

Labour Law in the Era of Artificial Intelligence and Automation

Pradeep T

B.A LLB (Hons.), School Of Excellence In Law, Chennai

ABSTRACT

This paper throws light on how artificial intelligence affects labour law and employer's protection. Artificial intelligence and automation are leading to loss of job in certain industries. It has led to significant changes in the employment field. Though it has many advantages such as increased efficiency, less time consuming, productivity and cost efficiency, it also has led to disadvantages like mass unemployment and discrimination. This paper shows impact on Indian economy due to the mass unemployment and the uncertainty resulting from humans being replaced by AI in the near future. It also sheds light on how to curb the issues coming up due to artificial intelligence and automation in the employment field. The paper ends with suggestions regarding development of artificial intelligence without affecting the employment structure.

KEYWORDS: Artificial intelligence, labour law, employer's protection, automation, loss of job, employment field, increased efficiency, less time consuming, productivity, cost efficient, mass unemployment, discrimination, Indian economy, employment structure.

INTRODUCTION

Artificial intelligence has been in debate in the recent times due to its influx in the industries. AI in the job industry has many benefits as well. The amount of time spent making products will be reduced. The same is true for the service created with the help of technology or some other force. The data collected shows money spent on making a product by a robot costs less than paying a worker for the same job. A robot can work all day without stopping and never gets sick, so it doesn't cause any disruption. The work will be more accurate than before.

Humans can be disturbed by outside things but not robots. Robots are being used more and more in the world. In the risk sector they can replace human workers. Some robots search for fire and assist in putting it out. People can operate robots during accidents. Alerting (warning) signals are used to show where the danger zone is. In today's world, it's a good idea to put money into computer software and robots.

AI is very important in how people talk on social media, and in how things are sold and advertised on the internet, websites for buying and selling things. Some examples include Uber, Ola, Swiggy, Big basket, and Amazon. Even in the customer service now humans are being replaced by virtual assistants. These machines and tools are good for some jobs but have also caused problems for workers by mass unemployment and poverty. The use of robots, machines, and becoming more digital are some things that can influence the way things are done.

This led to the start of modern technology by reducing the use of obsolete methods and old ways that we don't need anymore. There is negative effect on the job market due to the quick growth of technology.

Different kinds of jobs will go away soon because they will be replaced by machines. Artificial intelligence (AI) has the potential to bring both great opportunities and risks for countries all over the world, including India. India has a lot of skilled people who work with advanced technology and their numbers are increasing.

The country gets lots of money from other countries investing in it. This helps the country become more important in the global technology industry. AI technology is growing and will be used in many Indian industries like healthcare, technology, workforce, and education. The government in India will need to make laws governing AI. In recent years, India has made rules and guidelines lines for using AI technology, but there are no specific laws for regulating AI in India right now.

BACKGROUND

Artificial intelligence(AI) is a field of computer science that focuses on the development of systems capable of performing tasks that typically require human intelligence. AI systems employ various techniques such as machine learning, neural networks, natural language processing, and robotics to simulate human-like cognitive functions. The ultimate aim of AI research is to create machines that can autonomously carry out complex tasks, adapt to new situations, and improve their performance over time, thereby enhancing efficiency and productivity in various domains. AI became prevalent from the 20th century. In India there is chance for 20% growth of AI market in next 5 years according to Hindustan Times.

RESEARCH METHODOLOGY

The research is descriptive in nature relying upon secondary data and done in Indian context. Secondary data from websites and journals are used for this research.

REVIEW OF LITERATURE

New improvements in artificial intelligence (AI) are changing the way people work. This affects the laws and rights that protect workers. Experts are saying that government officials need to think about the laws and moral issues of AI at work.

One thing to worry about is how automation might make some people lose their jobs. Experts have said that AI can take over some jobs, which could cause a lot of people to lose their jobs and not have work. Furthermore, the computer programs used to hire and evaluate job performance could continue unfair treatment, which may lead to legal problems for companies.

Another thing to worry about is employers using AI technology to watch employees. New technologies can make work faster and safer, but they also make people worry about their privacy and rights at work. Experts want clear rules about gathering and using information about workers.

Furthermore, the gig economy growing has made it harder to protect workers. Self-employed workers, who are not protected by most traditional labor laws, are starting to use AI-powered websites to find jobs more and more. Experts want new laws to protect the rights of gig workers and make sure they get paid fairly.

Lastly, experts have pointed out that it's important to think about what is right and wrong when using AI at work. Employers should make sure that AI doesn't make existing inequalities worse. They must also be open about using algorithms to hire and evaluate employees.

In general, AI's effect on employment rules and worker safety is a complicated problem that needs to be

thought about carefully by government officials, employers and workers. In the future, we need to focus on making good laws to deal with these problems and make sure that using AI at work follows the law and is done in a fair way.

IMPACT OF AI ON LABOUR LAWS

The rise of AI has greatly changed the labor laws in India. It is helping businesses by letting them use machines to do some jobs like helping customers, advertising, and studying information. This means companies are using more machines with algorithms instead of people for some jobs. So, companies don't need as many people for those jobs. Also, AI can give employers information about how well employees are doing their job. This information can be used to decide whether to hire or fire employees without asking the employees for their opinion.

In addition, some experts think that automation will cause wages to go down because companies want to save money but still provide good services for a good price. This could mean that machines may take over many lower-paying jobs, and the people who work in these jobs might not have any other options if they lose their jobs. Also, some people are worried that using more machines instead of people to do work will make the gap between highly educated technology workers and lower-skilled workers even bigger. The lower-skilled workers might not have the opportunity to learn new jobs that are made by these new machines. Discrimination is a big problem because AI programs might unfairly treat some groups of people. For instance, a computer program used to choose employees based on demography or might learn from information that already has unfair beliefs. AI systems might make discrimination worse and hold back the progress we've made in making workplaces more diverse and inclusive.

Another thing to worry about is privacy. AI systems usually gather a lot of personal information, like health and financial records. This information needs to be handled according to privacy laws like General Data Protection Regulations in EU and California Consumer Privacy Act in the US. Employers who use AI systems must make sure they follow these rules and keep their employees' privacy safe.

Responsibility is also a big concern with AI at work. Employers have to take responsibility for what their AI systems do. If the systems hurt or treat employees unfairly, the employers can be held accountable. Employers need to make sure that they use AI systems in a fair and careful way, and have plans in place to fix any problems that might happen because of their AI systems.

ETHICAL ISSUES ARISING OUT OF USE OF AI AT WORKPLACE

It can cause bias during screening of resumes. Goodness of the algorithm is based on the data it is trained. Many employers use resumes of high performing employees as data to screen resumes of other employees. It may increase work efficiency and productivity but it may also lead to discrimination and bias. For instance, data fed may be of an employee of a particular gender, caste, specialization or demography which may lead to selection of candidates of the same criteria.

Even during online interviews it is an issue. AI are being used to observe and evaluate the activities and attention of candidates during virtual interviews. Sometimes there may be a network issue, attention deficit hyperactivity disorder or lack of concentration of the candidate which may have an adverse result in the evaluation of AI. Although AI leads to objectivity, there needs an human involvement, emotional evaluation and subjectivity in judging the candidates.

AI are also being used for evaluation of performance and efficiency of employees. It is found to be discriminatory and inaccurate because it leaves out the hardships, sickness or disability or health ailments

of employees. There is a need of subjective test and not an objective one.

AI uses a lot of information about employees to help with managing the workforce. It looks at the data, organizes it, and figures out what it means. This information often includes private personal details (like passwords, financial info, biological data, as defined in the 'Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011'), which employers use for different reasons. Many people are worried that not everyone knows how their personal information is being used by machine learning. In this situation, there are strict rules set by the Information Technology Act 2000 and the 'Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011'.

The Covid-19 pandemic has changed how employers work with their employees. Working from home or in a combination of office and home has become important after Covid. A lot of employers are using virtual reality to talk to their workers and do their work. There have been claims of workplace sexual harassment and unwanted advances, but no measures have been taken to address the issue. Regrettably, numerous companies lack proper guidelines for their employers' conduct on virtual reality platforms. This can cause problems at work. Today, employers need to change their rules or make new ones to keep their workers safe in virtual reality.¹

JUDICIAL STANDING

In the case of *Shramik Bharti v. State of U.P and Ors.*,² the court held that introduction of an AI powered attendance system in government offices did not violate employees' privacy rights if it complies with Personal Data Protection Bill, 2019 and other relevant laws.

The court held in *K.K. Gautam v. State of U.P and Ors.*,³ that the AI powered face recognition technology for monitoring attendance at government schools must abide by Personal Data Protection Bill, 2019 and other relevant laws.

In *Soma Mondal v. Union of India*⁴, the court held that using AI by public sector banks for recruitment must be transparent, fair and not discriminatory against any particular group of candidates.

Use of AI in the police department for predictive policing should be transparent and they should have clear guidelines for its use was held by the court in *State of Maharashtra v. Vijay Tukaram Gomite*.⁵

Court directed the government to ensure that use of AI powered surveillance system by the Indian government is in compliance with the Personal Data Protection Bill, 2019 and other relevant laws and the data are used only for the purpose they are collected in *Anivar A Aravind v. Ministry of Home Affairs*.⁶

INDIAN LAWS REGARDING AI

1. **Ownership of AI algorithm:** Under the **Indian Copyrights Act, 1957** there is copyright ownership for AI algorithm as it comes under literary work that includes computer program too.
2. **The Competition Act, 2002 :** It restricts the competition in business market and reduce abuse of dominant position. AI can help in these aspects.

¹ Cheng, Z. (2023, September 13). Ethics and discrimination in artificial intelligence-enabled recruitment practices. Retrieved from Nature.com: <https://www.nature.com/articles/s41599-023-02079-x>

² <https://indiankanoon.org/doc/169587700/>

³ 2016:AHC:95047

⁴ <https://indiankanoon.org/doc/125403382/>

⁵ (2017) 02 BOM CK 0137

⁶ WP No. 7483 of 2020

3. **Information Technology Act, 2000 (IT Act)** :It is the principal legislation regulating digital transactions and electronic governance. Compensation for breach of sensitive personal data privacy is dealt under Sec 43A of the Act. Section 72A of the act also covers AI. Thus AI is being implicitly regulated. In a survey conducted at 2018, 93% people have expressed their concern over evasion of their right to privacy by use of AI. The Supreme Court in *Justice K.S. Puttaswamy v. Union of India*⁷ has brought informational privacy into the purview of right to privacy under fundamental rights.
4. **Personal Data Protection Bill, 2019** : The primary objective is to protect personal data. Creation of Data Protection Authority is being emphasised to monitor the application of provisions of the Bill. The bill mandates consent to be explicitly received for using personal data.
5. **National e-Governance Plan** : It emphasizes on giving online government services. Various departments of government have incorporated AI to increase efficiency and to give quality services to citizens.
6. **New Education Policy** : It provides coding classes for standard 6 students. Aims to make India an innovation hub.
7. **AIRAWAT** : It stands for AI Research, Analytics, and Knowledge Assimilation platform. It was launched by NITI Aayog. It focuses on AI's requirements.
8. **The Ministry of Electronics and Information Technology (MeiTY)**: regulates AI in India.
9. **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021** : emphasises diligence over the content in social media platforms.
10. **National Strategy on Artificial Intelligence (NSAI)**⁸ : Set up by Planning commission. Panel consisting of ministry of corporate affairs and industrial policy department to regulate AI. Creation of IP regimes for upgrading AI and network for protecting data privacy. Ministry of electronics and information technology constituted 4 committees to solve ethical issues of AI.
11. **Digital Personal Data Protection Act, 2023** : It addresses privacy issues regarding AI.

GAPS IN INDIAN LAWS REGARDING AI

- There is no specific legislation relating to AI. Although IT Act and Personal Data Protection Bill touches AI, there is a lack of detailed legislation regarding AI.
- There is a lack of ethical guidelines regarding use of AI. Due to this it may lead to the ethical issues discussed above. It may also lead to discrimination, bias and misuse.
- There is no specific authority assigned to supervise the use of AI in India. Data Protection Authority appointed by Personal Data Protection Bill lacks in this aspect.⁹
- Copyright ownership for AI algorithm and content also remains uncertain and ambiguous. Attribution issues arise. The present intellectual property law in India regarding this - Indian Copyrights Act, 1957 lacks to address this issue.
- There is a need to balance between innovation and right to privacy.
- China passed the world's first law on Artificial intelligence. European Union has passed draft AI Act. New York has passed a law on AI mandating audits to prevent discrimination and bias. India also needs

⁷ (2017) 10 SCC 1

⁸ Government of India. (2020). National strategy for artificial intelligence. Retrieved from <https://niti.gov.in/sites/default/files/2020-06/NationalStrategy-for-AI-Discussion-Paper.pdf>

⁹ Centre for Internet and Society (CIS). (2019). Artificial intelligence and the Indian legal system. Retrieved from <https://cis-india.org/internet-governance/blog/ai-and-the-indian-legal-system>

such a legislation.

ADVANTAGES OF AI IN LABOUR LAW

It helps in promoting productivity and efficiency. It also helps in abiding with labour laws and promoting welfare of both employers and employees. By helping in AI powered registry, attendance and recruitment service they help in monitoring workers accurately and objectively without any bias. This was also enunciated by Ranjan Banerjee, HR of Berger Paints. Also virtual assistants and bots help in quick reply and solving problems of employees.

AI helps in increase in the overall performance of the industry. They help in monitoring process using automation with accuracy. AI systems can always check labor laws and industry rules against a company's practices. This automation allows tracking things in real time. When AI finds a mistake, it can send alerts to the employers so they can fix it quickly.

AI can help manage and understand a lot of data about labour laws and how workers are hired and treated at work. By adding AI tools to HR systems, businesses can make data collection, storage, and retrieval easier. Artificial intelligence can find patterns and trends in data, which helps improve following the laws. Typically, compliance audits have taken a lot of time and required a lot of resources. AI can change things by making compliance audits automatic and better. Its computer programs can check the company's actions to see if they follow the labor laws. They can find areas where the company is not following the rules. This was also substantiated by Rishav Dev, former CHRO, Noveltech.

AI can help companies figure out if there might be problems with following the rules before those problems happen. By studying old information, patterns in the industry, and new rules, AI can predict problems with following rules and suggest ways to prevent them. The proactive approach helps organizations fix problems before they happen, which can reduce the chances of breaking rules and having to pay fines. AI can help check for risks by looking at things like employee contracts, how long employees work, how much they get paid, and safety rules. It makes sure everything follows the rules in different ways. This was opined by Ramesh Shankar S, Chief Joy Officer, Hrishti.com by citing manufacturing sector.

AI technologies can make work safer by finding dangers and stopping accidents before they happen. AI can analyze data better than people, so it can help make better decisions for things like hiring and evaluating how well someone is doing in their job.

AI technology can make new job chances in fields like studying data and making AI better. Policymakers can make laws to make sure that AI technology is used in ways that keep workers safe and treat them fairly. AI technology can help people work from anywhere and with a more flexible schedule, which can make it easier to balance work and personal life.

The smart manufacturing industry, powered by AI technology, will help create better teamwork between humans and machines at work. In a society where everyone is well-informed, the lower class of people benefit from a better life because of improved ways of working together and getting more work done. Technological progress makes things cheaper and helps companies make more stuff, so they need more workers. Most people think robots are competition for humans, but this view only shows the traditional way of thinking about machines. The relationship between humans and machines is not a competition where one has to lose for the other to win. When people and machines work together, it makes it easier to produce things and creates more jobs.

At the same time, AI technology can help factories work better and improve how different companies

work together in the production process. This will make the market work better. Businesses will make more things and hire more people with different skills. This will help the economy to grow. AI is very important in the fourth industrial revolution. It changes how people are seen in society and how work is organized. Artificial intelligence and machines make work easier by doing repetitive tasks and help employees learn new skills, making their work more valuable.¹⁰ As a result, in a system where machines do the work of people, jobs that don't need much skill will go away, and new jobs that we don't have yet will appear. We could also say that computers, smart machines, and robots are helping to teach skilled robots and increase their pay.

Using AI technology, employers can quickly review resumes and cover letters to find the best candidates based on their skills and experience. Automated interviews use artificial intelligence to conduct initial interviews and screen candidates, which saves recruiters time and effort. Using artificial intelligence, the system can find the best candidates for a job by comparing their qualifications with the job requirements. AI can help make sure everyone has a fair chance by not using things like a person's name, gender, or ethnicity when deciding who to hire. Instead, it looks only at a person's qualifications and experience.

AI can evaluate a person's abilities and knowledge using tests, simulations, or games online, giving a fair assessment of what they can do. AI can tell recruiters how well their hiring plans are working and show them where they can do better. AI systems can help with evaluating how well people work, making schedules for employees, and managing the workforce. Using different types of information like wearable devices and work tools allows us to gather a lot of data called 'big data'. This includes lots of data from different sources and the ability to handle it quickly.

This type of AI assessment helps the employer to assign the right people to different jobs, assess their work, plan their schedules, and keep track of how well they are doing. Using data instead of traditional performance reviews for human resources can make the algorithm more efficient by giving it better and more accurate information. The ongoing feedback is for scholars and is supposed to get workers more involved. The AI systems are like coaches for the workers. For example, scheduling systems that use AI can make work schedules better to make sure the right employees with the right skills are working at the right times. These systems can also help employers keep an eye on work quality and give suggestions for doing better.

Although big data is used more and more in human resources, it's important to have a person double check any decisions made with it. Keeping a person involved in the process makes sure that decisions are open and fair. Also, it lets the people involved in the decision to talk and respond to any decision.

AI technology could greatly affect how employees are monitored. Artificial intelligence can watch what employees do online, like on email, chat, and social media. This gives the bosses a lot of information about how the employees are working. The employer can gather a lot of different information, which helps them keep a better eye on things. This is a big improvement from before when it would have been too hard and expensive to go through all that data.

AI systems learn to recognize how people act by looking at a lot of information. They can study how employees act to find signs that they are not working well, not happy, or might be breaking security rules. Furthermore, bosses can use predictive analytics to see patterns in how employees behave and predict what might happen in the future. This helps employers to take action before any problems happen, to make

¹⁰ Upadhyay, U. (n.d.). The Impact Of Artificial Intelligence On Employment Law And Worker Protections In India. Retrieved from theamikusqrae: <https://theamikusqrae.com/the-impact-of-artificial-intelligence-on-employment-law-and-worker-protections-in-india/>

sure employees are working well, happy, and staying with the company.

AI systems can do a lot of the work to keep an eye on employees, which means less work for managers and HR staff. AI can help with security, getting work done, and doing things better. But employers need to find a good balance between using AI to watch how well employees do their work and letting employees have privacy and freedom. Employers need to make sure that AI systems are used fairly and openly and have the right kind of supervision and accountability.

Artificial intelligence helps businesses find and hire both on-site and remote workers. It also helps remote workers do their jobs better. For instance, let's talk about fixing and taking care of things. Workers can use remote-control robots to fix machines. IoT, robots, and automation allow employees to work from a distance and still complete their tasks. Robots can go to dangerous places instead of people. The engineers can stay in protected areas and do the checks, fixes, and upkeep jobs. This helps the workplace be safer and lets employees work when they want.

Using artificial intelligence at work will cause many things to change. More machines and gadgets will be put in place and linked together. Information will keep moving from one place to another. Just like how smart devices make a home smart, AI devices can make a workplace smart by watching, monitoring, and analyzing people.

AI sensors can make the workplace better by changing the lighting, temperature, and other things in the room to fit the people there. AI can help managers create a better layout for space so that employees can work comfortably and be more productive. Here we see two different kinds of working together. One relationship is between people, and the other is between people and technology. Accenture said that when people work with machines, they can get a lot more work done. Information is made easy for employees to get their work done.

We can connect data sources across the company to make sure we don't lose any data and keep our knowledge base always updated. AI platforms help teams work together, share data, updates, and track project progress easily, whether they are in the same office or working remotely.

NEGATIVE IMPACT OF AI IN LABOUR LAW

Although AI has its advantages in the workplace, many people are worried about its use. Many people are concerned about AI replacing human workers. AI systems use techniques that learn from data, and they need a lot of data to work properly. How much data we can use and how good it is, affects how well AI works. If we don't have good access to data, or the data isn't good, AI might not treat people fairly or might invade their privacy.

Treating employees unfairly because of their race, gender, age, or other reasons. Bias is when someone has a strong opinion for or against something or someone, which can lead to unfair decisions and different outcomes for people from different social groups. People can have biases that unfairly disadvantage different groups like racial minorities, women, or other disadvantaged groups. AI tools are supposed to be fair and help make decisions without being influenced by human biases. AI systems are made by people and use data-driven techniques. Bias exists in every part of society and the economy, so it's possible for human bias to be in AI tools because they use data from human society. This can happen even if it's not on purpose. AI systems use data sets for training and operation. Sometimes these data sets have historical biases, are incomplete, or have bad governance. In the workplace, AI tools can repeat patterns of discrimination that already exist. If the information used to teach the system is not fair and balanced, the system might start making unfair choices. These unfair results cannot be stopped just by taking out specific

traits from the computer programs.

Machine learning uses patterns to make decisions, even when certain traits are not directly included. This can lead to discrimination, either on purpose or by accident. For example, where people live might be connected to their race, causing unfair treatment. Also, AI tools may make predictions based on traits that don't actually affect a person's abilities. This can lead to unfair rejections when applying for jobs. The right to be treated equally and protected from discrimination based on certain traits is an important human right. Laws against discrimination make sure that everyone is treated fairly and stop any unfair treatment, whether it's obvious or more hidden. Direct discrimination happens when someone is treated unfairly because of certain characteristics, while indirect discrimination happens when a rule or practice puts people with certain characteristics at a disadvantage.¹¹

These laws are important when computers are used to choose who gets a job. AI systems that are difficult to understand, rely heavily on data, and make decisions on their own can hurt people's right to be treated fairly. The rule of equal treatment means that an AI system can't give unfair results. To make sure workers' basic rights are safe, we need to take sensible steps when using AI at work. AI systems need to be used fairly. This means making sure that the good and bad effects are shared equally. Also, people should not be treated unfairly or judged wrongly because of AI. Information gathered and used to teach AI programs must be done in a fair way to avoid unfair treatment. The information used to train AI should include all kinds of people to be as fair as possible.

We need to set up ways to check and understand how AI systems work, and to make sure they are fair and transparent. Employers should keep a close eye on how AI tools are used, and should stop using them if they cause unfair treatment unless they are necessary for the job. Employees should be able to challenge decisions made by AI systems and the people using them. For this to work, the decision-making processes should be easy to understand. It's also good to hire people from different backgrounds and cultures so we can get different opinions. We should also talk to and work with our employees to see if our AI systems are working well. Finally, AI systems like certification or specialized auditing will be important in stopping unfair use of AI in the workplace.

AI technology can cause people to lose their jobs as machines take over some tasks, resulting in layoffs and people being out of work. Algorithmic bias is when AI programs can keep unfairness and discrimination going, which can cause legal problems for employers and make it harder for workers from marginalized communities. The use of AI technology for watching employees raises worries about keeping personal information safe and respecting workers' rights. Employers might gather and use sensitive employee data without asking or protecting it properly.

When AI is used to hire people and evaluate their work, it's not always clear how it's done. This makes it hard for workers to know how their performance is being judged and to argue against unfair decisions. There are legal problems with using AI at work. Policymakers are trying to make rules to protect workers and deal with the complicated issues AI brings up. Gig workers don't have a lot of legal protections like other workers do. This makes them more likely to be taken advantage of and they have fewer rights when using platforms with artificial intelligence.

Robots and AI at work can be bad for workers safety and health. The employer must make sure that all the machines and equipment in the workplace are safe and won't hurt the employees. AI at work can help people who do dangerous jobs. If a worker gets hurt by a robot, is it considered a work injury. Also,

¹¹ Rajat Sethi, D. B. (2023, July 5). Regulating Artificial Intelligence in India: Challenges and Considerations. Retrieved from Chambers.com: <https://chambers.com/articles/regulating-artificial-intelligence-in-india-challenges-and-considerations>

working with robots that can make their own decisions might make people feel stressed and could have negative effects on their mental health. Employers have to make sure to reduce these risks. Workers should get proper training to work with new robots and computer programs. It's a good idea to update health and safety laws if people are working with robots and AI, so that they cover injuries from robots and machines. As more people use gig economy platforms and work flexible hours, it questions the way traditional jobs are regulated by labor laws. People who work on their own or on short-term jobs may not be sure if they have a job or if they get benefits and protections. In the gig economy, workers need to be classified and given rights and benefits. These things need to be different from how they are now. This is to make sure that all workers get fair treatment, social security benefits, and are safe at work, no matter what job they have.

Artificial intelligence causes moral and ethical problems that challenge existing laws and social rules. Laws about work need to think about whether it's okay to use AI to watch employees, judge their work, and make decisions. Regulators need to watch over AI systems to make sure they follow the rules, treat workers fairly, and reduce the chances of harm. People who make rules, people who think about what is right and wrong, and people who study technology need to work together to make fair rules for using AI at work.

The Industrial Relations Codes 2019 in India require employers to give employees at least a month's notice before retrenchment if they have worked for at least a year. However, these rules do not consider that the employees may not be able to find another job. Instead, these rules are based on the idea that the person who lost their job will be able to get a similar job somewhere else. But it seems like that won't be true in the future because India is likely to have more automated jobs, and it's not very prepared for the new technology. More businesses will start using AI, which will make competition stronger in various industries. This will push other businesses to use AI too, to stay competitive. Even though new things are always happening, we can make new rules or change existing ones to deal with any problems caused by these changes in technology. So, the new policy for laying off workers should assume that the person who loses their job won't be able to find another one like it. The need for these updated rules can be shown by looking at recent changes in transportation.

Just like in other industries, AI will have a big effect on transportation because self-driving cars are now a definite possibility. Waymo LLC, a company owned by Alphabet Inc. , started a self-driving car service called 'Waymo One' in 2018. Other big companies, such as Tesla and Ford, are spending a lot of money on self-driving cars to make big changes in the car industry in the future. However, the worry remains the same when it comes to automating any job, as employees may lose their jobs. It's important to have a plan for when people lose their jobs suddenly, and to also make sure that the employees are trained for new jobs in different areas. NITI Aayog have discussed in National Strategy for Artificial Intelligence, 2018 the way for reskilling the employees.

An article in the Hindustan Times on August 13, 2015, said that a factory worker died because a robot's arm crushed his ribs and stomach, causing a lot of bleeding inside his body. This was a really bad accident that happened in a factory with machines. It happens a lot in these kinds of factories. So, it's clear that these machines have both good things and bad things about them. If we don't keep the machines in good condition, there could be very bad accidents. The safety rules for workers are based on the idea that robots in factories are programmed to do dangerous tasks, which could be harmful to workers.

For example, Section 25 of The Factories Act, 1948 (which is now part of the new labor codes) says that a self-acting machine in a factory cannot have moving parts within [forty-five centimeters] of any fixed

structure if people are nearby. Other rules in the same code also say that there should be a safe distance between workers and robotic machines. These rules are to keep workers safe and they are important. But we also need new laws for robots that will work with people in the future. We can't ignore this need. Robotic machines that use AI will now be able to do more than just risky jobs. They will be used for many different tasks in the workplace. New robots that work together with humans in a professional way will be the next kind of robots. These robots are expected to bring new problems to the workplace. One problem is how the workers' mental health can be affected. A survey of German workers by the Institute of Labor Economics and XING found that 12.6% of them worry that their jobs will be taken over by new technology in the future.

The International Federation of Robotics (IFR) said on January 27, 2021 that there are now more robots than ever in the manufacturing industry. The average is 113 robots for every 10,000 employees, which is a new record. They believe even more records will be set in the future. The study from Germany and the rise in the number of robots can help us predict how happy employees will be in the future. These mental health problems should be treated like any other workplace injury, so we can make safety rules for it. AI and automation will also have an impact on the job availability for women. Already women are being underrepresented and discriminated in employment. Advent of AI may further reduction in job availability and discrimination against women.

SUGGESTIONS

Everyone should learn about Artificial Intelligence so they can be ready for job opportunities and new career fields that use it. Governments should spend a lot of money on programs to teach students about machine learning, robotics, and big data. Furthermore, giving training money and support to people in need, especially in disadvantaged areas, would help narrow the gap between those who are good at technology and those who can't get the help they need because they don't have enough money.

Laws and rules should be made to control how Artificial Intelligence is used in different industries. This will help make sure that all workers are treated fairly, no matter where they come from or how much experience they have. Laws need ways to catch and punish people who break the rules, and make sure everyone follows the standards to keep people safe and encourage new ideas in the industry. A framework needs to make sure that everyone is treated fairly and equally. It should focus on protecting privacy, following safety rules, and making sure people's jobs are secure. This will help everyone have the same chance to succeed and move forward together.

The government should give money to people who have to change jobs because of new technology like AI. This will help them during the transition. This would help make sure that people who lost their job can still support themselves while looking for a new one. Also, giving people opportunities to learn new skills and adapt to changes in the job market can help everyone to succeed, no matter their previous experience or knowledge.

Legislators need to review and change the existing labour laws to make sure they still work well in a world that is rapidly changing because of AI. To make changes, we might need to change laws like the Industrial Disputes Act of 1947 and the Minimum Wages Act of 1948. This is to handle issues like losing jobs, how workers are grouped, and making sure gig workers' rights are protected.¹²

New rules may be needed to control how AI is used in areas such as computer bias, data privacy, and

¹² Sengupta, S. (2019). AI and the future of work in India. *Economic and Political Weekly*, 54(26-27), 56-62.

monitoring. Governments and groups that make rules can create moral rules and beliefs for using AI at work. This will help people use AI in a good way and make sure it is in line with what society believes is right. Some of the things that these rules might include are making sure AI systems are fair, transparent, accountable, and don't show bias. Regulators can make rules to help companies and AI developers use AI technology responsibly at work.

To keep workers' information private and make sure personal data is used responsibly in workplaces that use AI, we need to make the laws that protect data even stronger. Regulators can use current laws or create new laws to make sure AI systems follow rules about gathering and using workers' data. Workers should be allowed to view and edit their personal information and understand how it is being used. We need to have rules to make sure that no one else can get or use the data without permission.

Encouraging transparency and responsibility. Regulators can make sure that AI systems at work are responsible and open. This makes sure that we can understand and review how decisions are made. This could mean making sure employers explain choices made by AI that may affect their employees and creating ways for people to get assistance if algorithms are unfair or discriminatory towards them. Authorities can help workers and companies trust AI technologies more by promoting honesty and accountability.

Helping people who have a stake or interest to get involved and participate. Policymakers and regulators need to talk to employers, workers, AI developers, and civil society groups to understand their concerns and ideas about using AI at work. Working together like this can help create fair laws and rules that protect everyone's rights and solve the difficult problems caused by AI. Furthermore, regulators can create groups of experts to give advice and information about AI issues.

Investing in monitoring and making sure rules are followed and enforced. We need to make sure that the police and other authorities have enough resources to check that workplaces are following the laws and rules about AI. Regulators can make sure that people are following the rules for keeping data safe and acting ethically by doing checks and investigations. Punishments like fines can make people and companies follow the rules for using AI and stop them from breaking the law.

Rules and laws are very important for solving the issues AI causes at work and promoting responsible use of AI. Regulators can create rules that protect workers, make people trust AI technology, and support fair and lasting workplaces in the digital age by changing laws, setting ethical rules, improving data protection, being open and responsible, making it easier for people to join in, and spending money to make sure the rules are followed.

We must keep an eye on and manage the right changes to the way people work and the job industry, which could make the business market worse because of disruption.

Creating new ideas and being creative is important for having a fair competition. Closing the income gap will make it less likely for people to lose their jobs. It can be seen as the first step in getting rid of the bad effects caused by. The job market is changing because of Artificial Intelligence.

Creating a plan for managing jobs in the future will be beneficial for this. The employer has to make sure that the employees are able to adapt to their jobs. The employer has to let the workers do their job and give them a fair chance. It was clearly said in the labour code. Advancements in AI could lead to the high risk jobs most likely to be lost. New technology developments valuing workers is important for strength in the organization, jobs and work industry.

Everyone should have the same chances and earn the same amount of money in a fair way. The Minimum Wage Act says that a "man hour" is the amount of time an adult works. Workers should not work for more

than nine hours a day according to Sections 20 to 25 of Minimum Wages Act of 1948. When talking about a machine, the specific amount of time the machine has been used is not given any other Indian laws.

A law should be made to decide the rules. We really need machines and people to work for a specific number of hours. Nowhere to put the blame or point fingers.

Complaint about robots and machines that can work on their own. The time someone is punished for bad behavior and robot-caused injuries are not talked about either. In India, the laws don't clearly say how much workers should be paid and what kinds of jobs they should do. There is a need to differentiate the time needed for a machine and a person.

The current labour laws in India have to be examined and see how they compare to worldwide laws to find out if they can handle the issues caused by AI and new technologies. To study how AI has affected industries like manufacturing and customer service, and see how it has impacted worker protections. To research how AI could help or take the place of regular labour union work and what this could mean for protecting workers.

CONCLUSION

Artificial intelligence is changing the way we work, and this will keep getting more and more intense in the future. Using AI at work can be helpful, but there are also important laws and ethical issues to consider. Legally, we need to make sure workers are protected and that AI doesn't cause new types of unfairness or harm to workers. We need to change the laws to deal with the new problems caused by AI, and make new rules if we have to.

At the same time, we need to know that AI can make work better by giving new chances and helping workers to do more and be more creative. By talking about the rules and morals of AI, we can make sure it is used in the best way possible and with less danger.

In the end, how AI affects jobs and the future of work will depend on how we decide to control and shape its growth. By working together and using the best knowledge from law, technology, and society, we can make sure that AI is used in ways that help everyone, and that the good things about this powerful technology are shared fairly.

No rules or oversight for using AI at work is a big problem. Right now, in India, there are no specific laws that deal with using AI at work. The Factories Act 1948 sets safety standards for factories with robots doing dangerous work. The Indian government has guidelines for AI use in different sectors and has formed committees to make a policy for regulating AI. But, there is a need for strong laws or rules about AI. Without the right rules, the whole system relies on each employer to have good policies on how to use AI.

The development of AI has changed Indian labor laws a lot. The effects are big and we need to think carefully to make sure everyone can benefit from this tech revolution. By putting more money into education and making rules, governments can make sure that Artificial Intelligence helps everyone without hurting workers or using them unfairly.

REFERENCES

1. Cheng, Z. (2023, September 13). Ethics and discrimination in artificial intelligence-enabled recruitment practices. Retrieved from Nature.com: <https://www.nature.com/articles/s41599-023-02079-x>.
2. <https://indiankanoon.org/doc/169587700/>

3. 2016:AHC:95047
4. <https://indiankanoon.org/doc/125403382/>
5. (2017) 02 BOM CK 0137
6. WP No. 7483 of 2020
7. (2017) 10 SCC 1
8. Government of India. (2020). National strategy for artificial intelligence. Retrieved from <https://niti.gov.in/sites/default/files/2020-06/NationalStrategy-for-AI-Discussion-Paper.pdf>
9. Centre for Internet and Society (CIS). (2019). Artificial intelligence and the Indian legal system. Retrieved from <https://cis-india.org/internet-governance/blog/ai-and-the-indian-legal-system>
10. Upadhyay, U. (n.d.). The Impact Of Artificial Intelligence On Employment Law And Worker Protections In India. Retrieved from theamikusqrae: <https://theamikusqrae.com/the-impact-of-artificial-intelligence-on-employment-law-and-worker-protections-in-india/>
11. Rajat Sethi, D. B. (2023, July 5). Regulating Artificial Intelligence in India: Challenges and Considerations. Retrieved from Chambers.com: <https://chambers.com/articles/regulating-artificial-intelligence-in-india-challenges-and-considerations>
12. Sengupta, S. (2019). AI and the future of work in India. *Economic and Political Weekly*, 54(26-27), 56-62.