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Artificial Intelligence and workers' rights: Reimagining labour protection in the age of algorithmic management

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Abstract
The increasing use of artificial intelligence in the workspace is transforming the nature of employment and the exercise of managerial power. Through algorithmic management, automated systems are heavily used to hire and evaluate workers, allocate tasks, monitor their performances and influence decisions affecting the employment and working conditions. While these kind of technologies may enhance efficiency and productivity but they also raise major concerns relating to transparency, discrimination, privacy, worker autonomy, accountability and access to effective remedies.
Therefore, this paper examines whether legal frameworks available adequately protect workers who are affected by AI-driven algorithmic management and also explores how labour protection can be adapted to address the changing nature of workspace decision-making.The paper examines international and national regulatory responses by adopting a doctrinal and comparative approach, with particular reference to the European Union, the International Labour Organization, the United States, the United Kingdom and India, while drawing on selected Global South developments. Particular attention is drawn to the EU Artificial Intelligence Act and the International Labour Organization's Decent Work in the Platform Economy Convention, 2026 (No. 193), especially their emerging approaches to transparency, human oversight, review and worker protection.
The paper also argues that existing protections remain fragmented across labour law, AI governance, data protection and equality frameworks. It proposes an approach which is worker centred to algorithmic management based on minimum set of protections, including the right to know and receive meaningful information about automated decision-making, the right to human review of consequential decisions, protection against algorithmic discrimination, privacy and data protection, access to effective remedies, and meaningful worker participation in the governance of workspace artificial intelligence.
The paper the concludes that AI governance should extend beyond the regulation of technological systems to ensure that technological innovation remain compatible with decent work and with the protection of workers' rights.

Keywords: Artificial intelligence, algorithmic management, workers' rights, Labour Law, AI governance

Introduction

Artificial intelligence is transforming the organisation of work and the manner in which employers and businesses exercise managerial functions. Recruitment, allocation of tasks, evaluation of performances, productivity monitoring, remuneration and disciplinary decisions can now be influenced, and in some cases substantially determined, by automated systems. This development represents more than a technological change in the workplace. It alters the traditional structure of managerial power by introducing systems which are capable of collecting and processing large volumes of worker-related data and using that information to make or support decisions affecting working conditions. The International Labour Organization describes the development of theory of *algorithmic management*, which refers to the use of algorithmic systems to organise, assign, monitor, supervise and evaluate work. [1]

The growing use of these systems presents an important challenge for labour law. Traditional labour protections have generally been designed around identifiable human actors i.e, an employer makes a decision, a worker is informed of that decision, and existing legal mechanisms determine whether the decision was lawful, discriminatory, arbitrary or otherwise unfair. Algorithmic management can definitely complicate each of these assumptions. A worker may be assessed through performance metrics which are difficult to understand, assigned work according to opaque parameters, subjected to continuous digital monitoring, or adversely affected by an automated decision without knowing precisely which data or criteria produced the outcome. The problem is therefore not whether AI should be permitted in the workplace, but how workers existing rights can remain meaningful when managerial decision-making becomes increasingly automated.

The international regulatory landscape is responding to this challenge, but through different and often disconnected legal frameworks. The Artificial Intelligence Act of European Union classifies specified AI systems used in areas such as recruitment, worker management, task allocation, and the monitoring and evaluation of workers as high-risk systems and establishes requirements relating to human oversight and other safeguards. At the international level, the newly adopted Convention of ILO concerning Decent Work in the Platform Economy, 2026 (No. 193), specifically addresses the use of automated systems based on algorithms in platform work. It requires transparency regarding such systems and provides for explanations and review of certain adverse automated decisions, together with appropriate human involvement. Importantly, Convention No. 193 is directed specifically at the platform economy and does not constitute a comprehensive international framework governing AI in all workplaces. [2]

This paper examines the following research question:

1. Whether and to what extent existing and emerging legal frameworks adequately protect workers rights against the risks created by AI-driven algorithmic management?
2. What minimum worker-centred safeguards should inform the future development of labour protection?

The paper adopts a doctrinal and comparative research methodology. It examines relevant international labour standards and emerging regulatory approaches, with particular reference to the ILO and the European Union, while considering developments in India as an emerging economy. The analysis focuses on six interconnected concerns i.e, transparency, explainability and contestability, human oversight, non-discrimination, privacy and data protection, and access to effective remedies.

Algorithmic Management and the Changing Nature of Managerial Power

Algorithmic management is not synonymous with artificial intelligence. The ILO describes algorithmic management as the use of algorithmic systems that rely on tracked data and other information to organise, assign, monitor, supervise and evaluate work. These systems may incorporate artificial intelligence and machine learning, but they may also operate through predetermined, rules-based processes. The distinction is important because the regulatory challenge does not arise solely from whether a system is technically classified as "AI", it arises from the extent to which technology assumes functions traditionally exercised by human managers.

In conventional workplaces, managerial authority is ordinarily exercised through identifiable human decision-makers. A supervisor may allocate tasks, evaluate performance, recommend promotion or disciplinary action, determine working schedules, or respond to an employee's concerns. Even where such decisions are imperfect, the worker can generally identify the person or institution responsible for the decision. Algorithmic management alters this relationship by inserting a technological system between the worker and the exercise of managerial authority. The worker may receive instructions, performance assessments, work allocations or other decisions through software rather than directly from a human manager. The ILO accordingly observes that under algorithmic management workers may interact with a system rather than a human manager, reducing direct interaction between workers and managers as well as among co-workers.

This transformation is particularly significant because algorithmic systems can perform managerial functions continuously and at a scale that would be difficult for individual human managers to replicate. Systems may collect information concerning productivity, working time, location, customer feedback, task completion, communications or other aspects of work and use such information to generate recommendations or decisions. In digital labour platforms, for example, algorithmic systems may be involved in allocating work, determining access to opportunities and evaluating worker performance. However, the phenomenon is no longer confined to platform work. The ILO has documented the use of algorithmic management in sectors including healthcare, logistics and other "regular" workplaces, where digital systems can influence task allocation, workflow organisation and monitoring.

The expansion of algorithmic management therefore represents a shift in the location and operation of managerial power. The issue is not simply that a new technological tool has been introduced into an otherwise unchanged employment relationship. Rather, decisions affecting workers may increasingly depend upon data collection, predetermined parameters and computational assessments whose operation may not be readily visible to the worker. This can create a form of managerial authority that is simultaneously more continuous, data-intensive and difficult to scrutinise.

The OECD's 2025 employer survey provides evidence of the increasing prevalence of this development. Based on responses from more than 6,000 managers across France, Germany, Italy, Japan, Spain and the United States, the OECD found that algorithmic management tools are already commonly used in the countries studied. The systems were reported to offer potential benefits such as improved decision-making and efficiency. At the same time, managers themselves identified significant concerns, particularly unclear accountability for incorrect decisions, difficulty following the logic of algorithmic decisions and inadequate protection of workers' physical and mental health. These findings are significant because they demonstrate that the problem of algorithmic management cannot be reduced to a conflict between technological innovation and worker resistance. Questions concerning accountability, explainability and worker protection can arise even from the perspective of those implementing the technology. [3]

The changing nature of managerial power also has implications for the traditional understanding of workplace accountability. Where a human manager makes a decision, responsibility can ordinarily be attributed to a particular actor or institution. Where an algorithm produces or significantly influences the outcome, responsibility may become dispersed among the employer, technology provider, system designer and the human decision-maker who relies upon the system. The existence of a human somewhere within this chain does not necessarily ensure meaningful human responsibility. A manager may simply accept an algorithmic recommendation without possessing the information, expertise or authority necessary to evaluate whether the recommendation is appropriate.

This creates what may be described as an accountability gap. The technological system may be treated as objective because it is data-driven, while the employer may treat the outcome as the product of the system rather than an exercise of managerial discretion. Yet the consequences continue to fall upon the worker. An incorrect performance assessment, discriminatory classification, unjustified reduction in work allocation or automated termination can directly affect income, career progression and job security regardless of whether the final decision was formally made by a human being.

At the same time, algorithmic management should not be understood solely as a threat to workers. Digital systems can improve the coordination of complex work, reduce certain forms of arbitrary decision-making and potentially support productivity and consistency. The ILO has recognised both the potential benefits and risks associated with algorithmic management, while the OECD similarly notes perceived

improvements in managerial decision-making. The appropriate legal response, therefore, is not necessarily to prohibit algorithmic management, but to determine the conditions under which its use remains compatible with fundamental labour rights.

This distinction is crucial to the argument of this paper. The central regulatory question should not be whether an algorithm is making the decision, but whether the exercise of managerial power through that algorithm remains consistent with the rights of the person affected by it. Once managerial functions are technologically mediated, conventional labour protections must be capable of following that power into the technological system. A worker's right to fair treatment should not become weaker merely because a decision is generated through software rather than communicated directly by a human manager.

The emerging regulatory approach in the European Union reflects this shift. The EU Artificial Intelligence Act identifies specified AI systems used in employment and workers' management as high-risk, including systems used for recruitment and selection, decisions affecting terms of work, promotion or termination, task allocation based on individual behaviour or characteristics, and monitoring or evaluation of workers [6]. This approach is significant because it recognises that the risk associated with AI depends not simply upon the technology itself, but upon the function for which it is deployed and the consequences of its use for individuals. [4]

Algorithmic management should therefore be understood as a transformation in the manner in which managerial authority is exercised rather than merely as another form of workplace automation. Its significance for labour law lies in the possibility that decisions traditionally governed by principles of fairness, equality, privacy, accountability and procedural protection may increasingly be mediated by systems whose operation is difficult for workers to see or challenge. The next section consequently examines the specific rights-based risks that emerge when managerial power is exercised through AI and algorithmic systems.

AI-Driven Risks to Workers' Rights

The increasing use of AI and algorithmic systems in the workplace does not create an entirely new category of labour rights. Rather, it places existing rights under new forms of pressure. The central difficulty arises because traditional labour protections generally assume that workers can identify the decision-maker, understand the basis of a decision and challenge it through an established procedure. Algorithmic management can weaken each of these assumptions. The principal risks therefore concern not only the substantive outcome of an automated decision, but also the worker's ability to understand, question and obtain a remedy against that decision.

a. Transparency and the Right to Know

The first difficulty is the lack of meaningful transparency. A worker affected by an algorithmic system may know that technology is being used to monitor or evaluate work without knowing what information is collected, which factors are considered significant, or how those factors affect decisions concerning work allocation, performance or employment. Transparency is therefore more than simply informing a worker that an algorithm exists. It requires sufficient information to understand the system's role and its consequences.

This distinction is increasingly recognised in international regulation. Article 13 of the ILO Convention No. 193 requires States to ensure that digital labour platforms inform workers and their representatives about the use of automated systems to monitor or evaluate work or generate work-related decisions, as well as the extent to which those systems affect working conditions or access to work. The provision is particularly significant because it extends transparency beyond the individual worker to worker representatives and organisations, recognising that algorithmic decision-making can have collective consequences. [5]

The right to know is also important because information asymmetry can reinforce the existing imbalance of power within the employment relationship. An employer or platform generally has greater access to the data, technical expertise and contractual information underlying an automated system than the worker affected by it. Without a meaningful right to information, a worker may be unable even to identify that a decision warrants legal challenge.

b. Explainability and the Ability to Contest Decisions

Transparency alone, however, does not necessarily make an automated decision contestable. A worker may be told that an algorithm was used without being told why the particular outcome occurred. This gives rise to a second concern: the ability to obtain a meaningful explanation.

The importance of this issue becomes especially apparent where algorithmic decisions have significant consequences. A reduction in work allocation, denial of remuneration, suspension of an account, dismissal or adverse performance assessment may affect a worker's livelihood. If the worker is merely informed of the outcome without being able to understand its basis, procedural fairness becomes difficult to secure.

The ILO Convention No. 193 provides an important emerging international standard in this respect. Article 15 requires, in the context of digital labour platforms, access on request and without unreasonable delay to a written explanation for significant decisions that adversely affect working arrangements or access to work. It further requires review of specified decisions, including those resulting in non-payment, suspension or deactivation of an account, or termination of employment or engagement. [6]

The significance of such a right lies in its connection between explanation and contestability. An explanation is valuable not merely because it satisfies curiosity about how a system operates, but because it enables an affected worker to determine whether a decision is erroneous, discriminatory, unlawful or based on inaccurate information. The legal objective should therefore not be complete disclosure of proprietary algorithms or source code in every circumstance. Rather, workers should receive sufficient reasons and relevant information to understand and effectively challenge decisions affecting their rights.

c. Human Oversight and Managerial Accountability

A further concern arises where organisations rely excessively upon automated recommendations. The presence of a human decision-maker does not, by itself, establish meaningful human oversight. If a manager simply accepts an algorithmic recommendation without questioning its accuracy or relevance, the formal presence of a human

actor may conceal rather than resolve the accountability problem.

The European Union's Artificial Intelligence Act responds to this concern by imposing human-oversight requirements for high-risk AI systems. Article 14 requires such systems to be designed and developed so that they can be effectively overseen by natural persons during their use. Human overseers must have the necessary competence, training and authority and must be able, where appropriate, to monitor, interpret, disregard, override or reverse the system's output and interrupt its operation. [7]

This approach is important for labour protection because it rejects the idea that an algorithmic output should automatically be treated as determinative. Meaningful human oversight requires more than placing a manager at the end of an automated process. The human decision-maker must have sufficient authority and information to depart from the system where its outcome is inappropriate.

The issue is particularly important in employment because workplace decisions can have cumulative effects. A seemingly minor algorithmic assessment may influence subsequent allocation of work, performance ratings, promotion opportunities or disciplinary action. Without genuine human intervention, an initial error can therefore become embedded within later decisions.

d. Algorithmic Discrimination and Equality

Algorithmic systems can also reproduce or intensify existing forms of discrimination. The assumption that automated decisions are inherently neutral is problematic because algorithms are dependent upon their objectives, programming and underlying data. Historical data may contain existing social or workplace inequalities, while apparently neutral variables may operate as proxies for protected characteristics.

The ILO's recent research on AI in human resource management identifies flawed objectives, biased or incomplete data and opaque programming as structural problems capable of distorting recruitment, compensation, scheduling and performance-management decisions. The problem is consequently not confined to deliberate discriminatory programming. Discrimination may also emerge indirectly from the data and assumptions embedded within the system. [8]

This risk has particular significance in employment because algorithmic assessments may influence access to work, recruitment, promotion, remuneration and termination. The EU AI Act consequently treats specified AI systems used for recruitment, selection, decisions concerning terms of work, promotion or termination, task allocation, and monitoring or evaluation of workers as high-risk. The classification reflects an important regulatory principle: the legal significance of workplace AI depends substantially upon the consequences of its use for workers.

Convention No. 193 similarly requires protection against discriminatory or otherwise unlawful grounds for suspension, deactivation or termination of platform workers. These developments suggest that non-discrimination must apply not only to the final human decision but also to the technological processes through which that decision is produced.

e. Privacy and the Protection of Workers' Data

Algorithmic management is dependent upon data. The more workplace decisions are automated, the greater the incentive to collect, analyse and retain information about workers. This may include productivity records, location information, working patterns, customer feedback, communications and other behavioural data. Continuous data collection creates a risk that workplace monitoring can extend beyond what is necessary for legitimate managerial purposes.

The problem is particularly acute because workers do not participate in the employment relationship on equal bargaining terms. Consent to data processing, where relied upon, may therefore have limited practical significance if refusing consent places employment or access to work at risk. Privacy protection in the workplace must consequently account for the structural imbalance between worker and employer.

The ILO's 2025 study on workers' data rights identifies persistent gaps in existing data-protection frameworks and emphasises that workers face heightened risks of data exploitation because of power asymmetries within employment relationships. Convention No. 193 addresses the issue specifically for platform workers by requiring effective safeguards concerning personal data and requiring that data be processed for the legitimate purpose for which it was collected. It also recognises rights of access, rectification and erasure, subject to applicable data-retention laws. [9] [10]

Thus, data protection should not be treated as an issue separate from labour protection. Where data becomes the basis for managerial decision-making, control over worker data becomes closely connected to control over the worker.

f. Effective Remedies and the Right to Challenge

Finally, rights relating to transparency, explanation, human oversight, equality and privacy have limited value unless workers can challenge violations and obtain effective remedies. This is perhaps the most important weakness that algorithmic management can expose: the possibility of an adverse decision without a clear or accessible route of review.

A worker should not be placed in the position of having to challenge an algorithm without knowing which decision-maker is responsible, what information was used or whether a human being can reconsider the outcome. Effective remedies therefore require identifiable responsibility, accessible procedures and meaningful review.

Article 15 of Convention No. 193 provides for review of specified adverse automated decisions, while Article 21 requires access to safe, fair and effective dispute-resolution mechanisms and appropriate and effective remedies. These provisions demonstrate that contestability is increasingly being treated as an essential component of responsible algorithmic management. [11]

The broader principle is that automation should not become a means of insulating managerial decisions from legal accountability. Where an employer chooses to use an automated system, the use of that system should not diminish the worker's existing ability to question an adverse decision or seek redress.

Taken together, these concerns demonstrate that the principal challenge posed by algorithmic management is not simply the possibility of technologically incorrect decisions. It is the potential transformation of the conditions under which workers exercise their rights. A worker who cannot understand a decision cannot effectively challenge it; a worker who cannot challenge it cannot meaningfully secure

a remedy; and a remedy that cannot reach the underlying decision-making process risks becoming merely formal. AI governance at work must therefore be concerned not only with whether an automated system is accurate, but also with whether the worker remains visible, informed and legally empowered within the decision-making process.

Comparative Legal Responses to AI and Algorithmic Management

The regulatory response to AI and algorithmic management remains fragmented across jurisdictions. Some legal systems have attempted to regulate the technology directly, while others have relied upon existing labour, equality or data-protection frameworks. A comparative examination of the European Union, the International Labour Organization and recent Indian developments demonstrates that there is increasing convergence around certain principles—particularly transparency, human oversight, non-discrimination, data protection and access to remedies. At the same time, significant differences remain concerning the scope of protection and the categories of workers covered.

a. The European Union: From AI Regulation to Algorithmic Labour Protection

The European Union represents one of the most developed regulatory approaches to algorithmic management. Its framework is significant because protection is not derived from a single instrument. Rather, the EU approach combines general AI regulation with specific labour and data-protection measures.

The Artificial Intelligence Act, 2024 adopts a risk-based approach to AI regulation. Under Annex III, certain AI systems used in employment and workers' management are classified as high-risk, including systems used for recruitment and selection, decisions affecting terms of work, promotion or termination, task allocation based on individual behaviour or personal characteristics, and monitoring or evaluation of workers. The significance of this approach lies in its recognition that the same technology may create different legal risks depending upon the context in which it is deployed. An AI system used to assist ordinary administrative functions does not necessarily present the same risks as a system capable of influencing recruitment, employment conditions or termination.

The AI Act also places emphasis on human oversight. Article 14 requires high-risk AI systems to permit effective oversight by natural persons possessing the necessary competence, training and authority. Human overseers must be capable, where appropriate, of interpreting outputs, disregarding or overriding them, reversing outcomes and interrupting the system. This is particularly important in the employment context because it seeks to prevent algorithmic outputs from becoming automatically determinative.

However, the AI Act should not be understood as a comprehensive labour law framework. Its principal objective is the regulation of AI according to levels of risk, rather than the restructuring of the employment relationship. Consequently, questions concerning employment status, collective bargaining, working conditions and the broader distribution of managerial power cannot be answered by the AI Act alone.

The Platform Work Directive (EU) 2024/2831 is therefore particularly important. Unlike the AI Act, the Directive directly addresses algorithmic management in the context of platform work. It seeks to promote transparency, fairness, human oversight, safety and accountability and applies certain algorithmic-management provisions even to persons performing platform work who do not have an employment relationship.

The Directive adopts a notably detailed transparency model. Article 9 requires platforms to inform workers and their representatives about the use of automated monitoring and decision-making systems, the categories of data processed, the purposes of monitoring, the main parameters influencing automated decisions and the grounds for decisions such as restriction, suspension or termination of an account. The information must be presented in a transparent, intelligible and accessible form using clear and plain language. [12]

More significantly, Article 10 requires regular human oversight and provides that persons responsible for such oversight must have the competence, training and authority necessary to override automated decisions. Decisions restricting, suspending or terminating the contractual relationship or account must be taken by a human being. Article 11 further provides a right to obtain explanations for automated decisions and access to a designated contact person capable of discussing the facts and reasons underlying the decision. [13]

The EU model therefore moves beyond the relatively narrow idea that workers should merely be informed that AI is being used. It attempts to establish a chain of information → human oversight → explanation → review, thereby making automated managerial decisions more contestable.

b. The International Labour Organization: Establishing an Emerging Global Baseline

At the international level, the International Labour Organization has increasingly addressed the implications of digitalisation and algorithmic management through its work on the future of work, workers' data and digital labour platforms. The adoption of the Decent Work in the Platform Economy Convention, 2026 (No. 193) represents the most significant recent development.

Convention No. 193, adopted at the 114th International Labour Conference in June 2026, is the first international labour standard dedicated specifically to the platform economy. Although its scope is narrower than the general workplace focus of this paper, its provisions are highly relevant because platform work represents one of the clearest environments in which algorithmic management exercises managerial functions.

Article 13 requires digital labour platforms to inform workers and their representatives about the use of automated systems based on algorithms or similar methods to monitor or evaluate work or generate work-related decisions, as well as the impact of such systems on working conditions and access to work. Article 14 requires responsible use of automated systems consistent with fundamental principles and rights at work.

The Convention goes further in Article 15 by requiring access, upon request and without unreasonable delay, to a written explanation for significant automated decisions adversely affecting working arrangements or access to work. It also requires review of certain decisions, including non-payment, suspension or deactivation of accounts and termination, with appropriate human involvement. Articles 16 and 17 extend protection to personal data and discriminatory or otherwise unlawful suspension,

deactivation and termination. Article 21 requires access to safe, fair and effective dispute-resolution mechanisms and appropriate and effective remedies.

Convention No. 193 is therefore significant not merely because it regulates platform work, but because it provides an emerging international articulation of what responsible algorithmic management should entail. Its provisions demonstrate a movement from general principles of decent work towards specific procedural safeguards against automated managerial decisions.

At the same time, the Convention has a clear limitation for the purposes of this paper: it is specifically concerned with the platform economy. It does not create a comprehensive international regime for AI use in conventional employment relationships. This limitation reinforces the need to consider how the principles reflected in the Convention can inform labour protection beyond digital platforms.

c. India and the Emerging Global South Response

India presents a particularly important perspective because the country's rapidly expanding platform economy has developed alongside a regulatory framework that is still evolving. At the national level, the recognition of gig and platform workers within India's labour-law architecture marks an important shift, but specific regulation of algorithmic management has largely emerged at the State level.

The Bihar Platform Based Gig Workers (Registration, Social Security and Welfare) Act, 2025 is particularly noteworthy. The Act defines automated monitoring and decision-making systems as systems capable of making decisions by automated means, with or without human intervention. More significantly, Section 13 expressly addresses transparency concerning such systems.

The Bihar legislation requires aggregators and platforms to provide information concerning automated systems and their impact on working conditions, earnings, fare determination and customer feedback. It also requires measures to prevent discrimination through automated systems and, upon request, requires information concerning the main parameters used in allocating and assessing work, grounds for denial of work, rating systems and worker categorisation.

This is significant from a Global South perspective because it demonstrates that algorithmic transparency is not solely a concern of highly developed regulatory systems such as the European Union. A sub-national Indian law has expressly recognised that workers require access to information about the algorithmic processes affecting their livelihood.

The Karnataka Platform Based Gig Workers (Social Security and Welfare) Act, 2025 provides another important example. The Act was enacted as Karnataka Act No. 72 of 2025 and expressly includes transparency in automated monitoring and decision-making systems among the obligations imposed upon aggregators. The Karnataka framework is therefore part of a broader movement within India towards recognising that social security and welfare protection for platform workers cannot be separated entirely from the technological systems through which work is organised.

These developments demonstrate both the potential and the limitations of the Indian approach. On the one hand, State-level legislation has moved beyond merely providing social-security benefits and has begun to recognise algorithmic transparency as a component of worker protection. On the other hand, these protections remain primarily directed towards gig and platform workers rather than workers across the broader economy who may also be subject to algorithmic recruitment, performance evaluation, surveillance or task allocation.

d. Comparative Assessment

A comparison of these three approaches reveals a significant degree of normative convergence. The EU, ILO and emerging Indian frameworks each recognise, in different ways, the importance of transparency, accountability, human involvement, non-discrimination and protection of worker data.

Their differences, however, are equally important. The EU has developed the most detailed procedural framework, particularly in relation to platform work. The ILO has established an emerging international standard, but its most specific algorithmic provisions currently concern the platform economy. India demonstrates innovative legislative developments, particularly at the State level, but lacks a comprehensive national framework specifically governing algorithmic management across all forms of employment.

The comparison therefore suggests that the central problem is no longer an absence of recognition that algorithmic management can affect workers' rights. The more difficult question is how these emerging principles can be transformed into a coherent and generally applicable framework of labour protection.

The existing regulatory models also reveal a recurring limitation: protection is frequently tied to a particular regulatory category high-risk AI under the EU AI Act, platform work under the EU Directive and ILO Convention, or gig and platform work under emerging Indian legislation. Workers outside these categories may nevertheless experience similar risks from algorithmic recruitment, monitoring, evaluation and decision-making.

This fragmentation raises the central question for the next part of the paper: whether workers' rights should depend upon the particular technology, contractual classification or regulatory category involved, or whether certain minimum rights should apply whenever algorithmic systems are used to exercise managerial power over workers.

The Problem of Regulatory Fragmentation

The comparative analysis demonstrates that legal systems are increasingly recognising the risks associated with algorithmic management. However, recognition has not yet resulted in a coherent framework of worker protection. Instead, the existing regulatory landscape remains fragmented across different legal instruments, worker classifications and regulatory objectives. This fragmentation creates an important difficulty: a worker's protection may depend not only upon the impact of an algorithmic decision, but also upon the particular legal framework under which the technology happens to fall.

First, there is a fragmentation of regulatory objectives. AI systems affecting workers may simultaneously raise questions of employment law, equality, privacy and data protection, occupational safety, consumer protection and AI governance. Each field approaches the technology from a different regulatory perspective. AI regulation is principally concerned with the risks associated with the technology; data-protection law focuses on the processing of personal

information; equality law addresses discriminatory outcomes; and labour law traditionally focuses upon the employment relationship and conditions of work. These objectives overlap but are not identical.

The result is that compliance with one regulatory framework does not necessarily guarantee protection under another. An employer may, for example, provide information concerning the collection of worker data while leaving the worker unable to understand how that data influences an employment decision. Similarly, an AI system may satisfy technical requirements concerning risk management while still creating a significant imbalance of power between the employer and the worker. The regulation of the technology and the protection of the worker can therefore become separated from one another.

Second, there is fragmentation according to worker status. Some of the most advanced protections against algorithmic management have emerged in the context of platform work. The EU Platform Work Directive and ILO Convention No. 193 are particularly important examples. India's recent State legislation concerning gig and platform workers similarly demonstrates this tendency. Y*et al*gorithmic management is not confined to platform workers. Conventional employees may also be subject to algorithmic recruitment, productivity monitoring, automated scheduling, performance evaluation and other forms of digital supervision.

This creates an important normative difficulty. If the underlying risk is the exercise of managerial power through an automated system, the legal protection should not depend entirely upon whether the person affected is formally classified as an employee, a platform worker or another category of worker. A conventional employee subjected to automated performance surveillance may face the same problems of opacity, discrimination or excessive data collection as a platform worker. The contractual label, by itself, does not eliminate the technological risk.

Third, existing frameworks differ in the depth of the right to explanation that they provide. Merely requiring disclosure that an automated system is being used does not necessarily enable a worker to challenge its outcome. Meaningful protection requires information about the role of the system, the relevant factors influencing the decision and, where an adverse decision is made, sufficient reasons to permit effective review.

This distinction exposes a gap between transparency and contestability. Transparency answers the question of what system is being used; contestability asks whether the person affected can meaningfully challenge what the system has produced. The latter requires not only information but also an identifiable decision-maker, a review mechanism and sufficient human authority to reconsider the outcome.

Fourth, there remains a risk of formal rather than substantive human oversight. Emerging regulations increasingly require human involvement in algorithmic decision-making. However, the mere presence of a human being in the decision-making chain does not guarantee meaningful oversight. If the human decision-maker lacks access to relevant information, technical competence or authority to reject the algorithmic recommendation, human review may become a procedural formality.

This distinction is particularly significant in employment because organisational hierarchies can create incentives to rely upon apparently objective technological outputs. An employer may regard algorithmic recommendations as more neutral or efficient than individual managerial judgments. Yet an algorithm can only produce outcomes within the objectives, data and parameters upon which it operates. Human oversight must therefore involve genuine capacity to question the system rather than merely approve its conclusions.

Fifth, the present framework remains largely reactive rather than preventive. Labour law has traditionally provided remedies after an employment right has been violated. Algorithmic management, however, can produce harm at an earlier stage. A biased recruitment system may prevent a candidate from being selected before the candidate becomes an employee. Excessive monitoring may affect workers continuously before any identifiable disciplinary action occurs. An inaccurate rating may influence subsequent allocation of work long before a worker is formally denied employment.

This means that traditional remedies may not always be sufficient. Once an algorithmic system has repeatedly relied upon inaccurate or discriminatory data, correcting a single adverse decision may not address the underlying structural problem. Effective regulation must therefore include safeguards at the stage of design, deployment and ongoing monitoring, rather than relying exclusively upon individual remedies after harm has occurred.

Finally, the regulatory landscape remains limited in its recognition of collective worker participation. Algorithmic management can affect groups of workers simultaneously, particularly where a common system determines task allocation, performance assessment, scheduling or access to work. Treating every affected worker solely as an individual data subject may therefore fail to capture the collective dimension of algorithmic managerial power.

The OECD's research provides an important indication in this regard. Its findings suggest that worker consultation can help address risks associated with algorithmic management and that dialogue between workers, managers and representative bodies can produce arrangements capable of preserving productivity while improving job quality. The ILO's recent work similarly emphasises social dialogue as an important mechanism for shaping the introduction and governance of AI and algorithmic management in the workplace.

The regulatory fragmentation identified above therefore reveals a broader conceptual problem. Existing legal systems frequently ask whether a particular technology is lawful, whether particular data processing is permissible, whether a particular decision is discriminatory, or whether a particular worker classification attracts protection. What is less consistently addressed is the broader question of whether the exercise of managerial power through technology remains subject to meaningful worker rights.

This distinction provides the basis for a worker-centred approach. Instead of constructing protection around a particular technology or employment category, regulation should identify a set of minimum rights that follow the exercise of algorithmic managerial power wherever it occurs. Such an approach would not prevent employers from using AI or require identical regulation of every automated system. Rather, it would establish a baseline below which technological management of workers should not fall.

The objective, therefore, should be to move from a fragmented model of technology regulation towards a more

coherent model of rights-based regulation of technological managerial power. The following section develops such a framework.

Towards A Worker-Centred Framework for AI Governance at Work

A worker-centred approach does not require the prohibition of algorithmic management. Instead, it should establish a set of minimum rights that should apply whenever AI-based systems materially influence decisions concerning a person's work. These rights should operate irrespective of whether the system is described as artificial intelligence, algorithmic management, automated decision-making or another technological category. The focus should be on the function and impact of the system, especially where it affects access to work, working conditions, remuneration, evaluation, promotion, disciplinary action or termination.

a. Right to Know and Meaningful Information

The first principle is meaningful right to know as to when and how algorithmic systems are used in relation to work. Mere disclosure of AI use is not sufficient so the workers should be informed about the purpose of system, the decisions it influences, the relevant categories of data and its potential consequences. Article 13 of ILO Convention No. 193 and the EU Platform Work Directive reflect the principle by requiring transparency regarding automated monitoring and decision making systems. This protection should extend beyond platform work to conventional workplaces where algorithms influence performance assessment, shift allocation, productivity or disciplinary decisions. Meaningful information is the foundation for workers to exercise all other rights under the proposed framework.

b. Right to Meaningful Explanation

The second principle is right to obtain a meaningful explanation where an algorithmic system produces or materially influences a significant decision affecting the worker. Transparency alone is definitely insufficient, as knowing that an algorithm was used does not explain why a particular outcome was reached. Workers should therefore receive a clear explanation of the principal reasons and relevant factors behind the significant decisions, without disclosure of proprietary source code. Article 15 of ILO Convention No. 193 and the EU Platform Work Directive reflect the emerging principle by providing workers with explanations of significant decisions made or supported by automated systems.

c. Right to Meaningful Human Review

The third principle is right to meaningful human review of significant adverse algorithmic decisions. Human oversight should involve a competent person with sufficient information and authority to independently assess, disregard, override or reverse an algorithmic outcome. The EU AI Act requires human oversight for high risk AI systems, while the EU Platform Work Directive provides similar safeguards in platform work. This right applies particularly to decisions concerning termination, suspension, disciplinary action, remuneration, promotion or significant loss of work opportunities. To prevent review from becoming just a formality, the reviewer should be sufficiently independent from the original automated decision-making process.

d. Right to Equality and Protection from Algorithmic Discrimination

The fourth principle is the right to equality and non-discrimination throughout the lifecycle of an algorithmic system.

Protection against discrimination must extend beyond the final employment decision. It should apply to the design, training, deployment and continuous operation of the system. This is because discriminatory outcomes may emerge from biased training data, inappropriate variables, flawed objectives or feedback mechanisms even where no discriminatory intention exists on the part of the employer.

Accordingly, employers using AI for recruitment, performance evaluation, task allocation or promotion should be required to undertake appropriate measures to identify and mitigate discriminatory outcomes. Where an automated system produces materially different outcomes for protected or vulnerable groups, the employer should bear responsibility for investigating the disparity rather than treating the algorithmic output as inherently neutral.

The EU AI Act's classification of specified employment-related AI systems as high-risk reflects the seriousness of these risks. The principle is also reflected in the ILO Convention No. 193, which requires protection against discriminatory or otherwise unlawful grounds for suspension, deactivation or termination in the platform economy.

A worker-centred framework should therefore adopt a simple proposition: automation must not dilute the existing obligation of equality. An employer cannot avoid responsibility for a discriminatory employment decision merely because the decision was produced or recommended by an algorithm.

e. Right to Privacy and Protection of Workplace Data

The fifth principle should be a strong right to privacy and protection of worker data.

Algorithmic management can make workplace surveillance substantially more extensive than traditional forms of supervision. Digital systems may allow employers to collect information continuously and to combine information from multiple sources in order to assess productivity, behaviour or performance. The ability to collect data does not, however, establish that its collection or use is justified.

A worker-centred approach should consequently require that workplace data be collected for specified and legitimate purposes, be proportionate to those purposes and not be retained or repurposed indefinitely merely because technological systems make such collection possible. Workers should also have meaningful rights to access, correct and, where legally appropriate, request deletion of personal data used in algorithmic management.

ILO Convention No. 193 expressly recognises safeguards concerning the personal data of platform workers, including requirements relating to legitimate purposes and rights of access, rectification and erasure. These principles should not remain limited to platform work. The underlying concern protection against excessive or unjustified collection and use of information by a more powerful actor is equally relevant within conventional employment relationships.

Privacy should therefore be understood as a component of worker autonomy rather than merely as a technical data-protection issue. Excessive surveillance can alter how workers behave, restrict autonomy and transform the workplace into an environment of continuous measurement.

f. Right to Challenge and Effective Remedy

The sixth principle should be the right to challenge an algorithmically influenced decision and obtain an effective remedy.

A rights framework is incomplete if it merely imposes duties upon employers without providing workers with accessible mechanisms to enforce those duties. Workers should therefore be able to contest significant automated decisions, obtain relevant reasons and information, request human review and seek appropriate redress where a violation is established.

This principle is particularly important because algorithmic errors can have cumulative effects. An inaccurate rating, for example, may influence future task allocation, which may subsequently affect income and lead to another adverse performance assessment. A remedy limited to correcting the final decision may therefore fail to address the chain of decisions produced by the original error.

Article 21 of ILO Convention No. 193 recognises the importance of safe, fair and effective dispute-resolution mechanisms and appropriate and effective remedies. A broader worker-centred model should similarly ensure that workers have access to remedies capable of addressing both the individual decision and, where necessary, the underlying systemic problem.

The burden of navigating complex technological systems should not be placed entirely upon the individual worker. Labour inspectorates, tribunals, courts and other competent authorities should have sufficient powers to examine the legality of algorithmic management where necessary. In appropriate circumstances, collective complaints and representative actions should also be available where the same system affects a group of workers.

g. Right to Participation and Collective Voice

The seventh and final principle is the right to worker participation in the introduction and governance of workplace AI.

Algorithmic management is not solely an individual rights issue. Decisions concerning the adoption of workplace AI can affect entire categories of workers by changing workloads, skills requirements, evaluation systems, working conditions and employment opportunities. Consequently, individual disclosure after a system has already been introduced may be insufficient.

Worker representatives, trade unions and other legitimate forms of worker representation should have an opportunity to participate in decisions concerning the introduction and significant modification of AI systems that materially affect workers. Such participation should include access to sufficient information to evaluate the system's likely effects and an opportunity to raise concerns before deployment where national law provides for such consultation.

The importance of participation is supported by recent OECD research, which indicates that worker consultation can help mitigate risks associated with algorithmic management. The ILO's comparative research on social dialogue and AI likewise demonstrates that worker representatives can influence the manner in which AI and algorithmic management are introduced and governed across different national contexts. [14]

Collective participation is particularly valuable because many algorithmic risks cannot be identified easily by an individual worker. A worker may know that their performance score has fallen, but worker representatives may be better positioned to identify that the same system is systematically disadvantaging a particular category of workers. Collective voice can therefore function as an additional layer of accountability.

h. A General Principle of Technological Accountability

These seven principles should ultimately be understood as interconnected rather than independent rights. The right to know enables the worker to understand the system; explanation makes an adverse decision intelligible; human review makes it contestable; equality and privacy establish substantive limits on the system; effective remedies make those rights enforceable; and collective participation addresses the broader distribution of technological managerial power.

The framework can therefore be expressed through a broader principle of technological accountability in the workplace: an employer should not be permitted to exercise a form of managerial authority through technology that would be unlawful or subject to procedural safeguards if exercised directly by a human manager.

This principle does not demand identical regulation of every algorithmic system. Regulation should remain proportionate to the significance and potential impact of the system. A low-risk administrative tool should not necessarily attract the same obligations as an AI system determining recruitment, remuneration, work allocation or termination. However, where algorithmic systems materially affect a worker's livelihood, dignity, equality, privacy or employment security, stronger safeguards should apply.

The proposed framework thus seeks to reconcile two objectives that are sometimes presented as competing: technological innovation and labour protection. The objective is not to preserve a purely human model of management for its own sake, nor to treat technological efficiency as an overriding value. Rather, the objective is to ensure that technology remains an instrument of management without becoming a mechanism through which established labour rights are weakened or rendered practically unenforceable.

In this sense, the future of labour protection should not depend upon whether managerial authority is exercised by a human being or an algorithm. The more appropriate question is whether the person affected by that authority continues to possess meaningful legal rights. Where the answer is no, technological innovation has effectively altered not merely the method of management, but the balance of power within the employment relationship.

Conclusion

AI is transforming how work is performed as well as how managerial authority is exercised. Through algorithmic management, functions traditionally performed by human managers like recruitment, allocation of tasks, monitoring, performance evaluation and, in some cases, termination which can increasingly be influenced or performed by automated systems. This challenges labour law because

workers may find it more difficult to understand, question and contest decisions affecting their employment.

Although recent developments, like the EU Artificial Intelligence Act, Platform Work Directive and ILO Convention No. 193, have introduced important safeguards and protection remains fragmented across jurisdictions, technologies and categories of workers. Emerging Indian frameworks for platform-based workers similarly indicate increasing recognition of algorithmic transparency and accountability.

Therefore, this paper proposes a worker-centred minimum framework based on the right to know, meaningful explanation and human review, equality and non-discrimination, privacy, effective remedies, and worker participation.

Ultimately, the main legal question is not whether algorithms will shape workplaces, but who remains accountable when algorithms exercise managerial power. Technology may assist management, but it definitely must not displace the rights, dignity and legal protection of workers.

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