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ABSTRACT:

Ever since the beginning of first industrial revolution, the labour market has witnessed a lot of drastic changes and presently entered the fourth Industrial revolution phase which mainly deals with AI algorithms and IOT (Internet of things). Thus, the current global scenario has been shifting towards automation with the effective use of Artificial Intelligence and Robots. AI is developing at a rocketing speed especially in workplaces and industries by creating an ambiguity among labour force. Due to the developments and difficulties brought about by technologies connected to artificial intelligence (AI), machine learning (ML), robotics, and industrial automatization, the future prospects of the labour market are unpromising.

The employment laws, on the other hand, were mostly passed in conformity with the conventional laws and principles. Assuring an employee of the safety of a workplace is a crucial condition for improving their performance. Another concern is what would happen to the workplace's safety requirements if workers and machines were coordinated. The incorporation of AI in these present labour industries would only cause chaos as the safety standards currently utilised in many workplaces and industries are not prominent and don't guarantee the employee a safer environment. The labour market has seen many difficulties, and significant modifications have been made to the work options. This trend threatens their conventional power sources, which rely on the participation of large numbers of paid workers and their capacity to halt production. This article provides reflections on the main opportunities and challenges faced in usage of AI and its equipment's in the workplace and feasible solutions to tackle them.

KEYWORDS: Artificial Intelligence, Workplace safety, employer, employee, Labour legislations.

INTRODUCTION:

"Artificial intelligence (AI) will have a fundamental impact on the global labour market in the next few years"- this statement was extracted from an article "Artificial Intelligence and Robotics their Impact on the workplace" which was published in April 2017. The Authors' prediction was not wrong. We have to appreciate the authors' foreseen which was absolutely correct because in the current era there was a great impact of artificial intelligence on the

labour market at world-wide. John McCarthy is credited with coming up with the concept of artificial intelligence. McCarthy started researching the concept in 1955 and made the assumption that every facet of learning and other areas of intelligence can be characterised with such accuracy that a computer can imitate them. *Artificial intelligence (AI) is essentially the intelligence produced by "machines." In order to provide a clearer definition and a more nuanced understanding, we may say that artificial intelligence is any intelligence that differs from the organic intelligence exhibited by "animals and living creatures."* Computers can now make decisions on their own when paired with human intelligence. Artificial intelligence, or AI for short, is the ability of a computer system to make decisions on its own.

The usage of AI is particularly prevalent in the transportation, industrial, and agricultural sectors. We have seen that the auto industry is moving towards the creation of self-driving vehicles employing artificial intelligence technologies. Tesla's self-driving vehicles are an example of artificial intelligence in use. This may be observed in the Covid-19 era, which brought about a global health emergency and led to the use of robots in some hospitals and hotels that ultimately use artificial intelligence. The main objective of the present labour legislatures in India to protect the labourers and to ensure the safe and hygienic working conditions with welfare measures. But, at present scenario due to upgradation of technology, the Artificial Intelligence started to dominate in all the sectors including factors, Industries etc. Thus, with the advent use of AI and technology in workplaces might result in conflict of interest and chaos between employers and workers which ultimately disrupts the society and economy at large by increasing disparities. The likelihood of AI algorithms and machine learning processes replacing people is increasing. A time of rising economic inequality and rising automation raises questions about widespread technological unemployment and calls for government intervention to alleviate the effects of technological advancement. In the era of Industrial Revolution 4.0, the roles of the government, labour and trade unions, organisations, and industrial establishments are crucial because they must manage employee relations and help workers have a better understanding of how to interact with AI and robots.

ARTIFICIAL INTELLIGENCE AND ITS LEGAL POSITION:

The law generally recognises two set of persons namely: Natural Persons and Artificial Persons. Natural Persons are the people who are of sound mind and attained the age of

majority. On the other side the law also considers artificial persons, which have no existence but act via a natural person. A company is a prominent instance of an artificial person that acts through the activities of its employees. The legal status of AI doesn't fall under the ambit of either a legal or artificial person. According to certain academics, robotics and forthcoming AI systems can also be accorded similar status likewise companies and corporations. There are already major practical implications in terms of AI's legal personhood. If AI systems are granted legal identity, there will be someone to blame if something goes wrong. This will help bring the AI system within the jurisdiction of civil and criminal courts. In the event of a severe default, the option to completely destroy the robot would be available. If the situation warrants it, the robots may be penalised, have their possessions seized or have their operating licence suspended or cancelled. Granting of legal hood to Robots which functions with the aid of AI embodied in them at the work places and industries gives rise to the principle and agent or employer and employee relationship results in concept of vicarious liability subjecting the owner to severe liability for the machine's conduct.

In terms of the legal status of artificial intelligence Saudi Arabia the first country which has taken breath taking decision of granting citizenship to the Robot Sophia, whose position itself is a woman, in 2017, in contravention of the Saudi Nationality System 2018, which states that citizenship may be obtained in only two ways: by birth or marriage. In the current state of affairs in India, there is no regulating law governing the legality of artificial intelligence. The IT Act-2000 and its supporting rules specify a few minimal requirements. The most important consideration in deciding whether an AI system should be granted legal status whether it functions in the best interests of society or not. The issue of legal status should be considered only if it is in the best interests of society.

A TUSSELE OVER WHETHER AI IS AN EMPLOYEE OR EMPLOYER:

With the wide range of AI usage in the industries and workplace, this paves a path where AI can be seen in working under the supervision and guidance of the employer, ultimately working in the employee's position. It is common that at very first sight AI may be considered to possess the legal personality of an employee regardless of its physical form, whether depicted as a robot or software, because it has the goal of automating tasks performed by humans that may directly or indirectly replace individuals from performing

particular jobs. On the other view, considering AI as an employer is more difficult, which eventually raises ethical and moral considerations due to the trustworthiness of the work relationship. It is increasingly being used in the workplace to monitor employee actions, as well as to assess and evaluate performance. Thus, in the current instance considering AI as an employee is accurate rather than considering it as an employer since AI is typically restricted and incapable of performing and completing tasks on its own. In reality, due to the specific demands and purposes of AI technology, it will almost always require human intervention to run, administer, or traverse it.

OPPORTUNITIES AND CHALLENGES CREATED BY AI IMPLEMENTATION:

The present workforce has several problems and opportunities as a result of technological advancement. The demand for skill is shifting as AI technology advances. In repetitive, highly standardized work activities that can be performed by computer software, AI is progressively replacing physical labour. The first shift will be an increased need for individuals. As a result, there is less demand for certain professions. AI will have an impact on the broader labour market in addition to increasing demand for skills. Activities that can be automated are those that can be substituted by artificial intelligence. In this regard, advances in AI will accentuate the soft talents of talented individuals. While technology typically boosts productivity, AI has the potential to reduce some of today's valued job prospects. As a result, experts and policymakers worldwide are concerned about the future of work in both industrialized and developing nations. Robotics developments, for example, may reduce pay and employment options for factory workers. The utilisation of AI will result in more job cut offs rather than providing opportunities. AI increase will disrupt the current labour markets, workplace and industries at a storm rate resulting in making people jobless. More usage of AI will result in violation of one of the fundamental rights in the Indian Constitution i.e., *freedom to practise any profession, or to carry on any occupation, trade or business. Article 19(1)(g) of the Indian constitution grants all citizens the right to practise any profession or carry on any occupation, trade, or business, subject to Art.19(6), which specifies the kind of restrictions that the state may impose on the citizens' above-mentioned right.* Right to work is not only fundamental right but it is a basic human right which enables a person to earn for his livelihood purpose. But automation results in replacing the jobs by

depriving the labourers and low-skilled workers from performing their jobs which will have negatively adverse effect on their livelihood purpose.

OCCUPATIONAL SAFETY AND HEALTH (OSH) STANDARDS OF EMPLOYEES IN LIGHT OF AI:

The role of Artificial Intelligence plays a significant role in workplaces. For Instance, during the period of COVID-19 the world witnessed the scarcity of doctors and they are treated as a living gods and frontline warriors for their tireless efforts and provided a glimmer of hope during the darkest days of pandemic. At that time Yatharth Hospital in the city of Noida, northern India, has deployed two Mitra robots which can be the nurse's or doctor's assistant, take readings and vitals, remind them of medications etc.

As every coin has two sides, and this is just one of them. If we examine the flipside that robots are hazardous to human life. The application of artificial intelligence in the workplace poses several safety risks, which might result in a workplace accident, because once an automatic procedure is started, it is impossible to stop it.

Robert Williams, a worker at a Ford Motor Company casting plant in Michigan, became the first human to ever be killed by a robot in 1979. Williams was instantly killed when he was struck in the head by the robot arm responsible for component retrieval. There were no precautions in place to protect Williams; therefore, his death was accidental. It was impossible to avoid this death due to the insufficient sophistication of the artificial intelligence involved. Williams' family won a \$10 million wrongful death lawsuit, and the next robot death happened after two years in Japan under similar circumstances.

The nation with the greatest robot workforce, Japan, experienced an incident. A worker was killed by a robot while attempting to repair it. The tragedy occurred in July at a Kawasaki heavy industries company, according to the Labour Standards Bureau of Hyogo Prefecture in western Japan. Kenji Urada 37, a worker at the company's Akashi plant, was trapped by the robot's work arm, which pushed him against a machine that chopped gears.

According to the Labour Standards Bureau, he entered a forbidden area around the robot to fix it. Labour officials blamed it on a combination of worker unfamiliarity and a failure to follow standards controlling the new machines. According to the corporation, the robot was

taken off the production line, and a man-high barrier was built to surround the two other robots operating in the facility. The news of the tragedy is expected to worry workers in Japan's sector, which already has 75,000 robots of varied sophistication installed and is adding 20,000 more every year.

With regard to India currently there are no any provisions in the labour acts which focuses on workers safety and work place safety, but sec-25 of the factories Act 1948 (which is now a rule under new labour codes 2020), for enhancing the safety of workers states that No factory should allow any traversing part of a self-acting machine in any manufacturing to be less than 45 centimetres away from any fixed structure that is not part of the machine.

The Unpredictable risks can be expected out of Artificial Intelligence and assistant robots not only from manufacturing flaws, but also from software flaws. To control these risks, it is critical to distinguish between hazards to the end product and risks to human operators who interface with the robot. As a result, training programmes should be structured to acquaint personnel with the new system and assist them in developing faith in it, while avoiding overreliance on it.

To establish the harmony relation between the robots and workers there is a need to upgrade the standards of laws to match the current technology. Still, there were some nations using outdated standards which prevents the progress of the nation. And it is important to establish a balance between the innovation and protecting employees.

AI AS A TOOL OF HIRING AND JOB EVOLUTION POSSESS A DISCRIMINATION:

With the advancement of technology, the evolution of jobs and tasks performed by the employees also shifted from the traditional methods to AI methods. AI based machines can be installed in the workplace which monitors the employee tasks and evaluate them. This method benefits the HR personnel as it lowers his burden and it is a fast process. Employers are increasingly relying on AI-enabled software to streamline recruitment. Because algorithmic bias is inevitable, the possibility of violating equality and diversity regulations is always present. Despite the fact that AI systems can be trained to make neutral decisions, they may still make incorrect judgements if biased information was placed into the system or if the algorithm starts to "learn" from the inputs it is given. In order to combat this many

developed countries like US have certain legislations. Such legislation bought in US is the Illinois Artificial Intelligence Video Interview Act offers several protections to prospective employees/workers, including a requirement for prior notification regarding the use of the AI system, disclosure of the AI system's characteristics to the candidate, obtaining the interviewee's consent to use the AI system, etc.

As India is progressing with digital India aim it is vital for us to frame an Artificial Intelligence Interviews Act which should be aimed at the following points in consideration:

- An applicant appearing for such AI based recruitment must be priorly informed and his consent is essential for its usage.
- A notice containing the details of the AI algorithm being used to be sent to the employee reasonably.
- Care should be taken while collecting personal and sensitive data of the candidate such information should not be subjected to cyber attack resulting in invasion of privacy.

With regard to discrimination in recruitment by AI usage the petitioner in the case of Soma Mondal vs Union of India challenged that the use of AI in public sector bank recruiting discriminated against candidates from rural and impoverished backgrounds. The court ruled that the use of artificial intelligence in recruitment processes must be transparent and fair, and must not bias against any specific set of candidates.

AI AND EMPLOYEES' PRIVACY- EXCESSIVE SURVEILLANCE:

AI tools are being used for monitoring the employee performance, and for security purpose. In many business organisations and workplaces CCTV cameras were installed which functions though AI software for monitoring worker's performance. In many workplaces biometric was being used by the employer to mark the attendance of the employees. Some of the qualities that make the algorithms used in AI so powerful could also be dangerous for worker security. Psychological risks, which are now more widely acknowledged as crucial elements of workplace safety and health, can arise from over surveillance. These risks could be made worse by worries about data privacy, transparency, and explain ability. These worries could also lead to ethical questions about the use of AI in the workplace. As there is low transparency in AI functioning its over usage may affect the mental health of the employees which results in downfall of their performance. Usage of AI may result in a breach

of privacy and data, particularly in a nation like India where information technology laws are inadequate in functioning. The IT Act of 2000 is the main piece of legislation governing digital surveillance. The Right to Privacy and Data Protection Bill, 2019, and the Information Technology Rules, 2021 both concern surveillance. In India, there aren't any specific standards or laws governing CCTV (Closed Circuit Television) surveillance, though. In the judicial context courts, many times held that installation of CCTV cameras in the workplace and industries results in invasion of privacy.

For instance, the European Court of Human Rights has interpreted article 8 of the European Convention on Human Rights to incorporate the protection of employees' privacy at work. In *Bărbulescu v. Romania* which involved the dismissal of a worker for using the internet at work for personal reasons, where the employer had access to the content of the workers' communications through IT tools, the Court determined that, while the practise of employers monitoring online activities is permissible in theory, it must be done in a way that avoids arbitrariness and abuses.

AI IMPACT ON PRODUCTION AND WAGES:

The anticipated impact of AI on productivity, employment, and compensation is laden with uncertainty. AI is expected to increase productivity, but the scale of the impact is questionable, especially when projections are dependent on yet-to-be-observed breakthroughs. Even if AI greatly enhances productivity, it is unclear if employees will inevitably benefit from higher employment and/or money. This is because artificial intelligence (AI) has the potential to enable automation, putting downward pressure on labour demand and decoupling productivity from labour market outcomes such as employment and salaries. These forces may cancel out the productivity boost that would otherwise increase labour demand, employment, and earnings. Furthermore, growing wage polarisation as a result of digitalization and automation, as well as demographic changes, presents a challenge for new remuneration arrangements. Wage polarisation means that when demand for lower and higher-level qualifications rises relative to mid-level qualifications as a result of technological progress, wages at the top and bottom of the wage distribution rise relative to those in the middle, presumably as a result of stronger collective bargaining agreements. Despite the fact that AI technologies affect a larger range of jobs and tasks across most of the skill and income distribution, it seems that the professions and employment in the industries

that are leading the deployment of AI are more at danger of automation. As machines and robots become more proficient at doing tasks, employers may be able to hire fewer people, which might cause pay stagnation or even a decline in salaries. To ensure that workers are compensated properly for their labour, regardless of whether they utilise machines to perform it, labour laws may need to be updated.

COLLECTIVE BARGAINING AND FUTURE OF TRADE UNIONS:

Collective bargaining is the process where any dispute arises between the employer and employee it gives an opportunity of mediating themselves. According to the Supreme Court ("SC"), collective bargaining is "the technique by which dispute as to conditions of employment is resolved amicably by agreement rather than coercion." It is the key weapon for workers especially in the case of fulfilling their demands with regard to wages, working hours and safety measures. As collective bargaining is an ADR which is processed through mediation. And now a days ADR'S being conducted in online mode. The main strength for collective bargaining is trade unions. Trade unions used to stand for the labourers who are considerably weaker than employer and strived for workers rights and protection. But the automation posses a threat to the existence of trade unions. The employers might be engaged in using an AI algorithm for determining the employee wages which will curtail the workers right to participation as collectively. However, as part of the digitalization of the worldwide economy, businesses and industries started integrating technology and automation into their labour-intensive processes. Due to the inability of employees to organise, the future of trade unions is in doubt. To defend workers' rights to employment in the face of automation, trade unions must play a significant role. Trust and respect for one another are essential for a relationship to last. Therefore, for both labour unions and employers to be able to work effectively, there needs to be respect and trust between them. The future of the ideals of respect and trust has been eliminated by the use of AI and machines.

SUGGESTIONS:

Although the introduction of artificial intelligence into industries and businesses is unavoidable, industries and businesses, as well as labour and trade unions, need to train their staff members to deal with technology and artificial intelligence. The employment of AI and

technology should not be rushed, but rather introduced methodically. In terms of employment, the following guidelines ought to be followed:

- i. **Right to do a quality job, avoid mass technological unemployment by making reinstatement easier:** Work is important for people because it provides benefits that transcend beyond the individual with whom it is initially concerned. A world in which no one has to work because technology has solved the 'economic crisis,' as Keynes predicted for 2030, may not be the most desirable outcome. As a result, law must permit automation while simultaneously guaranteeing that the hollowing out of mid-skill occupations (and jobs in general) does not violate workers' right to decent work. This can be accomplished via skilling and permitting mobility, motivating workforce participation, and establishing a social protection system.
- ii. **Promote re- and up-skilling:** This requires collaborating with businesses and governments to create up- and re-skilling programmes for workers whose jobs are endangered by automation. It is intended to make it easier for them to transition to jobs and industries with lower automation threats, or to encourage them to move into different positions within the same organisation.
- iii. **Allow the market to experiment without hindering automation:** Automation has the ability to increase overall quality of life and job possibilities dramatically. As a result, market forces should be permitted to interact openly. More specifically, labour must be capable of switching employment within and between industries. Such mobility is possible if people have skills that cover a wide range of in-demand jobs, particularly cognitive skills, both regular and non-routine.
- iv. **Advocacy of employee OSH standards:** In the age of artificial intelligence, unions should argue for employees' rights to health, safety, and ethics in workplaces that are becoming progressively automated. Workers who use cutting-edge workplace technology should expect to lose some, if not all, of their privacy because they will be viewed and tracked by many sensors that collect data in order to improve and further optimise their job. They will have an effect on these complex issues.

CONCLUSION:

The entry of AI in the work place and employment opportunities is inevitable. The usage of Artificial Intelligence is like a double-edged sword. The usage of AI is accelerating throughout the world and in no time, India will also hit by the AI storm. Currently the Indian

labour laws and newly enacted labour codes in 2020 are least worried about AI and its impact on industries and governing about employee's safety. Artificial intelligence usage is completely neutral; positive outcomes are also attainable. AI's introduction has given technical workers new career chances, and it has the potential to expand human employment opportunities in the future. Jobs that can be created by automation and AI include: Possibilities for software engineers to create bots. The development and research of data scientists. AI and robotics were being used in hospitals, schools, and many other industries in nations like Japan. People with access to the internet and sufficient skill levels have already benefited from additional options that are dynamically developing due to advancements in computers and related fields. Thus, it is the duty of the legislative and executive authorities to enact and implement the new labour acts accordance with the Artificial Intelligence concept. And it is the pivotal role of employers and trade unions to ensure that employees should not be hindered and facing any obstacles by AI implementation. Thus, finally inn a country like India where majority of the population is working age, AI usage will have adverse effects which might result in chaos and wider disparities. Artificial Intelligence usage without proper regulation in workplaces will result in recession and downfall of economy instead of aiming towards progression. Hence the thought of implementing AI and robotics in workplace is welcoming idea with certain restrictions and precautions.