# LABOUR IN THE AEON OF ARTIFICIAL INTELLIGENCE: THE LEGALIZED THEFT OF JOBS

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#### **ABSTRACT**

The world had long entered into the digital aeon, that has transformed the operational working methods. The economy is set to conceive an unparalleled metamorphosis, with the inception of Artificial Intelligence (A.I.). However, several radical and ethical questions revolving around the labour and employment market, remain up in the air. Labor and employment law ought to be used as a legal tool to steer the obvious changes brought by AI in the workplace. The herculean task is thus to identify the avenues for imbibing the existing labour and employment legislations, in order to effectuate, anticipate and smooth out the transition to the new global realm. This paper thus aims at filling certain gaps in the mainstream parley on automation, the introduction of novel technologies at the workplace and the future of work. It seeks to examine the quantum of the A.I. introduced in the labour market, that potentially affects the quality as well as the quantity of jobs. Further, It addresses the detrimental effects on workers of awarding legal capacity and rights and the obligation to robots. Additionally, it scrutinizes the ramifications of the practices employing People Analytics and the use of big data and artificial intelligence to manage the workforce. It stresses on an often-neglected feature of the contract of employment, namely the fact that it vests the employer with the authority and managerial prerogatives over workers. It points out that a vital function of labour law is to limit these authority and prerogatives to protect the human dignity of workers. In light of this, it highlights the benefits of human-rights based approaches to labour regulation to protect workers' privacy against invasive electronic monitoring. Penultimately, it highlights the crucial role of collective regulation and social partners in governing automation and the impact of technology at the workplace.

#### INTRODUCTION

"The real question is, when will we draft an artificial intelligence bill of rights? What will that consist of? And who will get to decide that?"

-Gray Scott.

Organizations across the world have been in a frenzy, upon the quandary of artificial intelligence, permeating into every facet of the contemporary working environment. Humanoid robots switching roles with human individuals, being an illusory, far from the verisimilitude in the coon's epoch, is now perhaps the ordeal dreading every worker. Automation and artificial intelligence have undoubtedly had a weighty and consequential impact on the human lives, having transformative effects with the collaterally ensuing alterations that have seldom been detrimental. While the quantum with which artificial intelligence (hereinafter referred to as A.I.) had metamorphosed and revolutionized the human lives, is commendable, its penetration into taking over the job of its own creator, is not the deed of a staunch varlet.

This unparalleled transformation has been having a pernicious effect on labour and employment, thereby commanding and maneuvering the insides of employment relationships. With the simulation of human intelligence processes by the machines, A.I. is grounded to language processing and speech recognition. While it requires human intelligence in its operations, A.I. has rather been supplanting the former. With accuracy in work for long hours and almost no threats to the employer, A.I. contributes its share to the progressive realm. Sweeping away the conventional modus operandi of performing an array of functions, the automation, dematerialization and robotization process had made perceptible, the use of A.I., in the communication, marketing and brokerage arenas, while disrupting the labour sector.

The burgeoning A.I. in the employment sector, has its roots in the test of the computer's capability to perform in a manner analogous to that of a human mind. The term called 'Artificial intelligence' had initially been proposed by John McCarthy in 1956. Human thinking is converted to an artificial form and manipulated by machines. The emergence of an idea regarding the artificial intelligence recognized during the time of conducting advanced studies in mathematics, and logical applications by the classical philosophers and logicians behind every work, consequently resulting in the introduction of the concept, that eventually lead to

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the invention of Computer. The concept pertaining to 'Artificial Intelligence' evolved during the 20th century, which inspired the scientists to move forward with an idea of the creation of

an artificial intelligent being or a human assistant with an 'electrical brain'.

Having materialized neoteric yet disruptive innovations, A.I. has transpired into a conundrum in the labour market, while being a necessary panacea to ballooning innovations and surging productivity. The jobs of the future will require high technical skills, that new machinery and programmes, complemented by artificial intelligence, will absorb routine, menial and dangerous tasks and the fortunate workers who remain employed will have access to highly rewarding jobs, with technology playing a liberating role for them. This will however reduce the requirement of an umpteen quantity of workers. The regulators thus ought to ensure that the highest number of persons possible, acquire the skills necessary to be employed in these liberated roles, while also envisaging measures to absorb the occupational shocks determined by automation, thereby mitigating the social consequences for its workers who will be

displaced, owing to the inability to develop the prominent skills or that to find employment

considering the lack of jobs.

Following a techno- dynamic approach, the current research thus seeks to scrutinize the impact of A.I. managing the workforce. It highlights the significance of labour statutes in limiting the prerogatives of technology, thereby securing the dignity of the workmen. Additionally, it analyzes the benefits of human-rights based approaches to labour regulations, to protect the workers' privacy against invasive electronic monitoring. Negotiating the algorithm and promoting an ethical employment of A.I. at the workplace would therefore, ensue as the need

of the hour.

ARTIFICIAL INTELLIGENCE: DEHUMANIZATION OF THE CITIZENRY

The first non- human innovation champion, a humanoid robot, Sophia, the augmented figure of 2016, and the first robot to be awarded the citizenship of a country, has left unanswered, several radical and legal questions pertaining to the rights and duties of a robot and the consequent assimilation of A.I. to human conscience, as the root to these rights and duties. The

climacteric question of granting a legal status to robots, while recognizing them to be persons who can make smart autonomous decisions or otherwise interact with third parties independently, poses as the conundrum. This herculean task requires the determination of the essential elements that make up a 'robot'. While the capacity to acquire autonomy through sensors and the form of its physical support could be certain defining characteristics, conferring a status, analogous to that of human beings, would untenably be ludicrous.

The most proximate parallel would thus be granting them the status of a legal personality. While this notion has long been established, with regard to corporations, signifying specific demarcations of personal and corporate assets, thereby facilitating a phenomenon that is crucial for economic expansion. Nevertheless, assigning an electronic personality to the robots could prove to be prejudicious toward the parties and other stakeholders, owing to its creation of legal rights and obligations. Designating a legal personality would impliedly allow the owners of the robots to shed their responsibility and leave it to the other parties, including commercial partners, creditors, customers and workers that interact with these robots, exposing them to the risk of having no meaningful redress in case of damage.

Moreover, assigning legal rights and obligations to robots could precipitate having robots to be equated with human beings in the future, particularly if artificial intelligence is designed in a way to develop features that render it more and more similar to conscience and human intelligence. While corporations merely exist fictively, being an abstract notion, conferring rights to robots can lead to serious risks, having a distinct physical existence and dimension, sharing the space with human beings, bringing forth a conceptual conflation. Additionally, this could lead to unforeseen ramifications on the human dignity of natural persons who are directly involved in this process, specifically, if it occurs within a framework wherein the individuals are already under the control of directions, exerted by another superior authority. Such is the case in workplaces, where workers are subject to managerial prerogatives that allow better integrating their working activities into the general business process of their employers. Further, the automation process creates an increased apprehension of abandonment and alienation at the workplace. Additionally, the persons who work side by side with physical nonhuman entities that enjoy legal personalities risk, even more, being considered as mere cogs in the business process, something that could lead to a severe commodification of their labour with unwanted dehumanizing consequences.

Furthermore, the Interaction of workers with ever-smarter technological devices and robots also risks introducing new elements of dehumanization, a trend that could be exacerbated by the growing relevance of so-called collaborative robots or co-bots, namely "robot for direct physical interaction with a human user, within a shared workspace". If these devices were to be endowed with rights and obligations that would conceptually equate them, even marginally, to human beings, the risk of dehumanization of workers could be aggravated, particularly if workers were somehow held responsible for damages that robots may endure as a consequence of workers' conducts. Thus, the quantum of advanced technology, introduced at workplaces, ought to be under the scrutiny of appropriate policy makers, anchoring for de rigueur, along the lines of the technology avant- garde.

ENHANCED WORKER MONITORING: A.I. AND THE RISK OF ALGORITHM DISCRIMINATION

The incorporation of advanced technological tools in monitoring the workforce, across the world, is not an unhackneyed practice. However, the quantum of this usage has grown exponentially over time, to inconceivable boundaries, leading to the accumulation of a myriad of data in these pursuits. Recurrent tracking and the data collected by the means of wearable including sociometric badges are often analyzed by employing A.I., in order to assess the workers' productivity and fitness in executing specific tasks.

Workers are assigned tasks and the same is assessed by the algorithms which determine the efficiency with which the task is completed, by rating factors such as the speed and diligence. Such negative reviews which appear to fall below the set standard of the algorithm, could lead to a black remark and a potential dismissal of the employee. Moreover, the way in which these management systems operate is almost never transparent, as companies do not share the methods through which ratings and customers' feedback over the workers' activities are gathered and processed. This big- data along with the tacit data form a part of periodical analysis in people analytics practices. These highly invasive collection practices and the detection of personal elements is detrimental to individual privacy and dignity.

While some of these practices may be rooted in genuine business concerns such as observing the health of workers to mitigate any possible risk, observing the corporate activities to ensure that there is no commission of any illicit activity or fraud, or rather nip them in their bud upon a detection. The use of A.I. could better manage the workforce. However, an uncontrolled use of it, would lead to a serious intrusion of the privacy of individuals. Far from fostering workforce performance, these models can also generate stress as well as adverse reactions and cause sharp declines in efficiency and productivity. moreover, the development of A.I. is in its homogenous stage, thereby, management by the algorithm would almost never lead to neutral outcomes. Moreover, the complex algorithms that lie at the basis of artificial intelligence can generate unwanted discriminatory effects, which are not easy to detect or avoid. This risk is even more serious when these practices are based on self-learning artificial intelligence, with software being able to reprogram their own criteria and metrics to reach a very general predefined outcome, such as improving work productivity. The lack of transparency and the risk of dehumanizing work would then be even more exacerbated. Nevertheless, one should not forget the efficiency embedded in the A.I. technologies that bring forth an increased business productivity. However, the use of automation in managing the workforce warrants serious attention by the policy makers and the consequences on privacy, diversity, employment as well as business productivity should be carefully assessed. Even the most well-intentioned measures, including wellness programs, risk turning into forms of dystopian and paternalist control, unless a serious reflection on the use of technology at the workplace is carried out.

### EMPLOYMENT REGULATION: MANAGERIAL PREROGATIVES AND CONTROL

Employment regulations are highly demanding in nature. While the labour law provides significant powers and control to the employer to manage its workforce, the reality is simply a bleak sequel. These managerial prerogatives are a result of the authority- deficient bargaining powers of the workers. This hierarchical power set up had in fact created a gateway for labour protections across the jurisdictions. Control, namely the possibility to direct, monitor and discipline work, is one of the key tests to determine the existence of an employment relationship in common law countries. Managerial prerogatives, control and subordination answer to

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precise economic and organizational needs of businesses. Thus, an elemental economic function of employment contracts is to provide for market transactions with hierarchical organizations and unilateral exchanges.

The contract of employment, by providing business with hierarchical power, is one of the key legal "bricks" of modern organizations. Managerial prerogatives allow employers to operate their businesses and to quickly respond to circumstances that could not be exactly predicted at the moment of the negotiation of the contract. In other words, they allow employers to not need to continuously get employees' consent with authority to issue unilateral orders, within the limits of what is reasonable and lawful, and to monitor their execution and sanction recalcitrant workers. While bilateral consent forms the basis of the contracts, they are perpetually affected by the unilateral prerogatives of the employers, within the lawful and reasonable limits of the legal contractual system.

While the possibility of employers to avoid obtaining the employees' consent to implement and enforce their unilateral decisions had already been flagged by legal scholars as one of the critical functions of the employment relationship, the employment regulations have been and are continually evolving toward protection of the employees. Moreover, these regulations must rationalize and limit the managerial prerogatives. The employment contracts under the aegis of the legal framework, ought to reconcile with the seigniorial prerogatives pertaining to the human dignity of workers that form an essential element of the democratic societies founded on the principles of equity. Ultimately, the permeation of artificial intelligence and automation must be within the well- defined contours of the bilateral contractual framework.

### RAMIFICATIONS OF ARTIFICIAL INTELLIGENCE AND AUTOMATION IN THE REALM OF LABOUR AND EMPLOYMENT

Deliberations over the acknowledgement of a legal personhood and the recognition of robotic rights, has a potential to metamorphose the human labour, making the labour market an A.I. powered arena. The tacit effect is the detrimental erosion of human labour rights, which has but sporadically been on the table. A study conducted by the World Economic Forum in 2020 predicts the displacement of 85 million jobs by 2025. Credits are directed toward the much-

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hailed Artificial intelligence and automation. The loss of employment due to automation has

been having an adversely multifarious impact on the labour market, in consequence of which

the labour regulations and policies behooves to transmute its edifice and anatomy.

Moreover, the automation of labour implies the revamping of working relationships, with an

additional persona of robotic labour. The penetration of A.I. tends to entail significant risk of

termination on "technically irrational" grounds. The change in the mode of surveillance not

only creates privacy concerns but also engenders an unparalleled authority over the workers,

raising significant human right discords. Thus, balancing the rights of the employer and

employee and securing greater privacy to the latter, has become the gordian knot in the era of

A.I.

While the employment of A.I. cannot entirely be shunned away, a synchronically co-existing

human and robotic labour is of pressing need. While parallelly, the occupational security due

to the automation of tasks, must be paid heed to. Furthermore, as discussed in the preceding

section, the reality of collective bargaining acquires potentially novel dimensions considering

the greater negotiation of contracts, with the shift toward the unilaterally functioning tumult

and the consequent relocations as a result of skill upgradation with the parley for increased

compensation.

While the Industrial Relations Code of 2020 and the Code on Social Security of 2020, and the

Occupational Safety, Health and Working Conditions Code of 2020 provide for a minuscule

of reforms, the dynamics of technology has been highly capricious and volatile in nature. The

labour codes must incorporate provisions that provide for a smooth transition of the country,

toward an automated economy, wherein the incorporation of A.I. and the employment of robots

is bound to have a seriously sizeable effect on the multiple facets of labour rights. The potential

statutory inclusions and amendments must therefore have a futuristic approach, with a

regulatory framework that is accommodative of the subsequent transitions.

ARTIFICIAL INTELLIGENCE AND LABOUR IN THE GLOBAL

**SPHERE** 

With the increasing conduct of the transnational affairs, technology and labour across the

global countries, are bound to amalgamate, thereby necessitating the exigency of international

trade in the employment sphere. Achieving economic potentiality across the world, is the

concerted effort of all the nations. The Paris Peace Conference of 1919 proposed that the

employer- employee community must treat each other equally. This being the cornerstone, had

been reflected in the formation of the International Labour Organization (ILO) in 1919.

Paving the way for a social movement and striving toward achieving social justice, the ILO

has, since its inception, perpetually endeavored to maintain industrial peace and harmony,

thereby, seeking to increase the economic efficiency of the nations. The ILO is a distinctly

structured organization, with equal powers as that of the government, to raise the voice against

the disputes faced by the working individual. While the organization has concluded treaties

pertaining to international labour standards and international human rights; it is only a matter

of time to evolve treaties that promote the ethical conduct of work within a technological

environment.

Currently, there are a handful of policy measures in place that govern the conduct of technology

and A.I. in the employment sphere. The United Nations Interregional Crime And Justice

Research Institute, located in Turin, Italy, having a specialized center for A.I. and robotics in

the Hague, works in the specialized niche of security governance and the risk and benefit of

advances in technology. Further, the International Telecommunication Union, provides for the

Convention on Certain Conventional Weapons and Lethal Autonomous Weapons Systems.

This provides for the law pertaining to disputes emerging with the developing technology in

the area of lethal autonomous weapon systems.

It is thus tacit that automation, artificial intelligence and labour protection cannot be self-

regulated, bearing in mind the resultant autocracy and excessive discretion, within the industry.

It is essential that they be adequately governed, also with a redistributive aim, to ensure that

technological progress is beneficial to everyone involved, and the history of past spikes of

technological innovation proves so. This is a crucial common ground shared by the contributions of this special issue.

There also persists the need for "negotiating the algorithm," that is arguing that social dialogue between employers, trade unions and employers' organization is crucial to pursue a "human-in-command" approach in the world of work, by ensuring that every business decision that affects workers is validated by humans, who should remain accountable for it, and follows lawful, transparent and, wherever possible, collectively-negotiated criteria. This human-in-command approach, initially advocated by the European Economic and Social Committee, was also later endorsed by the ILO Global Commission on the Future of Work and by the Organization for Economic Cooperation and Development, which also recognizes the crucial importance of social dialogue in this field.

Regulations being at the core of international cooperation, the wealth of devices being introduced to manage and control the environment at the workplace, are bound to be used for a range of other purposes. This engenders a "genetic variation" of the managerial prerogatives considered as the core of the employment contract through an effective combination of big data analytics and algorithmic governance. Thus, even though the European Union has set the tone globally, evolving a General Data Protection Regulation, highlighting the merits and short-comings of the automated decision-making process, the rise of the algorithm- boss is yet to be fully regulated to its technicalities.

## LABOUR IN THE AEON OF ARTIFICIAL INTELLIGENCE: THE INDIGENCY OF REGULATIONS

While the Constitution is the supreme governing document among the Indian citizenry, it lacks the explicit provisions governing the relations and conduct with Artificial intelligence. Moreover, a transformative approach toward interpreting the Constitution, suffices at the surface level. The focus has primordially been on the resultant economic growth and development, neglecting the social duty of regulating the work that goes in, over the process. Nevertheless, the Ministry of Commerce, India, has provided for Certain recommendations and ways to implement policies regulating the economic growth. Data protection and adequate

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safety guards have been proposed in a report to the Department of Industrial Policy and

Promotion.

Transformation at the workplace and occupational safety has grabbed the attention of the global

industrial employers in a section of the economy. In industrial units where robots are employed

to be a part of the production process, specific safety zones are prescribed for the employees

during their interaction with the robots. Moreover, the time and operational space of the robots

are particularly designed to not overlap with that of the human employees.

Further, in the hospitality sector, the 'actroids' are used. Actroids are humanoid robots that

have visual and mechanical similarities to that of human beings. They are employed for basic

hospitality purposes such as cleaning the rooms, receiving and serving the guests, preparing

the food, carrying the luggage etc. In the near future, such robots can be employed in a full-

fledged manner, to assist certain functions.

The Indian Labour laws provide for a peaceful environment and harmonious relationship

between employers and employees at the workplace. The collective labour laws regulate the

relationship between the employer, the employee and the trade union. The pressing

introduction of a fourth party to fill the existing statutory void, is potentially propitious.

The directly elemental concept of human dignity has been pondered upon in the Constitution,

providing for the safeguard of workers, in Chapter 3 of the Constitution, stating the

fundamental rights; as under articles 19- with regard to the freedom of profession and 21- as

regards to the right to life and personal liberty, encompassing the right to privacy as decided in

K.S. Puttaswamy v. Union Of India (2018). Moreover, the Directive Principles of State Policy,

enumerated in Chapter 4 of the Constitution, provides for the state to secure a social order for

the promotion of the welfare of the people (Article 38); it provides for just and humane

conditions of work (Article 42); it also provides for the participation of workers in the

management of industry, anchoring for a bilateral partnership environment (Article 43- A).

Further, a wider construction of the existing labour policies and regulations, such as the

Industrial Disputes Act, 1947, the Contract Labour (Regulation & Abolition) Act, 1970, the

Workmen's Compensation Act, 1923, the Fatal Accidents Act, 1855, the Trade Unions Act,

1926, the Payment of Wages Act, 1936, among others.

Additionally, the Copyright Act of 1957 includes computer algorithms within the ambit of 'literary works'; which must be original in nature with a proper owner. The Competition Act

interary works; which must be original in fiature with a proper owner. The Competition Act

of 2002, which restricts the abuse of dominant position and prohibits anti- competitive

agreements, is a field wherein the A. I. can function as a factor which helps the business market

to make variations in the dominant position and to bring competition between the companies.

The Information Technology Act of 2002, has proved its stance in the global village, providing

for the recognition of transactions carried out by the means of electronic data interchange and

other means of electronic communication, commonly referred to as "electronic commerce",

which involve the use of alternatives to paper-based methods of communication and storage of

information, and editing the electronic filing of documents with the Government agencies.

At this juncture, in P. Gopalakrishnan v. State of Kerala (2020), The Court had widened the

meaning of "document" and deduced that a document depends upon the information which is

inscribed and not where it is inscribed. In the given case, it was alleged that the accused had

committed rape. The prosecution had a video of the occurrence in a memory card/ pen drive

and were relying upon the same to use it against the accused. The accused's request to get a

copy of the same to inspect it was denied by the lower courts on the grounds that it would

impinge the privacy and dignity of the victim, and so he appealed before the Supreme Court.

The appellant contended that as per his legal right to fair hearing he is entitled to get the copies

of CDs, Video and audio footage, etc. On the other hand, the respondents claim that the visual

contents of the pen-drive amounts to physical evidence and not a "document" that can be

furnished to the accused with the police report.

PROPOSED AMENDMENTS TO THE EXISTING STATUTES

While the need for comprehensively technical statutes persists, and the ineludibly

agathokakological effect of the A.I. cannot be escaped; the existing labour statutes can be

amended in order to provide for and incorporate the regulations governing the operation of A.I.

Section 2(m) of the Industrial Relations Code, 2020, which defines the term 'employer', may

include A.I. systems and robots that are engaged in the capacity of an employer. Additionally,

For the purposes of S. 14 of the Code, every such robotic 'employer' shall be subject to human

command and oversight, for interaction with workers on collective bargaining.

Moreover, the use of A.I. in recruitment processes has increased rapidly, thereby creating

privacy concerns, which call for the requirement of prior concern of the applicants before

subjecting them to the A.I. systems. Due diligence ought to be followed, in order to ensure that

the process is free from any form of bias, thereby making the outcome reasonably accurate.

Further, provisions in the Industrial Relations Code, 2020, that provide for the protection of

workers against the arbitrary dismissals on technological grounds, may be incorporated. After

all, technology is human- man and is bound to have glitches. Additionally, a duty to restrain or

adapt the employee to the changed workplace, rather than firing the employee, may be

included, being the primary obligation of the employer.

NEGOTIATING THE ALGORITHM: THE FUTURE OF

**EMPLOYMENT** 

Over the course of the research, it is observed that the mainstream discourse on automation

tends to follow a techno-deterministic idea that the introduction of new technologies will

determine job losses or gains as an autonomous and heterogeneous process impacting labour

markets. The crucial instrument in this discourse is labour regulation. Collective bargaining

and dismissals are governed by copious international, national and regional regulations. These

instruments require deliberate consultation with the trade unions, more so in the automated era.

The ILO Termination of Employment Convention, 1982 (No. 158) mentions explicitly that

information and consultation procedures should also be followed when redundancies are

envisaged for "technological" reasons, with the aim of finding measures "to avert or to

minimize the terminations" and "to mitigate the adverse effects of any terminations on the

workers concerned such as finding alternative employment".

While these regulations could mitigate the possible consequences of an action, the action per

se is seldom averted. Moreover, their duty to engage in social dialogues to deal with the

envisaged impact of technological innovation must be provided for in the regulatory

instruments. Furthermore, Collective agreements could address the use of digital technology, data collection and algorithms that direct and discipline the workforce, ensuring transparency, social sustainability and compliance with these practices with regulation. Collective negotiation would also prove pivotal in implementing the "human-in-command" approach at the workplace. Collective bargaining could also regulate issues such as the ownership of the data collected from workers and go as far as creating bilateral or independent bodies that would own and manage some of the data.

Negotiating the algorithm here is a crucial element of social dialogue to protect the human dignity of the global workforce. Regulations and governance in these realms is the need of the hour, in order to ensure that the benefits of technological advancements improve the societies inclusively, for the better.

### SUGGESTIONS AND CONCLUSIVE REMARKS

Technology is a great servant, but it is a bad master. The parley between artificial intelligence and labour has yielded the multiple facets of the former's permeation into the latter's existence. The inception of humanoid robots and the dehumanization of the citizenry coupled with algorithm discrimination and managerial prerogatives is having significant ramification on present- day employment. Governments being the regulatory authority must thus step in and ease out the relationship between the relevant stakeholders, lest there exists a friction wrangling enough to affect the economy. While the existing labour policies and statutes in India lack the framework and structure to accommodate the technicalities of an automated A.I. enabled economy, it is about time for the Parliament to bring forth the requisite amendments in the law. Considering the dynamic nature with which the A.I. is penetrating into the employment arena and the global economy in general, the lack of regulations will only disrupt the labour practices and affect the production and efficiency of the economy. Defining and distinguishing human rights from robotic rights forms a part of the central task. True that a profit oriented approach should subsist. Yet, there ought to be an ethical and morals oriented approach running along the parallel lines in order to secure the coherence of the industry in the long- run. Taking adaptive measures and implementing the necessary safeguards for the development of AI without excluding human labour will be an efficient step. While robots function based on the command given to it by its owner, the technical advancements could bring about a self-functioning robot, thereby acquiring the capacity to command itself. At this juncture, the risk to human labour is significantly higher. Thus, the machine hours and man-hours must be determined; with appropriate inclusion of the same. Further, appropriate judicial intervention and adjudication on human right grounds must be undertaken by the activist judiciary. Wages and compensation should be determined, considering the mortal homo sapiens to be the frontrunners of the world. Negotiating the algorithm and transpiring a human touch in the artificial intelligence arena is thus of pressing need.

### REFERENCES

- M.P. Jain ,Indian Constitution, 8<sup>th</sup> ed. (2021)
- Scott, Grey Calling for A.I. Regulation (2020)
- Negotiating the Algorithm, Automation, Artificial Intelligence and Labour Protection (EMPLOYMENT Working Paper No. 246- ILO) 2018.
- Brożek, Bartosz; Jakubiec Marek, On the legal responsibility of autonomous machines,
   Artificial Intelligence and Law 2017 Vol 25:293–304.
- Choudary, Sangeet Paul, 2018. "The architecture of digital labour platforms: Policy recommendations on platform design for worker well-being", ILO Future of Work Research Paper Series, No. 3 (Geneva, ILO).
- Ajunwa Ifeoma; Crawford Kate; Schultz Jason. 2017. "Limitless worker surveillance"
   California Law Review 2017 Vol. 105, No. 3, 102-142.
- De Stefano, Valerio, Introduction: Automation, Artificial Intelligence, and Labour Protection (June 13, 2019). Comparative Labor Law & Policy Journal, Vol. 41, No. 1, 2019.
- ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD), Recommendation Of The council On Artificial Intelligence (2019).
- Carl Benedikt Frey & Michael A. Osborne, The future of employment: How susceptible are jobs to computerisation? (2013)

- The International Labour Organization (ILO) Creation, Nations Encyclopedia, <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/United-Nations-Related-">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/">https://www.nationsencyclopedia.com/United-Nations-Related-</a>
   <a href="https://www.nationsencyclopedia.com/">https://www.nationsencyclopedia.com/</a>
   <a href="https:
- Arntz M, Gregory T, Zierahn U (2016)] The risk of automation for jobs in OECD countries: A comparative analysis. OECD Social, Employment and Migration Working Paper 189 (OECD Publishing, Paris).
- Alex Owen-Hill, What's the Difference Between Robotics and Artificial Intelligence?
   (Feb 06, 2018)
- Gill Press, A very short History of Artificial intelligence (AI)
- Priya Dialani, GLOBAL ECONOMY IMPLICATIONS OF ARTIFICIAL INTELLIGENCE
- Vincent, James 2017b Pretending to give a robot citizenship helps no one, The Verge,
   30 Oct 2017
- Veneziani, Bruno. 1986. "The Evolution of the Contract of Employment", in Bob Hepple (ed.): The Making of Labour Law in Europe. A Comparative Study of Nine Countries up to 1945, Bloomsbury, London.
- Sciarra, Silvana. 2007. "EU Commission Green Paper 'Modernising labour law to meet the challenges of the 21st century", Industrial Law Journal, Vol 36, pages 375–382.