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REGULATING AI AT WORK:

a Policy Blueprint



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Regulating AI at Work: a Policy Blueprint

AI-driven management systems are rapidly transforming workplaces. Existing regulations contain gaps which do not adequately address the new risks AI poses to worker rights, organisational decision-making, and labour market stability. This brief sets out eight policy options to ensure workplace AI supports productivity and efficiency while maintaining effective worker protection, transparency, and human oversight.

Policy options

1. Prohibit certain forms of worker monitoring in specific contexts and for certain purposes.
2. Limit the legal bases for data processing in the context of algorithmic management and impose an explicit proportionality assessment.
3. Mandate disclosure of algorithmic management by employers, without, however, overloading individuals with information.
4. Provide worker representatives with information about algorithmic management systems to enable collective voice.
5. Prohibit automated termination in all circumstances.
6. Create a right to accurate employment-related decisions based on valid algorithmic management processes.
7. Strengthen rights to information and consultation for worker representatives in the context of algorithmic management.
8. Mandate annual algorithmic management impact assessments.

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Introduction

Automated systems, often incorporating artificial intelligence (AI), are increasingly used in workplaces around the world to make managerial decisions traditionally performed by humans.¹

Algorithmic management systems can impact hiring, earnings, occupational safety and health, working time, promotion, and even disciplinary procedures and terminations.²

While the deployment of algorithmic management is often motivated by the promise of increased efficiency in organisational decision-making,³ it can also produce new and significant harms for both workers and organisations:²

- The ubiquity, pervasiveness, granularity, and intimacy of the data collected by workplace AI systems intensify privacy harms.²
- The collection of large quantities of worker-related data widens pre-existing information asymmetries and exacerbates the inequality of bargaining power between workers and employers.⁴
- Increasing reliance on AI systems erodes human agency by distancing managers from the ability to fully control—and even understand—managerial decisions.³
- A lack of human understanding of AI systems' decision-making processes risks reducing the quality of decisions made within organisations.⁵

These harms are largely unaddressed by existing regulatory frameworks that apply in the workplace.

Drawing on the work of the iManage team, led by Prof Jeremias Adams-Prassl, this policy brief sets out eight regulatory options to address the gaps identified, and ensure that AI at work:

- respects human and worker rights;
- promotes organisational efficiency and productivity; and
- creates an enabling regulatory environment for effective social dialogue.

We provide a brief introduction to the promise and perils of algorithmic management, as well as an analysis of gaps in existing protective regimes. We then turn to the eight policy options, providing detailed explanations as well as concrete illustrations from jurisdictions across the European Union (EU) and beyond.

Our policy options can be categorised as follows:

Rights:

- Accurate employment-related decisions based on valid algorithmic management processes

Prohibitions:

- Worker monitoring in specific contexts and for certain purposes
- Automated termination

Requirements:

- Employer disclosure of algorithmic management to workforces
- Algorithmic management should only be pursued on restricted legal bases with a proportionality assessment
- Annual algorithmic management impact assessments (ARMIA)
- Transparency, including both general information about algorithmic management systems and data about individual decisions affecting workers
- Collective data access for representative bodies within pre-existing information and consultation rights

Algorithmic management: AI in the workplace

AI systems are increasingly used in workplaces around the world to make managerial decisions.¹

AI includes a broad range of technologies that produce outputs by uncovering patterns in large datasets. Today, the most frequent use of the term 'AI' refers to 'generative AI' technologies, such as chatbots. However, AI can also be used to refer to machine learning algorithms, and is frequently integrated with traditional, complex software programmed to make rule-based decisions.

In this policy brief, references to AI include all of the above with respect to its deployment as 'algorithmic management systems'.

Algorithmic management includes:

- *the collection or creation of any information (whether identifiable or not) with a view to organising, monitoring, supervising or evaluating work performance or behaviours; and/or*
- *the use of that information to support, augment or fully automate decisions that affect working conditions, including access to work, earnings, occupational safety and health, working time, promotion and contractual status, and disciplinary as well as termination procedures.²*

Whilst algorithmic management was first pioneered in the gig economy,⁶ it has quickly come to be used across the socio-economic spectrum, from retail⁷ and warehouse work⁸ to healthcare.⁹

The promise of algorithmic management

Claims of AI's capabilities and performance have made the technology appealing to employers facing pressures to increase efficiency and productivity.¹⁰

AI can improve the speed and scale of data processing. If deployed thoughtfully and contextually, AI could help classify and interpret information at speed, increasing the information available to human managers in making workplace decisions.

Algorithmic management might also help to improve organisational performance and job satisfaction, e.g., by more smartly pairing workers with work.¹¹

Example: *BT Group, a telecommunications company, built an algorithm for task allocation to coordinate mobile workers responsible for maintenance and repairs.¹¹ The algorithmic management system was designed with input from a wide range of stakeholders, including the workers whose work it would help organise. The system allowed the organisation to match work to workers more accurately—producing the hoped-for cost savings and operational efficiency gains, while preserving workers' ability to have input into their work schedules and respond to 'unforeseen events' in the field.¹²*

The perils of AI in algorithmic management

Our research² suggests that the use of AI in algorithmic management can also produce new harms for both workers and organisations.

Novel privacy harms

Algorithmic management can entail the near-constant collection and analysis of data concerning individuals' activities and behaviour to create comprehensive profiles of workers and job applicants.⁴

Data analysis of these profiles then informs decisions about individuals. Inferences can also be extracted from these profiles to make decisions about *future* employees.

The mass, comprehensive processing of workers' data also has the potential to blur the distinction between work activities and the private lives of individuals. Algorithmic management can thus create significant stress and negatively impact psychological wellbeing.¹⁴

Widening of information asymmetries

While increasingly granular and intimate data is collected about individuals, workers know little about what information is being collected or how it is used to inform managerial decisions.

This information asymmetry already provides managers with additional bargaining power in negotiations under social dialogue with workers over pay, work assignments, and working conditions.¹⁵

Example: Productivity monitoring applications rely on the collection of worker data from a wide range of sources, including wearables, often resulting in work intensification, invasions of privacy, stress-related health effects, and unsafe work practices.¹⁶

Employee Monitoring Software for Remote & On-Prem Teams

We give you real-time visibility to guide your team, not guess their output.

- ✓ **Live Screen View** – see without leaving your chair.
- ✓ **Automatic Screen Recording** – The system saves video footage so you can review any moment later.
- ✓ **App, Web & Chat Tracking** – all neatly organized in one report.
- ✓ **Smart Dashboard** – a simple, color-coded dashboard.
- ✓ **Automated Reports** – straight to your inbox.
- ✓ **2-Minute Setup** – no IT team needed. You'll be up and running before your coffee's ready.

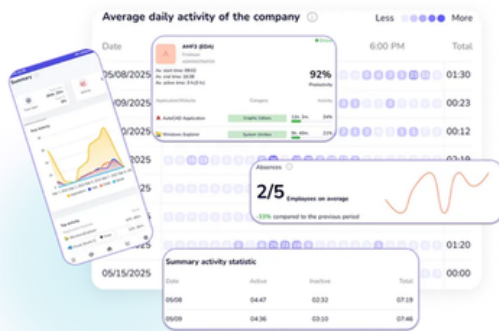


Image source: Screenshot of clevercontrol.com, 8 May 2026.

Loss of human agency

The increasing reliance on AI systems erodes human agency by distancing managers from the ability to fully control managerial decisions.

Managerial decisions made without human involvement can alienate workers and violate individuals' dignity, e.g., in the context of disciplinary decisions.

Managers may not always understand the capabilities, functions, and susceptibility to technical failures of the technologies that they purchase, which results in poorer quality decision-making.¹⁷

When human decision-making processes are supplemented or replaced by AI, particularly those not built 'in-house', responsibility for decisions is also diffused into the AI supply chain—obscuring legal accountability.¹⁸

Example: *Third-party companies are contracted by organisations to screen applicants by running automated searches through large databases of criminal record data. The generated reports frequently contain errors, such as mismatching the subject of the report with another person. These reports undergo minimal, if any, manual review before an employer receives them, with potentially grave consequences for job seekers.*¹⁹

Existing regulatory frameworks

These new harms are largely unaddressed by existing rules that apply in the workplace because of the different scope and purpose of these regulatory frameworks:

- **Data protection:** data protection laws can go some way towards addressing the new harms presented by AI in algorithmic management. However, current data protection rules contain gaps with respect to collective and relational harms, inaccurate data processing, anonymous data, reliance on consent, and data inferences.²⁰
- **AI regulation:** while algorithmic management systems will typically be classified as 'high-risk' systems under the EU AI Act, some technologies may fall outside the scope of the legal definition of AI. As the EU AI Act is designed as product safety legislation, it furthermore does not regulate technologies in a dynamic and contextual approach, and fails to confer meaningful rights on individuals.²¹
- **Labour law:** the EU's Platform Work Directive only protects individuals working for digital labour platforms in the gig economy, leaving 'traditional workers' unprotected from the same harms.²¹
- **Discrimination law:** our research has demonstrated how biased algorithmic management systems could be addressed by existing discrimination laws.^{22,23} However, there are limits to discrimination law since it operates after the harm has already occurred, and claimants frequently experience evidential challenges.

The Policy Options

Policy option 1(a): A prohibition of worker monitoring in specific contexts

Prohibit employer monitoring of workers in particular contexts.

This could include monitoring:

- a. Outside of work (temporally or geographically).
- b. Physical and relational contexts 'in work' where data collection or monitoring poses risks to human dignity or the exercise of fundamental rights, including:
 - (i) in private spaces such as bathrooms; and
 - (ii) in private conversations or communications, especially including conversations and communications with worker representatives.

What does this mean in practice?

- Clear limits on the monitoring of workers outside of working hours and working premises, including time on breaks or off duty.
- Prohibits monitoring of employees in private spaces in the workplace that are not intrinsically connected to work.
- Forbids the monitoring of conversations with workers' representatives in all circumstances.

EU example:

- *Data protection:* certain EU Member States have prohibited the processing of workers' personal data in private spaces.²⁴ Expert guidance from the Article 28 Working Party also states that employees must have 'certain private spaces to which the employer may not gain access under any circumstances'.²⁵

International examples:

- *Employment law in New South Wales:* prohibits the surveillance of employees in specific locations (e.g., changing rooms and bathrooms) and outside of work on personal devices.²⁶
- *Human rights law in Europe:* The European Court of Human Rights (ECtHR) in *Barbulescu v Romania*²⁷ established a positive obligation on states to safeguard employees' right to private life from monitoring by employers.²⁸

Policy option 1(b): A prohibition of worker monitoring for specific high-risk purposes.

Prohibit monitoring and collection and processing of any data (personal or non-personal) for purposes that pose risks to human dignity and fundamental rights, including:

- a. Emotional or psychological manipulation,
- b. Prediction of, or persuasion against, the exercise of legal rights, especially including the right to organise; and/or
- c. Other context-specific harmful purposes.

What does this mean in practice?

- Forbids technology that emotionally or psychologically manipulates workers.
- Prohibits the processing of data (even if anonymised) that is used to prevent workers from exercising their legal rights, e.g., the right to organise.

EU examples:

- *EU AI Act*: prohibits the use of AI systems to infer individuals' emotions in the workplace and biometric categorisation systems that deduce or infer trade union membership.²⁹
- *Data protection law*: restricts the processing of special-category data (e.g., personal data revealing trade union membership or biometric data).³⁰
- *Labour law*: forbids digital labour platforms from processing data to predict the exercise of platform workers' fundamental rights or to infer their trade union membership.³¹

International example:

- *Employment law in California*: prohibits employers from making employment-related decisions using automated decision systems that draw upon emotion recognition technologies.³²

Policy option 2: A limitation on the available legal bases for algorithmic management systems and a requirement that their use be proportionate.

Establish that the deployment and operation of an algorithmic system shall be lawful only if:

- a. The deployment and operation of the system meets at least one of the following requirements:
 - (i) It is intrinsically connected to and strictly necessary for the performance of the contract of employment or in order to take steps which are strictly necessary for entering into a contract of employment;
 - (ii) It is necessary for compliance with a legal obligation to which the employment is subject; or
 - (iii) It is necessary in order to protect the vital interest of the worker or of another natural person.
- b. The algorithmic management system is capable of achieving these goals in a proportionate manner.

What does this mean in practice?

- Requires that processing personal data for algorithmic management must rely on one of the following legal bases: performance of or entering into an employment contract, legal obligation, or to protect the vital interests of the data subject/another natural person.
- Bans the use of consent, legitimate interests, or public interest as legal bases for algorithmic management.
- Introduces a proportionality test to show that algorithmic management systems meet their stated goals.

EU examples:

- *Data protection law*: data controllers can only lawfully carry out automated decision-making, including decisions based on profiling, by relying on limited legal bases, including (i) performance of or entering into a contract, (ii) authorised by law, or (iii) explicit consent. If the processing involves special category data, the only lawful bases are explicit consent or substantial public interest.³³ However, consent is unlikely to be relied upon in practice, since guidelines state that power imbalances mean that ‘employees are almost never in a position to freely give, refuse or revoke consent’.³⁴
- *Labour law*: digital labour platforms should not process platform workers’ data on the basis of consent.³⁵

Policy option 3: A transparency obligation on employers to disclose information about algorithmic management to their workforce, without, however, overloading individuals with information.

1. Establish obligations for employers to notify affected individuals of algorithmic management systems. Specifically:

- a. Information regarding the use of algorithmic management systems shall be provided by the employer to all affected individuals at three points in time in relation to the employment relationship:
 - (i) at the earliest technically feasible time during the employment application process;
 - (ii) at the point at which a contract of employment is offered to a prospective employee; and
 - (iii) at regular intervals throughout the duration of the employment relationship (at least once a year), in the event of a change in the risk posed by the system, and at any time upon request.

- b. The information to be provided could include:
 - (i) the existence of any algorithmic systems used in the process of monitoring, evaluating, or managing individuals or work, including, but not limited to, fully automated decision-making systems and scoring or evaluation systems whose outputs are used by human decision-makers;
 - (ii) the nature, purpose, and scope of the systems used, including the specific decisions and categories of decisions they take or support (such as selection, recruitment, assignment of tasks, productivity control, promotions);
 - (iii) all inputs, criteria, variables, correlations, and parameters used by the systems in producing those outputs;
 - (iv) the logic used by the systems to produce their outputs, including, but not limited to, weightings of different inputs and parameters;
 - (v) the outputs produced by the systems (e.g., decisions, recommendations, scores);
 - (vi) the consequences that the decisions taken or assisted by the algorithmic management systems may have on the individual;
 - (vii) the existence and extent of human involvement in decision-making processes involving the systems, and the competence, authority, and accountability of the human persons involved;

- (viii) if the systems are provided by or sourced from a third party (e.g., a software vendor or an open-source software package), or operated by a third party, the name of the third party and the name or common description of the software;
- (ix) information about individuals' rights to receive information about the systems and decisions (or other outputs produced by those systems) affecting them, to request human review of the decisions or other outputs, and to contest the decisions or other outputs; and information about how to exercise those rights;
- (x) any other available avenues for recourse, such as rights to engage with relevant competent authorities (such as the data protection officer, worker representatives, data protection authority, labour body, or equality body) or to judicial remedy;
- (xi) contact information for the relevant competent authorities.

2. The notice shall be concise, transparent, and intelligible, using clear and plain language, and made available in an easily and continuously accessible electronic format.

What does this mean in practice?

- Establishes individual notice obligations at specified points throughout the employment relationship.
- Stipulates the type of information to be provided in notices, including the logic used by the systems to produce their outputs and details about third-party software vendors.
- Requires that notices are 'concise, transparent and intelligible, using clear and plain language' and available in electronic format.

EU examples:

- *Data protection law*: provides data subjects with the right to be informed about personal data processing;³⁶ the right to access a copy of their personal information;³⁷ meaningful information about the logic, significance and consequences of automated decision-making.³⁸
- *Employment law*: imposes notification and disclosure obligations on digital labour platforms to inform platform workers about automated monitoring and decision-making systems at three stages of the employment relationship.³⁹

International example:

- *Employment law in Spain*: requires digital delivery platforms to disclose information to workers about an AI system where their use in decision-making (including profiling) may impact working conditions or access to and maintenance of employment.⁴⁰

Policy option 4: An obligation for employers to provide worker representatives with information about algorithmic management systems. Improved rights for worker representatives to make collective claims.

1. Establish obligations for employers to notify worker representatives regarding algorithmic management systems. Specifically, establish that:

- a. The employer shall, on an ongoing basis, provide to the worker representatives all system level information to be provided to individual workers and applicants, including all information regarding algorithmic management systems detailed in policy option 3.
- b. Should the worker representatives request additional information within the scope of content set out in policy option 3, but beyond that provided in the notice provided to individuals, the employer shall provide the requested information within a period of time not to exceed one month.
- c. Establish a right of access for worker representatives to individual-level data collected, used, processed, or created by algorithmic management systems, provided that the individuals to whom the data relate consent. Additionally, establish that:
- d. Worker representatives shall further have the right to receive such data on an ongoing basis in a machine-readable format, including, on the worker representatives' request, through a secure electronic data transfer procedure.
- e. Establish a right for worker representatives to bring collective litigation against the employer and submit collective complaints to relevant data protection authorities on behalf of groups of workers.

2. To take account of diverse industrial relations traditions, the definition of 'worker representatives' should be provided for by national laws and/or practices.

What does this mean in practice?

- Grants worker representatives the same notification and data access rights about algorithmic management systems as individuals, provided that individuals consent to any information that relates to them.
- Establishes a right for worker representatives to bring collective litigation and submit complaints to data protection authorities on behalf of workers.
- Adopts a broad approach to defining 'worker representatives', not limited by national laws and/or practices.

EU example:

- *Employment law*: grants platform workers' representatives notification and data access rights.⁴¹

International example:

- *Employment law in Spain*: workers' representatives must be informed about the inner functioning of algorithms that affect working conditions, and access to and maintenance of employment, including profiling'.^{40 42}

Policy option 5: Humans-in-the-loop in termination decisions

Prohibit automated termination of the employment relationship, and establish a requirement for *meaningful* human involvement in termination decisions.

What does this mean in practice?

- Prohibits automated decisions for termination.
- Requires a 'human in the loop' for termination decisions.

EU examples:

- *Data protection law*: prohibition on automated decision-making with legal or similarly significant effects (except in certain circumstances, e.g., performance of or entering into a contract).⁴³ In *SCHUFA*, the Court of Justice of the European Union determined that a 'human in the loop' drawing strongly on an automated output to make a decision still fell within the scope of an 'automated decision'.⁴⁴
- *AI Act*: providers must implement measures to ensure effective oversight of high-risk systems, e.g., AI systems intended to be used in the context of employment, worker management and access to self-employment.⁴⁵

International example:

- *Employment law in California*: employers cannot rely solely on worker data collected through electronic monitoring to make decisions about termination, hiring, promotion, or disciplinary decisions.⁴⁶

Policy option 6: A right to accurate employment-related decisions based on valid algorithmic management processes.

A right to decisions based on accurate facts and valid decision-making processes should be realised in the context of algorithmic management. To this end:

Establish individual rights regarding decisions taken or supported by algorithmic management systems; viz, the rights for an individual affected by such a decision to:

- (a) request and receive a written explanation of the facts, circumstances, and reasons leading to the decision;
- (b) contest the decision;
- (c) discuss, supplement, and clarify these facts, circumstances, and reasons with a competent authorised human;
- (d) request and receive a human review of the decision in light of the above; and
- (e) have the decision rectified if the facts, circumstances, and/or reasons leading to it are found to be erroneous or unlawful.

What does this mean in practice?

- Mandates that algorithmic management is based on accurate facts and valid decision-making processes.
- Grants workers the right to contest automated decisions, the right to explanation, the right to human review, and the right to an accurate decision.
- Imposes an obligation on employers to rectify erroneous or unlawful decisions.

EU examples:

- *Data protection law*: grants data subjects the right to rectify inaccurate personal data.⁴⁷ Data subjects are also granted the right to obtain human intervention, express their point of view, contest,⁴⁸ and obtain an explanation of an automated decision.³⁸
- *AI Act*: requires that high-risk AI systems (e.g., those used in employment, worker management and access to self-employment) are designed and developed to achieve an appropriate level of accuracy and robustness throughout their lifecycle.⁴⁹

International example:

- *Employment law in California*: employers must promptly correct inaccurate data and review/adjust any employment-related decisions or automated decision-making system outputs that were partially or solely based on this inaccurate information.⁵⁰



Policy option 7: A right to information and consultation for worker representatives in the context of algorithmic management.

Establish a formal right to information and consultation (for worker representatives) regarding the design, configuration, and deployment of algorithmic management systems, as well as regarding any changes to configuration that trigger individual notifications, as set out in policy option 3. In the EU context, this could be achieved by adding a new point (d) to Article 4(2) of Directive 2002/14, such as:

(d) information and consultation on decisions regarding the development, procurement, configuration, and deployment of algorithmic management systems, as well as any changes to the system or its configuration that affect, or can be expected to affect, working conditions.

Information and consultation rights are a minimum requirement. In Member States where existing worker governance rights, such as codetermination, go beyond information and consultation, algorithmic management should be explicitly added to the obligatory scope of those rights.

What does this mean in practice?

- Establishes, at a minimum, an information and consultation right for workers' representatives with respect to algorithmic management systems.
- Specifies the decisions to which the right applies, e.g., procurement or changes to the algorithmic management system that affect working conditions.
- Requires algorithmic management to be included in other worker governance rights, where applicable.

EU examples:

- *Employment law*: establishes the right of workers' representatives to be informed and consulted about substantial changes to work organisation and working conditions.⁵¹ Digital labour platforms must also involve workers' representatives in the oversight of automated monitoring and automated decision-making systems.⁵²

International examples:

- *Employment law in Australia*: requires all enterprise agreements to include a term instructing the employer to consult employees' representatives about a major workplace change likely to have a significant effect on employees.⁵³
- *Employment law in California*: digital platform employers must submit a summary of the automated decision-making system to the labour agency.⁵⁴

Policy option 8: humans above the loop (impact assessments)

Employers should carry out annual algorithmic management impact assessments (ARMIA) to evaluate the impacts of algorithmic management systems on working conditions.

1. The ARMIA could include:

- (a) all system level information which is to be provided to individual employees and applicants;
- (b) a description and evaluation of the relevant impacts and risks, by reference to quantitative information about the operation of the systems where relevant;
- (c) a description and assessment of any retained or new safeguards adopted to mitigate those impacts and risks;
- (d) an evaluation of the effectiveness of new and existing safeguards, including an assessment of whether they are appropriate for the impacts and risks identified;
- (e) a description of the consultation(s) carried out with workers and their representatives, and of the changes made in response to views expressed.

2. Working conditions should be defined to include at least:

- (a) workers' access to work assignments, their earnings, their occupational safety and health, their working time, their promotion and their contractual status;
- (b) evaluation of risks to the safety and health of workers, in particular regarding possible risks of work-related accidents, psychosocial, and ergonomic risks;
- (c) other working conditions regulated in domestic law.

3. Employers should consult worker representatives when identifying the risks and possible safeguards, and consider and include the views of worker representatives as part of the ARMIA.

4. There should be clear publication requirements for the ARMIA:

- (a) The ARMIA is to be made publicly available, subject to redaction of confidential technical and commercial detail.
- (b) The full (unredacted) ARMIA is to be available to worker representatives and regulatory bodies, with suitable measures to protect confidentiality.

What does this mean in practice?

- Requires employers to annually conduct an ARMIA to detail and evaluate the impacts of algorithmic management.
- Mandates the inclusion of worker representatives in the completion of an ARMIA.
- Obliges publication of the ARMIA, with the full (unredacted) version available to worker representatives and regulators.

EU examples:

- *Data protection law*: before processing personal data involving new technologies (e.g., algorithmic management systems), data controllers should carry out a Data Protection Impact Assessment (DPIA).⁵⁵
- *Employment law*: requires that digital labour platforms carry out a DPIA before performing automated decision-making, which is available to workers' representatives.⁵⁶

International example:

- *Employment law in California*: requires employers using automated decision-making systems for employment-related decisions to complete an Algorithmic Impact Assessment.⁵⁷

Conclusion

The policy options set out in this brief present different ways of tackling specific instances of privacy harms, information asymmetries, and the loss of managerial agency. Full details can be found in the *Blueprint on Regulating Algorithmic Management* and other iManage publications listed on the following pages.

For questions, feedback, and discussion, please contact us on ai.work@law.ox.ac.uk

About the team

Principal Investigator



Jeremias Adams-Prassl

Jeremias Adams-Prassl is Professor of Law and Associate Dean (Research) at the Faculty of Law, Oxford University, a Fellow of Magdalen College, and a Senior Research Associate of the Institute for Ethics in AI. He read law at Oxford, Paris and Harvard Law School and holds an honorary doctorate in law from Lund University. Jeremias' research focuses on technology, innovation policy and the future of work in the European Union and beyond, supported by grants and prizes including an ERC Starting Grant and the Philip Leverhulme Prize.

Researchers



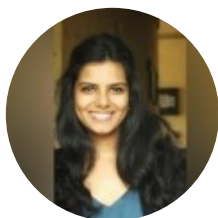
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Halefom Abraha is an Assistant Professor at the International and European Law (IER) Department of the Utrecht School of Law. Halefom is a member of the Netherlands Institute of Human Rights (SIM) and the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE). His research and teaching interests focus on the intersection between law, digitalisation, and labour – specifically, how new digital technologies change work and how legal frameworks respond to protect workers' rights while enabling innovation.



Aislinn Kelly-Lyth

Aislinn Kelly-Lyth is a barrister at Blackstone Chambers. Her recent work includes acting for Ofcom in litigation relating to the Online Safety Act, advising the ICO on data protection issues, and appearing in the UK Supreme Court on a case relating to discrimination against part-time workers. Before becoming a practitioner, Aislinn worked as part of the iManage team at Oxford, where her research focused on algorithmic management and algorithmic discrimination.



Sangh Rakshita

Rakshita is a PhD candidate and tutorial lecturer at Tilburg Law School on the comparative regulation of algorithmic discrimination in administrative decision-making. She is a member of the Netherlands Network of Human Rights and Berkeley Centre on Comparative Equality & Anti-Discrimination Law. Rakshita completed the BCL at University of Oxford, where she researched algorithmic management and technology regulation at the Bonavero Institute of Human Rights. Her work spans equality law, data protection, labour regulation, public law, human rights and digital governance, and she has collaborated with organisations including UNDP, Stanford University, and Internet Society.



M. Six Silberman

Six Silberman is a postdoctoral researcher in the iManage Project at Oxford, studying the regulation of algorithmic management; and a consultant on digitalisation to the International Trade Union Confederation, supporting research, policy development, and training on workplace AI regulation and the ITUC's participation in the ILO standard-setting process on 'decent work in the platform economy.' Six has previously worked as a trade union official (IG Metall, Germany, 2015-2020) and software engineer, and holds degrees in Information and Computer Sciences and Applied Mathematics.



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Further Reading

The themes explored in this policy document are examined in detail by the iManage team's publications. Many of these publications can be found in an open-access special issue of the *European Labour Law Journal*.⁵⁸

Below, we've outlined a helpful 'Regulating AI in the Workplace' further reading list:

Regulating algorithmic management: A blueprint

The promise—and perils—of algorithmic management are increasingly recognised in the literature. How should regulators respond to the automation of the full range of traditional employer functions, from hiring workers through to firing them? This article identifies two key regulatory gaps—an exacerbation of privacy harms and information asymmetries, and a loss of human agency—and sets out a series of policy options designed to address these novel harms. Redlines (prohibitions), purpose limitations, and individual as well as collective information rights are designed to protect against harmful invasive data practices; provisions for human involvement 'in the loop' (banning fully automated terminations), 'after the loop' (a right to meaningful review), 'before the loop' (information and consultation rights) and 'above the loop' (impact assessments) aim to restore human agency in the deployment and governance of algorithmic management systems.

Jeremias Adams-Prassl et al, 'Regulating algorithmic management: A blueprint' (2023) 14 European Labour Law Journal 124.

Regulating algorithms at work: Lessons for a ‘European approach to artificial intelligence’

This article scrutinises the potential of the existing regulatory apparatus in Union law to tackle the social, technical, and legal challenges inherent in deploying automated systems in high-risk settings such as the workplace, with a view to setting out key lessons for the proposed EU Artificial Intelligence Act. Surveying data protection and discrimination rules as well as the social acquis, it highlights key areas for further development, from coherence between different regulatory regimes to the role of social partnership in shaping key standards and monitoring their implementation.

Jeremias Adams-Prassl, ‘Regulating algorithms at work: Lessons for a ‘European approach to artificial intelligence’ (2022) 13 European Labour Law Journal 30.

Directly Discriminatory Algorithms

Discriminatory bias in algorithmic systems is widely documented. How should the law respond? A broad consensus suggests approaching the issue principally through the lens of indirect discrimination, focusing on algorithmic systems’ impact. In this article, we set out to challenge this analysis, arguing that while indirect discrimination law has an important role to play, a narrow focus on this regime in the context of machine learning algorithms is both normatively undesirable and legally flawed. We illustrate how certain forms of algorithmic bias in frequently deployed algorithms might constitute direct discrimination, and explore the ramifications—both in practical terms, and the broader challenges automated decision-making systems pose to the conceptual apparatus of anti-discrimination law.

Jeremias Adams-Prassl, Reuben Binns and Aislinn Kelly-Lyth, ‘Directly Discriminatory Algorithms’ (2022) 86 Modern Law Review 144.

Algorithmic discrimination at work

The potential for algorithms to discriminate is now well-documented, and algorithmic management tools are no exception. Scholars have been quick to point to gaps in the equality law framework, but existing European law is remarkably robust. Where gaps do exist, they largely predate algorithmic decision-making. Careful judicial reasoning can resolve what appear to be novel legal issues; and policymakers should seek to reinforce European equality law, rather than reform it. This article disentangles some of the knottiest questions on the application of the prohibition on direct and indirect discrimination to algorithmic management, from how the law should deal with arguments that algorithms are 'more accurate' or 'less biased' than human decision-makers, to the attribution of liability in the employment context. By identifying possible routes for judicial resolution, the article demonstrates the adaptable nature of existing legal obligations.

Aislinn Kelly-Lyth, 'Algorithmic discrimination at work' (2023) 14 European Labour Law Journal 152.

Regulating algorithmic employment decisions through data protection law

The regulation of algorithmic management falls under the purview of multiple legal domains including but not limited to labour law, non-discrimination law and data protection law. While labour law does not have explicit provisions to adequately protect workers from algorithmic harms, existing non-discrimination and data protection laws can address some aspects of these harms. This article examines the extent to which the GDPR offers the necessary tools to protect workers from harm stemming from algorithmic management. It argues that while the provisions tailored to automated decision-making (ADM) and the rest of the GDPR provide workers with some limited protections, significant gaps remain. It then suggests some policy options on how the existing protections under the GDPR can be further complemented, particularised, and strengthened through a combination of legislative and non-legislative measures.

Halefom Abraha, 'Regulating algorithmic employment decisions through data protection law' (2023) 14 European Labour Law Journal 172.

Making algorithmic management safe and healthy for workers: Addressing psychosocial risks in new legal provisions

The increasing deployment of algorithmic management in the workplace poses significant occupational safety and health risks for workers. In this article, we argue that existing and proposed EU regulatory frameworks are inadequate to address these risks, especially psychosocial risks, created or exacerbated by algorithmic management. While existing and proposed regulatory frameworks have significant implications for employers' obligations to mitigate these risks, we identify several psychosocial risks created or exacerbated by algorithmic management and show how the current and proposed regulatory frameworks fall short of adequately addressing these risks. We observe that these frameworks, based largely in the 'safety by design' tradition, focus on the design phase of the technology life cycle. This focus does not adequately address risks that arise in the use or deployment stage of algorithmic management. There is therefore a need for a stand-alone piece of legislation at the EU level on algorithmic management. To address these shortcomings, we outline suggestions for provisions necessary for safe and healthy digitally managed work.

Aude Cefaliello, Phoebe V Moore, Robert Donoghue, 'Making algorithmic management safe and healthy for workers: Addressing psychosocial risks in new legal provisions' (2023) 14 European Labour Law Journal 192.

Collective regulation of algorithmic management

This article sets out the case for co-determination in the context of work, with a particular emphasis on why this is mandated in relation to algorithmically managed work and workplaces in particular. Having set out the theoretical case for collective regulation of algorithmic management that includes extensive rights of co-determination, focusing on the power relations implied by algorithmic management for this purpose, the article goes on to explore the current state of collective regulation of algorithmic management in the UK and in Germany. From here, it explores existing EU law mechanisms relating to algorithmic management, highlighting their limits and potential, and identifying how, and in what ways, the blueprint outlined by Adams-Prassl et al in this Special Issue might be further elaborated and improved. The article then presents certain proposals for how to establish conditions conducive to the introduction of co-determination in the EU, both generally and in relation to algorithmic technologies more specifically, while engaging critically with the potential and the limitations of legal, top-down—as opposed to bottom-up—mechanisms to achieve this end.

Zoe Adams and Johanna Wenckebach, 'Collective regulation of algorithmic management' (2023) 14 European Labour Law Journal 211.

Algorithmic management: Assessing the impacts of AI at work

Algorithmic outputs are increasingly shaping the employee experience, presenting a host of risks and impacts with far-reaching consequences. This contribution considers how algorithmic impact assessments should complement, as well as inform, an overarching ‘top-down’ framework for the governance of algorithmic management systems. The criteria for an effective impact assessment obligation in the algorithmic management context are identified, including the appropriate stages, actors, and procedure. The Good Work Charter, which operates as a synthesis of legal principles, rights, and obligations, as well as ethical principles as they apply to the workplace, is proposed as an assessment framework. Finally, the article compares the proposed model with the existing obligation to carry out data protection impact assessments for high-risk data processing.

Aislinn Kelly-Lyth and Anna Thomas, ‘Algorithmic management: Assessing the impacts of AI at work’ (2023) 14 European Labour Law Journal 230.

From access to understanding: Collective data governance for workers

Regulating data collection and use in the workplace is now more a matter of regulating working conditions than data protection. This article argues that existing data protection law fails workers for precisely this reason. We examine how workers currently use data protection law, labour law, and technology to access and leverage the data they produce at work and identify key ways in which current regulation falls short. Existing regulations primarily aim to protect worker privacy, an approach that ignores the fact that data use now often defines the fundamental conditions of work, particularly in the gig economy. This is because a key limitation of modern data protection law for workers is its myopic focus on the individual ‘data subject’, whose rights to data stem from a right to privacy or data protection. Instead, data regulation in the workplace requires a framework that acknowledges the core interest workers have in accessing their data: to collectively exert greater agency and control at work. We argue that workplace data regulation should largely be a matter of workplace governance and worker co-determination, an approach rooted in workers’ rights, to negotiate the terms of their employment agreements and specific working environments.

Dan Calacci and Jake Stein, ‘From access to understanding: Collective data governance for workers’ (2023) 14 European Labour Law Journal 283.

Fortifying the algorithmic management provisions in the proposed Platform Work Directive

The European Commission proposed a Directive on Platform Work at the end of 2021. While much attention has been placed on its effort to address misclassification of the employed as self-employed, it also contains ambitious provisions for the regulation of the algorithmic management prevalent on these platforms. Overall, these provisions are well-drafted, yet they require extra scrutiny in light of the fierce lobbying and resistance they will likely encounter in the legislative process, in implementation and in enforcement. In this article, we place the proposal in its sociotechnical context, drawing upon wide cross-disciplinary scholarship to identify a range of tensions, potential misinterpretations, and perversions that should be pre-empted and guarded against at the earliest possible stage.

Michael Veale, Michael 'Six' Silberman, Reuben Binns, 'Fortifying the algorithmic management provisions in the proposed Platform Work Directive' (2023) 14 European Labour Law Journal 308.

Algorithms Need Management Training, Too

In this WIRED article, our researchers comment on the then-expected implementation of the Platform Work Directive and its influence on algorithmic management. The piece comments on the limitations of the legislation and advocates for a broader Directive on algorithmic management, which tackles privacy violations, information asymmetries, and the loss of managerial agency. The article introduces the policy options for regulating algorithmic management, which include prohibitions, requirements, rights and protections.

Aislinn Kelly-Lyth, M. Six Silberman, Halefom Abraha and Jeremias Adams-Prassl, 'Algorithms Need Management Training, Too' (WIRED, 6 January 2023) <www.wired.com/story/platform-work-labor-economy-ai/>

Implementing Article 20 of the EU Platform Work Directive: ‘Communication channels’

This blog post briefly examines one—little-discussed—piece of the Platform Work Directive: Article 20, which stipulates that platforms make available ‘[c]ommunication channels for persons performing platform work’. This creates a right for platform workers to communicate with one another—and their representatives—without surveillance. The blog post draws attention to four issues about how channels will be governed effectively with respect to (i) security and trustworthiness, (ii) content moderation, (iii) worker representatives, and (iv) linguistic and national differences.

Maria Ebenhöh and others, ‘Implementing Article 20 of the EU Platform Work Directive: Communication channels’ (Legalblogs, 20 February 2025) <<https://legalblogs.wolterskluwer.com/global-workplace-law-and-policy/implementing-article-20-of-the-eu-platform-work-directive-communication-channels/>>.

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