



# Right to Work and Artificial Intelligence

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**Abstract:** This research paper seeks to navigate one of the major areas of technological advancement that is Artificial Intelligence. This area has become the major area of concern nowadays. If we look at the convergence of Human Rights and AI, several rights are coming in conflict with this techno boon. The people are now confused whether the future of AI is more on the development side or it will be a destructive one. Destructive for the existence of Human beings. The basic essential rights for survival to any human being are the Human Rights and any attack on these rights cannot be left ignored. Accountability becomes important. As in constitution of India all the Fundamental rights are guaranteed with a tool of Writ petition in the hands of people. This gives the people a road to reach the doors of court and seek justice and impose accountability in case of violation of Human Rights. But, this is not so in case of Artificial Intelligence as it is more or less like cybercrimes in terms of imposing accountability. Moreover, right to work which is the chief and most essential form of Human Right for survival is under threat. It may be extinguished in coming future due to the increasing technological development through artificial intelligence. Already, the problem of unemployment has been at its peak and rise in gross violation of right to work of the people can be a serious matter of concern in the near future. Hence, a need is felt to establish a Regulatory mechanism on the Artificial Intelligence and works done by it. This is inevitable and need of the hour to have a sustainable convergence of AI and Human Rights.

**Key Words:** Right to work, Technological advancement, balance approach, effective regulations on AI, unemployment.<sup>1</sup>

## Introduction

The age of AI means rampant development in Artificial Intelligence which is and will be making a difference in our lifestyle and also in the society at large. Homo sapiens have been doing all the work mental as well as physical since ages, but with the development of technology many of the jobs have been replaced and lost forever. For ex, in olden times waking up people in the morning was a job for some but now it has vanished completely with development of alarm clock and now mobile phones. This aspect of replacing humans with technology was not much welcomed when industrialisation came in the world and also in India. We all are aware of the capitalists and labour class conflicts across the world. All these historical events can be linked to some extent with the technological advancement. But, it is inevitable and need of the hour. We cannot reject technological advancement in this modern world. But, can we regulate it? The development of Artificial Intelligence is welcomed move by Human race but what if this AI competes with the Human beings itself? This is a major area of concern for the Human beings and needs to be redressed.

## Origin and Growth of Human Rights

The origin of Human Rights in the world dates back to 539 BC much before the technological advancement. The concept of human rights has evolved over centuries, shaped by philosophical, religious, and cultural influences. The concept of human rights has its roots in ancient civilizations, where philosophers and leaders recognized the inherent dignity and worth of individuals. The Greek Philosophers like Aristotle and Plato emphasized the importance of human dignity, justice, and equality. The Roman law concept of natural law recognized the inherent rights of individuals. Whereas in the East as well Dharma philosophy and religions emphasized compassion, non-violence, and the inherent value of human life. John Locke in his "Social Contract" theory asserted that individuals have inherent rights to life, liberty, and property. Rousseau's "General Will" concept emphasized the collective responsibility to protect individual rights. Magna Carta was the first document in 1215 which put forward recognition to Human Rights. The Modern Human Rights Movement began in 1800s - 1900s with industrial revolution and World War I that increased the concern for human rights.<sup>2</sup>

The most important move was creation of first formal and global document that is the Universal Declaration of Human Rights (1948).<sup>3</sup> In response to World War II atrocities, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). Drafted by a committee chaired by Eleanor Roosevelt, the UDHR enshrined fundamental human rights like Right to life, liberty, and security, Freedom from torture and discrimination, Right to education, healthcare, and social security, Freedom of speech, assembly, and association. The UDHR paved the way for subsequent human rights instruments which are International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), Convention on the Rights of the Child (1989), Convention on the Elimination of All Forms of Discrimination against Women (1979). Right to work is recognised as a part of International Covenant on Economic, Social and Cultural Rights. These rights are incorporated under Part Directive Principles of State policy in the Constitution. As we continue to strive for a more just and equitable world, the legacy of human rights pioneers serves as a powerful reminder of our shared humanity<sup>4</sup>. But, this is under a constant threat especially with the advent of Artificial Intelligence.

### Right to Work as a Human Right

The Right to Work is a Fundamental Human Right. The right to work is a fundamental human right, essential for dignity, well-being, and personal fulfilment. Enshrined in various international conventions and national constitutions, this right protects individuals' freedom to pursue their profession, ensure economic security, and contribute to society. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Labour Organization's Constitution all recognize the importance of work in realizing human dignity, economic development, and social justice.

The right to work encompasses several key components, including freedom to choose employment, protection against forced labour, fair working conditions, equal pay for equal work, and social security and benefits. These elements ensure that individuals can work in dignity and safety, free from exploitation and discrimination. Furthermore, the right to work promotes economic growth, social stability, and human development. At the national level, countries have incorporated the right to work into their constitutions and laws. For example, the United States has the Fair Labor Standards Act, India has Article 16 of its Constitution, and South Africa has Section 23 of its Constitution.<sup>5</sup> These laws provide a framework for protecting workers' rights and promoting fair labour practices. Despite international recognition, the right to work faces significant challenges. Unemployment and underemployment, exploitation and forced labour, discrimination and

<sup>2</sup> Michelle Rosalind Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (2004).

<sup>3</sup> United Nations, *Universal Declaration of Human Rights* (1948)

<sup>4</sup> Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (2011)

<sup>5</sup> International Labour Organization, *ILO Constitution* (1919).

inequality, and automation and AI-related job displacement all threaten the enjoyment of this right. Moreover, the COVID-19 pandemic has exacerbated these challenges, highlighting the need for stronger social protection systems and more equitable labour markets.

To promote and protect the right to work, international cooperation and national policies must prioritize full employment and fair labour standards. Strengthening education and training programs can help workers adapt to changing job markets. Moreover, social protection systems should be enhanced to support workers during periods of unemployment or underemployment. The right to work is a cornerstone of human dignity and economic security. Efforts to promote and protect this right are crucial for ensuring equitable societies where all individuals can contribute and thrive.

### **Right to Work: The Judicial approach**

The right to work is a fundamental human right, essential for dignity and well-being. In India, this right is enshrined in the Constitution and has been reinforced through various judicial pronouncements. The right to work in India has been strengthened through judicial interventions. These case laws demonstrate the Indian judiciary's commitment to protecting workers' rights and ensuring dignity and well-being. Let us navigate upon certain significant case laws which have shaped the contours of right to work in India.

The Supreme Court of India has consistently held that the right to life under Article 21 of the Constitution includes the right to livelihood. In the case of **Olga Tellis v. Bombay Municipal Corporation**<sup>6</sup> The Court ruled that the right to livelihood is an integral part of the right to life, and that the state cannot deprive individuals of their means of livelihood without providing alternative employment. Further, right to work was emphasized as a fundamental right in the case of **M.C. Mehta v. State of Tamil Nadu**<sup>7</sup> The Court held that the right to work is a fundamental right, and that the state has a duty to provide employment opportunities.

Indian courts have addressed the issue of unemployment and its impact on the right to work in various cases. Especially with the advent of Public Interest Litigation these issues started to come on the forefront. In the case of **Bandhua Mukti Morcha v. Union of India**<sup>8</sup>The Court directed the government to provide employment to bonded labourers, recognizing their right to work. The issues of unemployment were addressed further in **People's Union for Civil Liberties v. Union of India** – in this case the Court ordered the government to implement employment guarantee schemes to address unemployment. Right to Social Security is another connected aspect with right to work and Indian courts have recognized the importance of social security for workers. In the case of **Shramik Sahayak v. Union of India**<sup>9</sup>The Court directed the government to provide social security benefits to unorganized sector workers.

### **Development of AI: A Threat?**

The development of Artificial Intelligence is taking place at a very fast pace. In this new world of AI there is a threat that man is developing tools of self-destruction through AI. Human Rights and especially right to work as a basic and inevitable right of a Human is getting affected adversely and will extinguish if this advancement in AI is not regulated appropriately. Growth mindset is important for Human Rights and Development of AI shall be underneath the Human well-being. To guarantee humans well-being it is important to regulate the AI with some regulations or norms. As in case of Environmental Law we have the concept of Sustainable development, same thing is also needed in case of AI and Human Rights. Both these converge and this intersection must be regulated.

6 (1985)

7 (1985)

8 1984

9 2003

## AI and Right To Work

The integration of Artificial Intelligence (AI) in the workforce has sparked intense debate about its impact on the right to work. As AI assumes tasks traditionally performed by humans, concerns arise about job displacement, accountability, and the need for adapted legislation. <sup>10</sup>The right to work is a fundamental human right, enshrined in various international conventions. However, the rise of AI challenges traditional notions of work and employment. As AI assumes tasks traditionally performed by humans, it is essential to reevaluate the concept of work and the rights associated with it. The intersection of AI and the right to work is a necessary evil in today's era but this evil needs to be tackled. The Impact of AI on Employment is huge. AI's influence on the job market is multifaceted. On one hand, AI-powered automation can enhance productivity and efficiency, creating new opportunities for human workers. On the other hand, it poses significant risks of job displacement, particularly for tasks that are repetitive or can be easily automated <sup>1</sup>. The World Health Organization estimates that up to 47% of total US employment is at high risk of being automated. AI's impact on the right to work raises several concerns. Job displacement is a significant issue, as AI-powered automation may displace human workers, particularly in sectors with repetitive or routine tasks. Furthermore, AI assumes responsibility, but questions arise about liability and accountability for errors or harm caused. Additionally, AI may render traditional skills obsolete, requiring workers to adapt to new technologies. To address these challenges, several potential solutions have been proposed. Implementing Universal Basic Income (UBI) could provide a safety net for individuals displaced by automation. Investing in education and training programs can equip workers with skills that complement AI. Establishing regulatory frameworks can ensure accountability and liability for AI-related errors or harm. Strengthening social protection systems can also mitigate the negative impacts of AI on employment.

Governments and organizations are establishing guidelines and regulations to address AI's impact on the right to work. The European Union's AI Regulation proposes strict liability for AI-related harm<sup>11</sup>. The legal landscape surrounding AI and the right to work is rapidly evolving. For instance, the European Union's AI Regulation proposes strict liability for AI-related harm. <sup>12</sup> But, in India, still no development in respect of AI regulations has been made but it is indeed a necessity. If we are to protect the Human Rights and let the people not lose their jobs, there is an urgent need to regulate and limit the misuse of AI to the verge of replacing working force of humans.

## AI intrusion into Privacy

Artificial Intelligence (AI) has revolutionized the way we live and work, but its increasing presence in our lives has also raised concerns about privacy and productivity. As AI becomes more pervasive, it's essential to examine its impact on our personal and professional lives. One of the primary concerns surrounding AI is its potential intrusion into our privacy. AI's ability to collect and analyze vast amounts of data has led to concerns about surveillance, data collection, and predictive analytics. AI-powered monitoring systems can track our every move, both online and offline, raising concerns about surveillance. Additionally, AI-driven apps and devices collect sensitive information, often without our knowledge or consent. Furthermore, AI can predict our behaviour, potentially infringing on our right to privacy. These concerns are not merely theoretical; real-world examples illustrate the risks associated with AI.

For instance, Amazon's Alexa, an AI-powered virtual assistant, has been accused of collecting and storing sensitive information without user consent. Similarly, Google's Workplace Analytics tool tracks employee productivity, raising concerns about privacy and surveillance. Microsoft's AI-powered email feature has also

<sup>10</sup> Stanford Law School, Artificial Intelligence and the Law (2023)

<sup>11</sup> European Social Charter (1961)

<sup>12</sup> European Commission, White Paper on Artificial Intelligence (2020).

been criticized for its potential to infringe on email privacy. These examples highlight the need for robust data protection policies and responsible AI development.

The presence of AI in the workplace can also have negative consequences. Automation anxiety, or the fear of job displacement due to AI-driven automation, can lead to stress and decreased productivity. Moreover, AI-powered tools can be distracting, reducing focus and efficiency. Bias and errors in AI systems can also impact work quality, perpetuating existing inequalities. To mitigate these risks, it's essential to implement robust data protection policies, ensuring transparency and consent in data collection. AI developers must design systems with privacy in mind, incorporating privacy-enhancing technologies into their development. Educating and training employees about responsible AI use can also help alleviate automation anxiety. The benefits of AI are undeniable, but its intrusion into privacy and potential to hamper work cannot be ignored. By acknowledging these risks and implementing safeguards, we can harness AI's power while protecting our privacy and productivity.<sup>13</sup>

### **AI: More efficient Employee?**

The rise of Artificial Intelligence (AI) has transformed the workforce, sparking debates about its potential to surpass human capabilities. As AI assumes tasks traditionally performed by humans, concerns arise more on job displacement and the future of right to work. AI's efficiency, accuracy, and scalability make it an attractive alternative to human employees in various sectors. The processing power of AI and algorithmic precision enable it to outperform humans in repetitive, data-intensive tasks. AI systems can analyze vast amounts of data, identify patterns, and make predictions with unprecedented speed and accuracy. For instance, AI-powered chatbots can handle customer inquiries 24/7, providing instant responses and resolving issues more efficiently than human customer support agents.

AI's work lacks human errors ensuring consistency and reliability in task execution. Unlike humans, AI systems are immune to fatigue, emotional influences, and cognitive biases, guaranteeing consistent performance. In industries like healthcare, AI-assisted diagnosis has demonstrated higher accuracy rates than human doctors, reducing errors and improving patient outcomes. For ex, AI can do extra work without getting tired but Humans need to be paid for doing extra work. This race of technology versus Humans is going to go a long way. AI can handle increasing workloads without compromising performance. This flexibility enables businesses to adapt to changing demands, seasonal fluctuations, or unexpected spikes in activity. AI-powered systems can seamlessly integrate with existing infrastructure, enhancing productivity without requiring significant operational overhauls.

### **Advantages of AI**

Deploying AI solutions can significantly reduce labour costs by leveraging AI, businesses can redirect resources to strategic initiatives, innovation, and human talent development. In . Manufacturing industry AI-powered robots optimize production workflows, enhance quality control, and reduce defect rates. In Financial sector, AI-driven trading systems execute transactions faster and more accurately than human traders. In Transportation sector, AI-powered logistics optimize routes, reduce fuel consumption, and improve delivery times. In Customer Service sector also AI-powered chatbots provide personalized support, enhancing customer experience and loyalty.

### **Disadvantages of AI**

Artificial Intelligence has transformed the modern workplace, bringing unprecedented efficiency and productivity. However, beneath the surface, AI's integration into the workforce has raised concerns about its impact on employees, employers, and society as a whole. This article delves into the disadvantages of AI in

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<sup>13</sup> Harvard Business Review, The Dark Side of Artificial Intelligence Harvard Business Review. (2020). The Dark Side of Artificial Intelligence.

the work sector. Job Displacement and Unemployment is the most serious concern and a direct attack on the right to work. One of the most significant concerns surrounding AI is its potential to displace human workers. According to a McKinsey report, up to 800 million jobs could be lost worldwide due to automation by 2030. AI's ability to perform tasks faster and more accurately than humans has led to widespread job displacement.

Loss of Creativity and Skills is seen to increase with the use of technology. There are certain areas which cannot be replaced by AI due to lack of creative thinking, empathy etc. AI's capabilities can lead to a decline in human skills and creativity. As machines assume tasks, humans may lose the opportunity to develop and refine their skills. This can result in a workforce lacking innovation and problem-solving abilities. AI systems can perpetuate existing biases and discriminatory practices. If AI is trained on biased data, it may replicate and amplify these biases, leading to unfair treatment of certain groups. AI's constant availability can blur the lines between work and personal life. Employees may feel pressured to be constantly available, leading to burnout and decreased well-being.

Depersonalization and Isolation can result from AI workers. AI's increased use can lead to depersonalization, reducing human interaction and potentially isolating employees. This can negatively impact mental health and overall job satisfaction. AI systems can pose significant security risks, particularly when handling sensitive data. Cyber-attacks and data breaches can compromise confidential information. Lack of Accountability exists in AI's work. AI's decision-making processes can be opaque, making it challenging to hold systems accountable for errors or harm caused. The widespread adoption of AI raises societal concerns like Increased income inequality, Reduced social mobility, Potential for AI-driven surveillance. To address these concerns, employers and policymakers can Invest in education and retraining programs, Implement AI ethics and bias-reduction strategies, establish clear guidelines for AI use, foster human-AI collaboration, encourage transparency and accountability. While AI offers numerous benefits, its disadvantages cannot be ignored. By acknowledging these challenges, we can work towards creating a more balanced and equitable work environment that leverages AI's potential while protecting human well-being

### **Possible Solutions**

As AI assumes a more prominent role in the workforce, concerns about job displacement, bias, and accountability must be addressed by providing Education and Training to Upskill and reskill workers to complement AI capabilities. The most important being Regulatory Frameworks which are comprehensive in nature and establishing guidelines ensuring AI accountability, transparency, and fairness. Rebuilding the work force by Implementing the support systems for workers displaced by automation is very important aspect in society. Artificial Intelligence has demonstrated its potential to surpass human efficiency in various tasks. As AI continues to integrate into the workforce, it is crucial to acknowledge its benefits while addressing concerns about job displacement and accountability. By fostering human-AI collaboration, we can unlock unprecedented productivity gains, drive innovation, and create a future where humans and AI work together to achieve greater success.

### **Conclusion**

The intersection of AI and the right to work presents complex challenges and opportunities. As AI continues to integrate into the workforce, it is essential to address concerns about accountability, liability, and the evolving nature of work. By exploring potential solutions and adapting legislation, we can ensure that the benefits of AI are shared equitably, while protecting the fundamental right to work. the intersection of AI and the right to work presents complex challenges and opportunities. To address the challenges posed by AI, it is recommended that governments and organizations develop comprehensive regulatory frameworks addressing AI's impact on employment. Investing in education and training programs that complement AI is also crucial.

14 McKinsey Global Institute, A Future That Works: Automation, Employment, and Productivity (2017).

15 Harvard Business Review, The Future of Work: Robots, AI, and Automation (2020).

Establishing social protection systems to mitigate AI's negative impacts and encouraging responsible AI development and deployment are equally important. To seek a balance in both just like the concept of sustainable development, Human and AI Collaboration in the workplace can be the ultimate solution. While AI excels in specific tasks, human creativity, empathy, and critical thinking remain essential. The most effective workforce will likely consist of human-AI collaboration, leveraging the strengths of both. AI can enhance human productivity and decision-making. It can facilitate the work of humans rather than replacing them completely. Automatic routine tasks done by AI allows humans to focus on strategic and creative work. This optimistic approach if adopted shall improve Work-Life Balance and Reduce workloads, enabling humans to prioritize well-being and personal development.

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