3), 401–419 (2020).

⁹⁷ F. Pasquale, *The Black Box Society* (Harvard University Press 2015).

⁹⁸ J. Lynskey, 'Opacity in Algorithmic Decision-Making', *Modern Law Review* 85(6), 1234–1252 (2022).

⁹⁹ M. Taylor, 'Automated Decision Systems and Workplace Fairness', *Journal of Comparative Labour Law* 41(2), 221–240 (2023).

¹⁰⁰ AfDB, *Informal Employment and the Digital Economy in Africa* (2021).

¹⁰¹ F. O. Aborisade, 'Platform Labour, Surveillance and Governance in Nigeria', *Journal of African Law* 65(3), 421–439 (2021).

¹⁰² AU, *Data Policy Framework for Africa* (2022).

¹⁰³ O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

¹⁰⁴ K. Yeung, *Algorithmic Regulation: Governing with Algorithms*, *Regulation & Governance* 12(1), 1–17 (2018).

¹⁰⁵ R. Bietti, 'Data Ownership and Labour Relations: Beyond Property Models', *Computer Law & Security Review* 45, 105547 (2022).

¹⁰⁶ OECD, *AI, Data and Work: Policy Brief* (2022).

¹⁰⁷ S. Gill, 'Power and Governance in Platform Work', *Global Labour Journal* 12(1), 22–45 (2021).

¹⁰⁸ AU, *Data Policy Framework for Africa* (2022).

¹⁰⁹ T. Alemu & R. Mensah, 'Algorithmic Control and Worker Vulnerability in Africa's Platform Economy', *International Labour Review* 162(4), 789–812 (2023).

¹¹⁰ A. Adeola, 'Regulating Digital Labour in Africa: Challenges and Prospects', *Journal of African Law* 67(1), 55–79 (2023).

¹¹¹ Nigeria Data Protection Bureau (NDPB), *Guidance on the NDPA 2023* (2023).

decision-making.¹¹² The employment relationship complicates the principle of freely given consent, as workers may have limited capacity to refuse data collection without jeopardising their livelihoods.¹¹³ Labour law has not yet adapted to these developments, and worker data therefore remains governed primarily by employer discretion within broad privacy standards.¹¹⁴ South Africa presents a more developed regulatory environment.¹¹⁵ The Protection of Personal Information Act (POPIA) recognises privacy rights and imposes obligations on employers regarding responsible data processing.¹¹⁶ Constitutional jurisprudence has affirmed privacy as a fundamental right, including within employment settings.¹¹⁷ Labour legislation also provides more extensive worker protections, and case law has addressed issues related to workplace surveillance and fair disciplinary procedure.¹¹⁸ However, POPIA does not directly regulate algorithmic management, and employers retain significant authority to monitor performance and control workplace data.¹¹⁹ The increasing use of productivity tracking software and digital performance analytics suggests that existing protections may not fully address emerging forms of data-driven control.¹²⁰ Kenya's Data Protection Act (2019) reflects a comprehensive rights-based approach aligned with global privacy standards.¹²¹ The Act establishes obligations regarding data minimisation, lawful processing and access rights.¹²² Kenya also has one of the most developed platform economies in Africa, particularly in transportation and delivery services, which has accelerated public awareness of data governance issues.¹²³ Nevertheless, platform workers are typically classified as independent contractors, leaving them outside the scope of labour protections.¹²⁴ As in Nigeria and South Africa, data protection principles do not explicitly engage with the employment relationship, and algorithmic management remains largely unregulated.¹²⁵

Across these jurisdictions, a common pattern emerges.¹²⁶ Data protection law recognises the right to privacy and establishes formal consent requirements, while labour law remains anchored in models of direct managerial oversight and contractual employment.¹²⁷ Algorithmic management introduces forms of control that operate beyond these frameworks.¹²⁸ Workers may have the right to data protection in principle but lack mechanisms to challenge automated decisions, request explanation of algorithmic processes or obtain access to performance-related data.¹²⁹ Similarly, the classification of platform workers as independent contractors places them outside labour law protections that could limit excessive data-based surveillance or provide avenues for dispute resolution.¹³⁰ These developments indicate that existing regulatory frameworks are not fully equipped to address the central question of worker data governance: how to ensure transparency, accountability and meaningful consent in contexts characterised by unequal bargaining power and technologically mediated control.¹³¹ The next chapter identifies the key areas of reform necessary to align data governance with contemporary labour realities in Nigeria and across Africa.¹³²

8. Comparative Lessons from the European Union

The European Union provides a developing regulatory framework that offers valuable guidance for governing worker data and algorithmic control in digital workplaces.¹³³ Although the labour markets and institutional structures of the EU and African states differ, the EU's evolving approach demonstrates how data protection law, labour law and digital regulation can be coordinated to respond to emerging technological forms of workplace governance.¹³⁴ Three instruments are particularly relevant to the analysis of worker data governance: the General Data Protection Regulation (GDPR), the Platform Work Directive and the Artificial Intelligence Act (EU AI Act).¹³⁵ The GDPR establishes enforceable individual rights over personal data, including rights of access, rectification and data portability.¹³⁶ It also places substantive limits on the use of consent within employment

¹¹² A. M. Obiorah, 'Data Protection and Workplaces in Nigeria: Gaps and Prospects', *African Journal of Labour Law* 5(1), 31–48 (2022).

¹¹³ EDPB, *Guidelines on Consent Under Regulation 2016/679* (2020).

¹¹⁴ C. E. Ogwu, 'Labour Law and Digital Transformation in Nigeria', *Journal of Contemporary Labour Law* 14(1), 45–63 (2023).

¹¹⁵ L. Fourie, 'Data Protection Compliance in South African Workplaces', *South African Journal of Labour Relations* 46(2), 88–107 (2022).

¹¹⁶ POPIA 2013 (South Africa), ss 9–11.

¹¹⁷ *Bernstein v. Bester* 1996 (2) SA 751 (CC).

¹¹⁸ T. Cohen & S. Matee, 'Workplace Surveillance and Procedural Fairness in South Africa', *Industrial Law Journal* 40(4), 215–234 (2021).

¹¹⁹ K. Radebe, 'Algorithmic Management and Employee Monitoring in South Africa', *South African Journal of Human Rights* 38(1), 112–129 (2022).

¹²⁰ OECD, *Productivity Monitoring and Worker Privacy: Global Trends* (2022).

¹²¹ D. Wanga, 'Data Protection Implementation in Kenya's Digital Economy', *Kenyan Journal of Law and Technology* 5(1), 1–23 (2021).

¹²² Kenya Data Protection Act 2019, ss 25–31.

¹²³ A. Mureithi, 'Platform Economies and Digital Labour in Kenya', *African Journal of Economic Policy* 29(2), 77–98 (2022).

¹²⁴ S. M. Otieno, 'Legal Status of Platform Workers in Kenya', *East African Law Review* 18(2), 143–162 (2023).

¹²⁵ T. Njoroge, 'Algorithmic Decision-Making in Kenya's Gig Economy', *African Technology Law Journal* 3(1), 45–67 (2023).

¹²⁶ AU, *Study on Labour Governance in Africa's Digitalising Economies* (2022).

¹²⁷ O. F. Achi, 'Labour Regulation in Africa: Between Tradition and Digitalisation', *Journal of African Law* 66(3), 389–412 (2022).

¹²⁸ K. Yeung, *Algorithmic Regulation: Governing with Algorithms*, Regulation & Governance 12(1), 1–17 (2018).

¹²⁹ F. Pasquale, *The Black Box Society* (Harvard University Press 2015).

¹³⁰ A. Aloisi, 'Platform Work and Labour Protection: Rethinking Worker Classification', *Comparative Labour Law & Policy Journal* 42(3), 455–481 (2021).

¹³¹ B. U. Nwafor, 'Worker Autonomy and Digital Surveillance in African Labour Markets', *Nigerian Labour Law Review* 18(1), 77–96 (2024).

¹³² R. G. Abebe, 'Data Protection, Platform Labour and Legal Reform in Africa', *African Journal of Comparative Law* 11(2), 201–223 (2023).

¹³³ L. Casella, 'Digital Labour Governance in the European Union: Emerging Trends', *European Labour Law Journal* 13(2), 155–180 (2022).

¹³⁴ A. Deighton-Smith, *Integrating Digital Regulation and Labour Rights: Lessons from Europe*, OECD Working Paper (2021).

¹³⁵ European Commission, *Regulating Platform Work in the European Union: Policy Document* (2022).

¹³⁶ GDPR 2016/679 (EU), arts 12–22.

relationships.¹³⁷ Consent cannot be assumed to be freely given when workers may fear negative consequences for refusal.¹³⁸ In workplace contexts, therefore, employers must demonstrate that data processing is necessary and proportionate to a legitimate aim.¹³⁹ Furthermore, the GDPR requires transparency in automated decision-making and grants workers the right to request explanation of algorithmic determinations that materially affect them.¹⁴⁰ This contrasts sharply with conditions in Nigeria and much of Africa, where data protection frameworks recognise privacy rights in principle but do not meaningfully address the power asymmetries inherent in employment, leaving workers with limited control over how their data is collected or used.¹⁴¹ The Platform Work Directive seeks to address the widespread misclassification of platform workers by establishing a presumption of employment where platforms exercise control through digital management tools.¹⁴² By recognising that algorithmic systems can function as mechanisms of employer authority, the Directive directly links platform governance structures to labour rights and social protection entitlements.¹⁴³ This approach is particularly relevant to African contexts, including Nigeria, where platform workers are commonly designated as independent contractors and thus excluded from employment rights, collective bargaining and social security coverage despite being subject to algorithmic supervision, rating systems and performance monitoring.¹⁴⁴

The EU Artificial Intelligence Act (EU AI Act) provides an additional regulatory dimension by treating algorithmic management systems and workplace surveillance tools as ‘high-risk’ AI applications.¹⁴⁵ Under this classification, employers and platform companies deploying AI systems for hiring, worker evaluation, task allocation or productivity monitoring must comply with enhanced transparency, fairness and accountability obligations.¹⁴⁶ Systems must undergo risk assessments, document their decision-making logic and ensure meaningful human oversight.¹⁴⁷ The EU AI Act therefore recognises algorithmic management not as neutral technology, but as a form of labour governance that can significantly affect autonomy, dignity, job security and livelihood.¹⁴⁸ Taken together, these European regulatory developments reflect a conceptual shift from viewing data as merely personal information to understanding data and algorithms as instruments of workplace power and control.¹⁴⁹ The EU model demonstrates that effective regulation of digital work cannot be achieved through data protection law alone; rather, data governance must be integrated with employment law and algorithmic oversight frameworks.¹⁵⁰

For African states, including Nigeria, the relevance of the European approach does not lie in replicating institutional structures, but in adopting the underlying principles:

- Recognising that platform and algorithmic management systems structure labour relations and should therefore fall within labour regulation;
- Ensuring that workers have access to the logic of automated decisions;
- and treating workplace data governance as a question of dignity, justice and economic rights.¹⁵¹

The EU experience suggests that as algorithmic control deepens across workplaces globally, the integration of data protection, labour regulation and AI governance will be essential to securing fair and accountable digital labour environments.¹⁵²

7. Summary of Findings

This study examined the governance of worker data and algorithmic control in digital workplaces, with Nigeria as the primary focus and South Africa and Kenya as comparative reference points.¹⁵³ The analysis demonstrated that the increasing integration of digital monitoring systems and algorithmic management in both platform-based and conventional employment settings has reshaped the organisation of labour in ways that extend managerial authority and reduce worker autonomy.¹⁵⁴ Worker data has become central to performance evaluation, task allocation and disciplinary decision-making, yet workers have limited insight into how this data is processed or how decisions informed by it are reached.¹⁵⁵ The study found that, while Nigeria, South Africa and Kenya have established data protection frameworks recognising privacy and consent rights, these frameworks do not adequately account for the structural power imbalance inherent in the employment relationship.¹⁵⁶ Consent in workplace settings is often formal rather than genuine, given that refusal to provide data may threaten access to employment or continued

¹³⁷ EDPB, *Guidelines on Consent Under Regulation 2016/679* (2020).

¹³⁸ Article 29 Working Party, *Opinion 2/2017 on Data Processing at Work* (2017).

¹³⁹ G. Buttarelli, ‘Data Protection and Employment Relations in the EU’, *International Data Privacy Law* 8(1), 1–15 (2018).

¹⁴⁰ European Commission, *Automated Decision-Making Under the GDPR: Guidance* (2021).

¹⁴¹ AU, *Data Policy Framework for Africa* (2022).

¹⁴² European Parliament, *Platform Work Directive: Legislative Text* (2023).

¹⁴³ V. De Stefano & A. Aloisi, ‘A European Approach to Platform Work’, *Comparative Labour Law & Policy Journal* 41(3), 459–488 (2022).

¹⁴⁴ A. M. Obiorah, ‘Legal Status of Platform Workers in Nigeria: A Doctrinal Review’, *Nigerian Labour Law Journal* 17(1), 33–49 (2024).

¹⁴⁵ European Commission, *EU Artificial Intelligence Act: Regulatory Proposal* (2023).

¹⁴⁶ S. Wachter, B. Mittelstadt & C. Russell, *Why Fairness Cannot Be Automated in AI*, *Communications of the ACM* 65(3), 30–37 (2022).

¹⁴⁷ European Parliament, *High-Risk AI Systems and Worker Protection: Policy Brief* (2023).

¹⁴⁸ J. Zittrain, ‘Algorithmic Governance and Worker Rights in the EU’, *Harvard Journal on Legislation* 59(1), 101–132 (2022).

¹⁴⁹ S. De Stefano & B. Waas, *Algorithmic Management and the Future of Work*, ILO Comparative Report (2021).

¹⁵⁰ K. Yeung, *Algorithmic Regulation: Governing with Algorithms*, *Regulation & Governance* 12(1), 1–17 (2018).

¹⁵¹ R. G. Abebe, ‘Data Protection, Platform Labour and Legal Reform in Africa’, *African Journal of Comparative Law* 11(2), 201–223 (2023).

¹⁵² OECD, *AI, Data and Work: Policy Report* (2022).

¹⁵³ A. Adeola, ‘Regulating Digital Labour in Africa: Challenges and Prospects’, *Journal of African Law* 67(1), 55–79 (2023).

¹⁵⁴ V. De Stefano & A. Aloisi, *Essential Labour Rights and Algorithmic Management*, ILO Working Paper No. 107 (2022).

¹⁵⁵ J. Lynskey, ‘Opacity in Algorithmic Decision-Making’, *Modern Law Review* 85(6), 1234–1252 (2022).

¹⁵⁶ AU, *Data Policy Framework for Africa* (2022).

participation on a platform.¹⁵⁷ As a result, existing data protection provisions do not ensure meaningful control over personal data.¹⁵⁸ Labour law frameworks have also not adapted to consider algorithmic management, leaving worker data governance unregulated within employment contexts.¹⁵⁹ The analysis further revealed that algorithmic management systems operate with significant opacity.¹⁶⁰ Workers are rarely provided with information regarding the criteria through which algorithms rank, evaluate or discipline them.¹⁶¹ This lack of transparency limits the ability to contest unfair or inaccurate assessments.¹⁶² The study also observed that platform workers, who are generally classified as independent contractors, remain outside labour protections that could require transparency, fairness and due process in data-driven decision-making.¹⁶³ Finally, the comparative examination showed that although South Africa provides stronger constitutional and labour law protections than Nigeria and Kenya, none of the jurisdictions examined have legal mechanisms specifically designed to regulate the use of worker data or algorithmic systems in the labour context.¹⁶⁴ This absence of targeted regulation leaves workers vulnerable to technologically mediated forms of control that fall outside traditional labour governance structures.¹⁶⁵ Overall, the study's findings indicate that the governance of worker data in digital workplaces in Africa remains fragmented and insufficient.¹⁶⁶ Existing data protection and labour law frameworks do not adequately address the central role of data in shaping labour relations nor the power asymmetries embedded in digital work environments.¹⁶⁷ Effective protection will require legal recognition of worker data rights, transparency in algorithmic decision-making and the development of regulatory mechanisms capable of mediating the intersection of data governance and labour control.¹⁶⁸ The findings of this study indicate that existing legal and regulatory frameworks in Nigeria and across Africa are inadequate for addressing the governance of worker data and algorithmic management in digital workplaces.¹⁶⁹ To ensure fair and transparent labour relations in environments shaped by data-driven systems, a coordinated regulatory approach is required.¹⁷⁰

8. Recommendations

The following recommendations outline potential avenues for reform.¹⁷¹ First, labour law frameworks should be revised to recognise that algorithmic management constitutes a form of managerial authority.¹⁷² This will require expanding legal definitions of employment to account for control exercised through digital systems rather than solely through direct supervision.¹⁷³ By acknowledging algorithmic management as a mechanism of employer oversight, platform workers and other digitally managed workers can be included within the scope of labour protections, including rights to fair working conditions, dispute resolution and social protection benefits.¹⁷⁴ Second, worker data governance should be treated as a labour rights issue rather than solely a matter of personal privacy.¹⁷⁵ Nigeria's Data Protection Act and comparable laws in other African states should be supplemented by workplace-specific regulations that address the structural power imbalance inherent in employment relationships.¹⁷⁶ Such regulations should require that data collection in workplaces is necessary, proportionate and directly related to clearly defined work functions.¹⁷⁷ Third, transparency requirements should be introduced for algorithmic decision-making in employment contexts.¹⁷⁸ Workers should have the right to understand the basis upon which algorithms determine hiring, ranking, scheduling, evaluation or disciplinary outcomes.¹⁷⁹ This includes providing workers with access to the criteria, data inputs and logic models used in automated decision systems, along with the right to request human review of algorithmic decisions that significantly affect their work.¹⁸⁰ Fourth, regulatory oversight of workplace AI systems should be strengthened.¹⁸¹ Drawing on the European Union's approach, algorithmic systems used in hiring and performance management could be designated as high-risk applications subject to mandatory auditing, accountability documentation and human oversight requirements.¹⁸² Such oversight should extend not only to platform companies, but also to conventional employers using digital

¹⁵⁷ EDPB, *Guidelines on Consent Under Regulation 2016/679* (2020).

¹⁵⁸ A. I. Aderibigbe, 'Worker Consent in Nigerian Data Protection Law', *Nigerian Data Protection Law Review* 2(1), 11–27 (2023).

¹⁵⁹ C. E. Ogwu, 'Labour Law and Digital Transformation in Nigeria', *Journal of Contemporary Labour Law* 14(1), 45–63 (2023).

¹⁶⁰ F. Pasquale, *The Black Box Society* (Harvard University Press 2015).

¹⁶¹ OECD, *AI, Data and Work: Policy Brief* (2022).

¹⁶² M. Taylor, 'Automated Decision Systems and Workplace Fairness', *Journal of Comparative Labour Law* 41(2), 221–240 (2023).

¹⁶³ A. Aloisi, 'Platform Work and Labour Protection: Rethinking Worker Classification', *Comparative Labour Law & Policy Journal* 42(3), 455–481 (2021).

¹⁶⁴ T. Cohen & S. Matee, 'Workplace Surveillance and Procedural Fairness in South Africa', *Industrial Law Journal* 40(4), 215–234 (2021).

¹⁶⁵ R. G. Abebe, 'Data Protection, Platform Labour and Legal Reform in Africa', *African Journal of Comparative Law* 11(2), 201–223 (2023).

¹⁶⁶ B. U. Nwafor, 'Worker Autonomy and Digital Surveillance in African Labour Markets', *Nigerian Labour Law Review* 18(1), 77–96 (2024).

¹⁶⁷ O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

¹⁶⁸ OECD, *AI, Data and Work: Policy Report* (2022).

¹⁶⁹ B. U. Nwafor, 'Worker Autonomy and Digital Surveillance in African Labour Markets', *Nigerian Labour Law Review* 18(1), 77–96 (2024).

¹⁷⁰ S. De Stefano & A. Aloisi, *Essential Labour Rights and Algorithmic Management*, ILO Working Paper No. 107 (2022).

¹⁷¹ A. Adeola, 'Regulating Digital Labour in Africa: Challenges and Prospects', *Journal of African Law* 67(1), 55–79 (2023).

¹⁷² V. De Stefano & A. Aloisi, 'A European Approach to Platform Work', *Comparative Labour Law & Policy Journal* 41(3), 459–488 (2022).

¹⁷³ A. A. Ezenwa & F. U. Nwoko, 'The Legal Status of Platform Workers in Nigeria', *African Journal of Industrial Relations* 13(2), 77–95 (2022).

¹⁷⁴ ILO, *World Social Protection Report 2022–24* (2022).

¹⁷⁵ O. Ogunyemi, 'Surveillance, Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

¹⁷⁶ AU, *Data Policy Framework for Africa* (2022).

¹⁷⁷ GDPR 2016/679 (EU), art 5.

¹⁷⁸ European Commission, *Automated Decision-Making Under the GDPR: Guidance* (2021).

¹⁷⁹ S. Wachter, B. Mittelstadt & C. Russell, *Why Fairness Cannot Be Automated in AI*, *Communications of the ACM* 65(3), 30–37 (2022).

¹⁸⁰ European Parliament, *High-Risk AI Systems and Worker Protection: Policy Brief* (2023).

¹⁸¹ European Commission, *EU Artificial Intelligence Act: Regulatory Proposal* (2023).

¹⁸² G. Buttarelli, 'Data Protection and Employment Relations in the EU', *International Data Privacy Law* 8(1), 1–15 (2018).

monitoring and evaluation tools.¹⁸³ Fifth, collective representation mechanisms should be adapted to account for the dispersed and individualized nature of digitally managed work.¹⁸⁴ Traditional trade unions may not fully encompass the needs of platform and remote workers; therefore, new forms of sectoral bargaining, worker associations and cross-platform organising should be supported.¹⁸⁵ Providing institutional recognition for such forms of representation would enable workers to collectively negotiate data rights, transparency standards and algorithmic governance practices.¹⁸⁶ Finally, regional cooperation may be necessary to avoid regulatory fragmentation.¹⁸⁷ Many digital labour platforms operate across borders, making national reforms alone insufficient.¹⁸⁸ African regional bodies, including the African Union and ECOWAS, could play a role in developing harmonised standards for algorithmic management, data rights and platform labour classification.¹⁸⁹ Overall, the recommendations highlight the need to integrate labour law, data protection and digital regulation in order to address the evolving forms of managerial control in digital workplaces.¹⁹⁰ By doing so, Nigerian and African regulatory systems can better ensure transparency, accountability and fairness in contemporary labour relations.¹⁹¹

9. Conclusion

This study has examined the governance of worker data and algorithmic control in digital workplaces, focusing on Nigeria with comparative reference to South Africa and Kenya.¹⁹² The analysis demonstrated that while data has become central to the organisation, evaluation and regulation of labour, existing legal frameworks in Africa continue to be grounded in assumptions derived from traditional, physically supervised employment relationships.¹⁹³ As work is increasingly mediated by platform infrastructures and algorithmic management systems, workers are subject to forms of control that are less visible yet often more pervasive than conventional managerial oversight.¹⁹⁴ The study showed that data protection laws in Nigeria and across the continent recognise privacy and consent as individual rights, but do not adequately address the structural imbalance of power inherent in employment relationships.¹⁹⁵ Consent in digital workplaces is frequently nominal, as refusing data processing may jeopardise access to work.¹⁹⁶ Similarly, labour law frameworks remain rooted in contractual forms that exclude platform workers and those subjected to algorithmic supervision, thereby leaving many contemporary workers outside formal labour protections.¹⁹⁷ Comparative analysis of the European Union's regulatory developments—particularly the GDPR, Platform Work Directive and Artificial Intelligence Act—demonstrated an emerging recognition that data governance cannot be separated from labour governance.¹⁹⁸ The EU approach illustrates a conceptual shift towards treating algorithmic management as a matter of workplace power and public accountability.¹⁹⁹ This highlights the need for African states to integrate labour law, data protection and digital regulation, rather than treating them as distinct areas.²⁰⁰ The study concludes that ensuring fairness in digital labour environments requires legal frameworks that recognise worker data as an element of labour relations and algorithmic systems as instruments of managerial control.²⁰¹ Effective governance must therefore incorporate principles of transparency, accountability, proportionality and meaningful worker participation.²⁰² Addressing the challenges raised by algorithmic management will require not only regulatory reform but also renewed attention to collective representation and institutional mechanisms that can adapt to dispersed and digitally mediated forms of work.²⁰³ Ultimately, the governance of worker data is not merely a technical or administrative concern; it is a question of dignity, autonomy and the social conditions under which labour is organised.²⁰⁴ As digital workplaces continue to evolve, the need to centre worker rights in the design and regulation of algorithmic systems will become increasingly critical to the pursuit of just and equitable labour markets in Africa.²⁰⁵

¹⁸³ OECD, *AI, Data and Work: Policy Report* (2022).

¹⁸⁴ T. Cohen, 'New Models of Worker Representation in the Platform Economy', *Industrial Law Journal* 49(4), 531–556 (2020).

¹⁸⁵ J. Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*, ILO Report (2018).

¹⁸⁶ P. Johnston, 'Collective Bargaining in the Age of Algorithmic Management', *European Labour Law Journal* 12(3), 299–321 (2021).

¹⁸⁷ AfDB, *Informal Employment and the Digital Economy in Africa* (2021).

¹⁸⁸ OECD, *Cross-Border Governance of Digital Labour Platforms* (2022).

¹⁸⁹ ECOWAS Commission, *Regional Digital Governance Framework* (2023).

¹⁹⁰ R. G. Abebe, 'Data Protection, Platform Labour and Legal Reform in Africa', *African Journal of Comparative Law* 11(2), 201–223 (2023).

¹⁹¹ K. Yeung, *Algorithmic Regulation: Governing with Algorithms*, *Regulation & Governance* 12(1), 1–17 (2018).

¹⁹² A. Adeola, 'Regulating Digital Labour in Africa: Challenges and Prospects', *Journal of African Law* 67(1), 55–79 (2023).

¹⁹³ O. Ogunyemi, *Surveillance*, 'Digital Labour and Worker Rights in Africa', *African Human Rights Law Journal* 21(2), 597–620 (2021).

¹⁹⁴ S. Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019).

¹⁹⁵ AU, *Data Policy Framework for Africa* (2022).

¹⁹⁶ A. I. Aderibigbe, 'Worker Consent in Nigerian Data Protection Law', *Nigerian Data Protection Law Review* 2(1), 11–27 (2023).

¹⁹⁷ A. A. Ezenwa & F. U. Nwoko, 'The Legal Status of Platform Workers in Nigeria', *African Journal of Industrial Relations* 13(2), 77–95 (2022).

¹⁹⁸ L. Casella, 'Digital Labour Governance in the European Union: Emerging Trends', *European Labour Law Journal* 13(2), 155–180 (2022).

¹⁹⁹ J. Zittrain, 'Algorithmic Governance and Worker Rights in the EU', *Harvard Journal on Legislation* 59(1), 101–132 (2022).

²⁰⁰ R. G. Abebe, 'Data Protection, Platform Labour and Legal Reform in Africa', *African Journal of Comparative Law* 11(2), 201–223 (2023).

²⁰¹ S. De Stefano & B. Waas, *Algorithmic Management and the Future of Work*, ILO Comparative Report (2021).

²⁰² OECD, *AI, Data and Work: Policy Report* (2022).

²⁰³ P. Johnston, 'Collective Bargaining in the Age of Algorithmic Management', *European Labour Law Journal* 12(3), 299–321 (2021).

²⁰⁴ B. U. Nwafor, 'Worker Autonomy and Digital Surveillance in African Labour Markets', *Nigerian Labour Law Review* 18(1), 77–96 (2024).

²⁰⁵ T. Alemu & R. Mensah, 'Algorithmic Control and Worker Vulnerability in Africa's Platform Economy', *International Labour Review* 162(4), 789–812 (2023).