USING AI IN THE WORKPLACE

RISKS AND POLICY RESPONSES

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Using AI in the workplace: Risks and policy responses

Introduction and purpose

Policy makers across the globe are grappling with the rapid developments in artificial intelligence (AI) technologies and their adoption in the workplace. Even before the advent of generative AI, impressive progress had been made in a range of domains, including computer vision, reasoning, problem solving, as well as reading comprehension and learning. Employers are beginning to use AI applications to sift through CVs, interact with customers, allocate, direct, and evaluate work, and to identify and provide training. Workers are using AI in an increasing number of tasks. The advent of generative AI has resulted in a shift and acceleration in the use and impact of AI, which is now a general purpose technology that is likely to affect every occupation and sector of the economy.

AI can bring significant benefits to the workplace. In the OECD AI surveys, four in five workers said that AI had improved their performance at work and three in five said it had increased their enjoyment of work (Lane, Williams and Broecke, 2023[1]). Workers were also positive about the impact of AI on their physical and mental health, as well as its usefulness in decision making (Lane, Williams and Broecke, 2023[1]). Not investing in AI and not adopting it in the workplace would be a missed opportunity to boost productivity and improve job quality, amongst others. Unequal access to and use of AI in the workplace could lead to increased disparities between firms and workers as well as across countries.

To realise these opportunities, it is however necessary to address the risks raised by AI for the labour market. The OECD AI surveys show that 3 in 5 workers are worried about losing their job to AI in the next 10 years, and 2 in 5 expect AI to reduce wages in their sector. Workers also express concerns around increased work intensity and the collection and use of data, amongst others (Lane, Williams and Broecke, 2023[1]). Other risks include: bias and discrimination, unequal impact on workers, lack of human oversight, as well as lack of transparency, explainability and accountability, amongst others.

> **Box 1. The OECD AI surveys**
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> Wishing to capture workers' and employers' own perceptions of the current and future impact of AI on their workplaces, the OECD surveyed a total of 5 334 workers and 2053 firms in the manufacturing and financial sectors in Austria, Canada, France, Germany, Ireland, the United Kingdom and the United States. The surveys examine how and why AI is being implemented in the workplace; its impact on management, working conditions and skill needs; its impact on worker productivity, wages and employment; what measures are being put in place to manage transitions; and concerns and attitudes surrounding AI. The most frequently reported uses of AI include data analytics and fraud detection in the finance sector, and production processes and maintenance tasks in manufacturing.

> The survey reveals that both workers and employers are generally very positive about the impact of AI on worker productivity and working conditions. Around 80% of AI users said that AI had improved their performance at work, and AI users were more than four times as likely to say that AI had improved working conditions as to say that AI had worsened them.
>
> However, there are also concerns, including about job loss – an issue that should be closely monitored. The surveys also indicate that, while many workers trust their employers when it comes to the implementation of AI in the workplace, more can be done to improve trust. In particular, the surveys show that both training and worker consultation are associated with better outcomes for workers.
>
> Source: Lane, M., M. Williams and S. Broecke (2023[1]), "The impact of AI on the workplace: Main findings from the OECD AI surveys of employers and workers", https://doi.org/10.1787/ea0a0fe1-en.

A risk-based approach has been common in thinking about the policy and regulatory response to AI. In December 2023, the European Parliament and Council reached a provisional agreement on the Artificial Intelligence Act, which will establish rules for AI based on its potential risks and level of impact, with some applications being banned and obligations imposed for applications that are deemed to be high risk – such as many uses in the workplace. In the United States, the Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence issued in October 2023 directs "the most sweeping actions ever taken to protect Americans from the potential risks of AI systems" including, for example, developing principles and best practices to mitigate the harms and maximise the benefits of AI for workers. The Bletchley Declaration by countries that attended the AI Safety Summit at Bletchley Park (United Kingdom) in November 2023 focused on identifying AI safety risks and building risk-based policies. In many cases, AI does not operate in a regulatory vacuum and that there are already laws that regulate its use and impact. However there are gaps in the existing regulatory and policy frameworks, and urgent policy action is needed.

As policy makers implement these measures, there is a need for specific guidance on risks and measures linked to the use of AI in the workplace. This note uses the OECD Principles on trustworthy AI and draws on the substantial body of work done by the OECD in this field (OECD, 2023[2]) to **identify key risks posed by the use of AI in the workplace, to identify the main policy gaps and offer possible policy avenues specific to labour markets**. The note presents the risks and the associated policy responses individually, but these risks interact among each other and measures to address one risk will often contribute to addressing others as well.

Risks, policy gaps and policy avenues

Automation and job displacement

Risks: AI is an automating technology that differs from previous technologies in at least three important aspects. First, AI extends the types of tasks that can be automated to many non-routine cognitive tasks, and therefore exposes workers who were previously relatively protected from automation (e.g. the high-skilled) to the risks of displacement. Second, all occupations and sectors are likely to be affected by AI (as opposed to, for example, robots which primarily impacted the manufacturing sector). Third, the speed of AI development and adoption in the labour market leaves little time for adjustment and could raise frictional unemployment. So far, there is little evidence of a net negative impact of AI on the number of jobs, but the risk of automation remains substantial: the OECD estimates that occupations at the highest risk of automation account for about 27% of total employment. It will be important to help workers move from declining sectors and occupations into to new and growing ones.

Figure 1. Percentage of employment in highly automatable jobs, 2019

Source: OECD (2023[2]), *OECD Employment Outlook 2023*, https://doi.org/10.1787/08785bba-en.
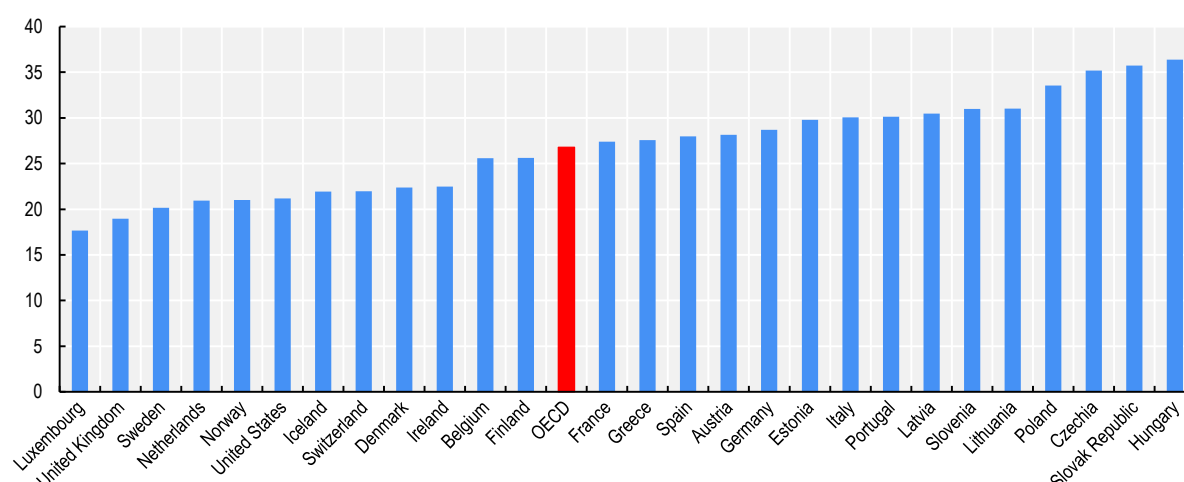
Policy gaps: Most countries recognise the importance of skills and training to adapt to AI-related automation, but few have proposed concrete action plans, and few are prepared for the quantum leap in training that will be required. Existing programmes tend to focus on digital or AI skills, but few recognise the importance of complementary skills (e.g. communication, creativity, or working with others), and only a minority have developed an integrated approach for AI skills development. Social dialogue will also be important in managing these transitions, but faces its own challenges (see section on social dialogue below).

Possible policy directions that countries may consider:

- Monitoring the impact of AI on the labour market to identify jobs most at risk of automation.
- Anticipating future skill needs related to AI adoption in the workplace.
- Skills development programmes at all levels of education, to develop skills needed to work with and develop AI.
- Training for workers and managers to support the adoption and use of trustworthy AI.
- Employment support measures, including targeted training programmes and career guidance, for workers at direct risk of automation by AI.
- Adequate social protection for workers displaced by AI.
- Supporting social dialogue (see below).

Rising inequality

Risks: Workers face different risks of automation – for example depending on their skills, occupation, firm size. They have also different exposure to risk of bias and discrimination, privacy breaches, and health and safety. On the other hand, workers that do not have access to AI in the workplace cannot benefit from the opportunities it offers, for example to be more productive, to overcome obstacles linked to disability, or access new jobs created by AI. Emerging evidence shows that AI can also increase productivity of low-skilled workers in certain occupations, reducing productivity gaps with higher-skilled workers. There is therefore a concrete risk that the adoption of AI in the workplace leads to increased inequality in the labour market.

Figure 2. Percentage of employers who think AI helps/harms groups of workers, finance and manufacturing

Source: OECD (2023[2]), *OECD Employment Outlook 2023*, https://doi.org/10.1787/08785bba-en.
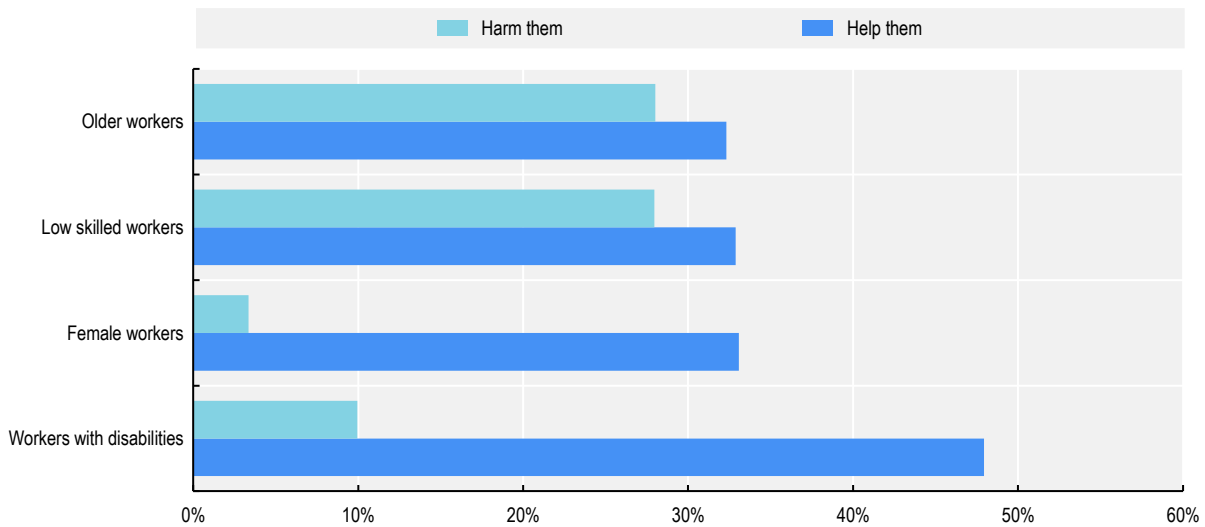
Policy gaps: While some countries already have policies in place such as training or subsidies for AI adoption, they may be poorly targeted and there is a need to better understand which groups face the highest risk so that public resources are used efficiently. Where AI offers opportunities for reducing inequalities, governments can do more to foster their development and adoption, especially among smaller firms which have less means to access good quality AI tools. For example, even though many AI solutions exist to help people with disabilities overcome labour market barriers, there are challenges with funding, certification and quality standards for such tools, as well as a lack of accessibility training among developers. Policies to address the other risks discussed in the rest of this brief will help address inequalities.

*Possible policy directions that countries may consider:*

- Identifying the groups most exposed to AI-related risks in the labour market.
- Training and support targeted to disadvantaged workers prior to and during AI adoption.
- Targeted grants or subsidies for SMEs to facilitate their adoption of trustworthy AI.
- Tackling risks in AI systems related to bias and discrimination and autonomy (see below).
- Involving vulnerable and underrepresented groups in the development and adoption of AI systems for the workplace.

Risks to occupational health and safety

Risks: AI systems can be used to improve workers' health and safety at work, for example by automating dangerous tasks, detecting hazards, or monitoring worker fatigue. The OECD AI Surveys show, for example, that the adoption of AI at work increased enjoyment at work for 3 in 5 workers (Lane, Williams and Broecke, 2023[1]). At the same time, the use of AI creates new risks from an Occupational Safety and Health (OSH) perspective. For instance, some AI-powered monitoring systems may increase time and performance pressure to the extent that they cause stress and/or create incentives for workers to ignore safety standards. Stress may also result from decisions that are unfair, lack transparency and explainability, and where there is no easy opportunity for redress. The disappearance of routine tasks

through AI may deprive the worker of the respite provided by these tasks, leading to more mentally taxing shifts and possibly increasing the risk of physical injury. Increased use of AI in the workplace may also decrease human contact to the detriment of mental health.

Figure 3. Number of incidents causing physical or psychological harm to workers, 2023
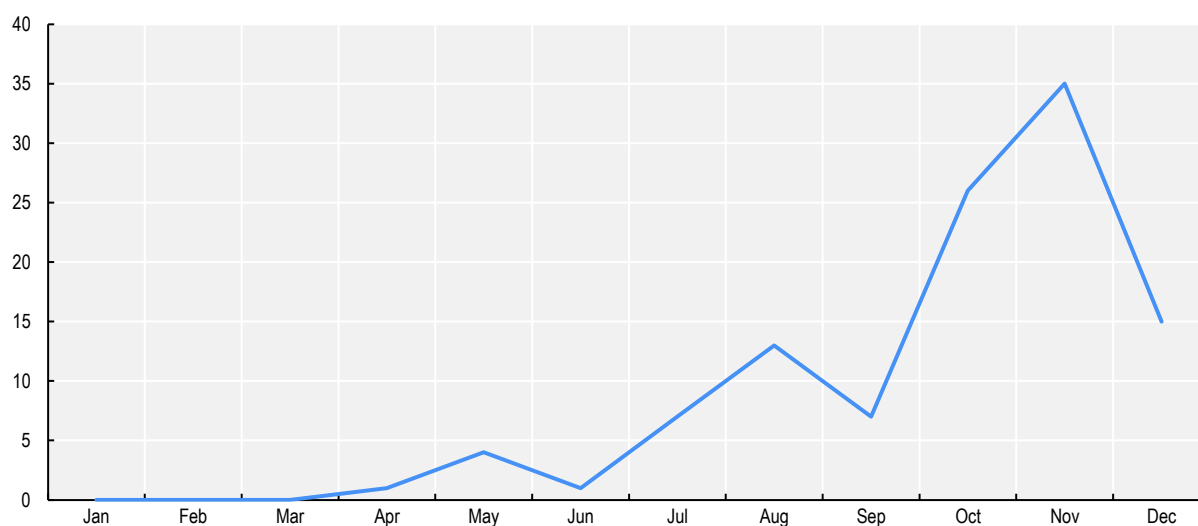
Source: *OECD AI Incidents Monitor (AIM)*, https://oecd.ai/en/incidents.

Gaps: Most countries have regulations that set out employers' obligations towards employees concerning their occupational safety and health. While the details vary from country to country, employers usually have to assess risks, and eliminate or reduce them with preventative and protective measures, and inform workers about the risks and train them. While in theory such regulations should also cover AI, there may be gaps, particularly in mental health. Also, while most countries have product liability regulations, they likely will need to be adapted to the use of AI systems. Finally, labour inspectorates may lack the knowledge and/or capacity to address new risks posed by AI.

> *Possible policy directions that countries may consider:*

- Reviewing and, if necessary, updating labour laws and OSH regulations to address the AI use in the workplace.
- Health and safety risk assessments, audits and certifications for AI systems to ensure workers' health and safety from the design stage.
- Strengthening labour inspectorate's capacities to inspect and enforce compliance with the law.
- Involving managers, workers, and their representatives in the design and adoption of AI systems in the workplace.
- Informing employers, workers and their representatives about the possible OSH risks of AI systems used in the workplace.

Privacy breaches

Risks: The increased use of AI in the workplace will likely result in the greater collection and analysis of data on workers and job candidates to train and use these systems. Data may or may not be personal, and could include information such as: worker movements, biometric data, like heart rates and blood pressure, as well as digital activities. Workers may feel that this is an invasion of their privacy, in particular

if they gave no consent to the collection and use of the data. Workers might also worry that the data are used for purposes other than for which it was intended. Moreover, data collection may result in increased monitoring and surveillance, which could lead to stress.

Gaps: The protection of workers against privacy risks varies considerably across OECD countries but, even in those with the strongest protections, gaps remain. For example, in EU countries, the General Data and Privacy Regulation (GDPR) strengthens individuals' control and rights over their personal information but there are significant enforcement gaps. The GDPR also leaves data protection in the employment context to be addressed at the Member State level, so these rules are still far from being harmonised across countries, consistent and comprehensive. Protections are even weaker in other OECD countries. For example, in most US states, there are very limited protections when it comes to the collection and use of data on workers by employers.

Figure 4. Percentage of workers who are worried about their privacy, manufacturing and finance employers who use AI
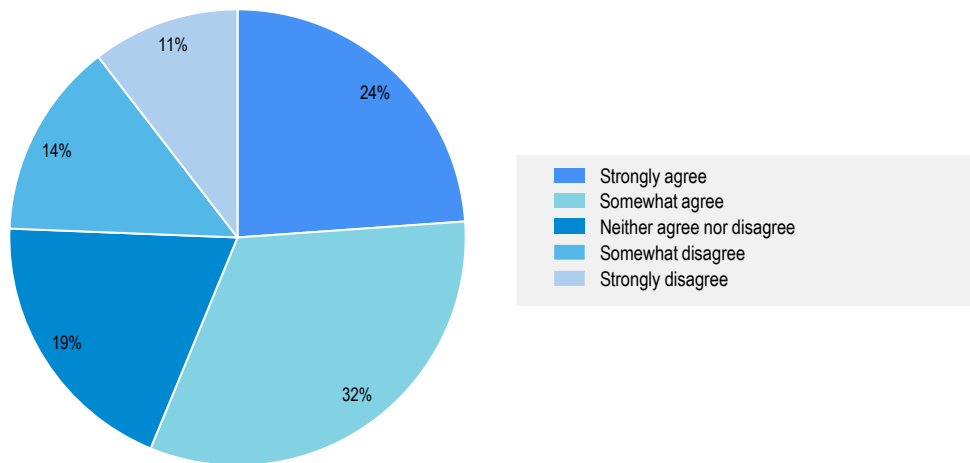
Note: Workers who report that their employers' use of AI involved the collection of data on workers or their work were asked: "To what extent do you agree or disagree with the following statements? I worry about my privacy when my data is collected".
Source: Lane, M., M. Williams and S. Broecke (2023[1]), "The impact of AI on the workplace: Main findings from the OECD AI surveys of employers and workers", https://doi.org/10.1787/ea0a0fe1-en.

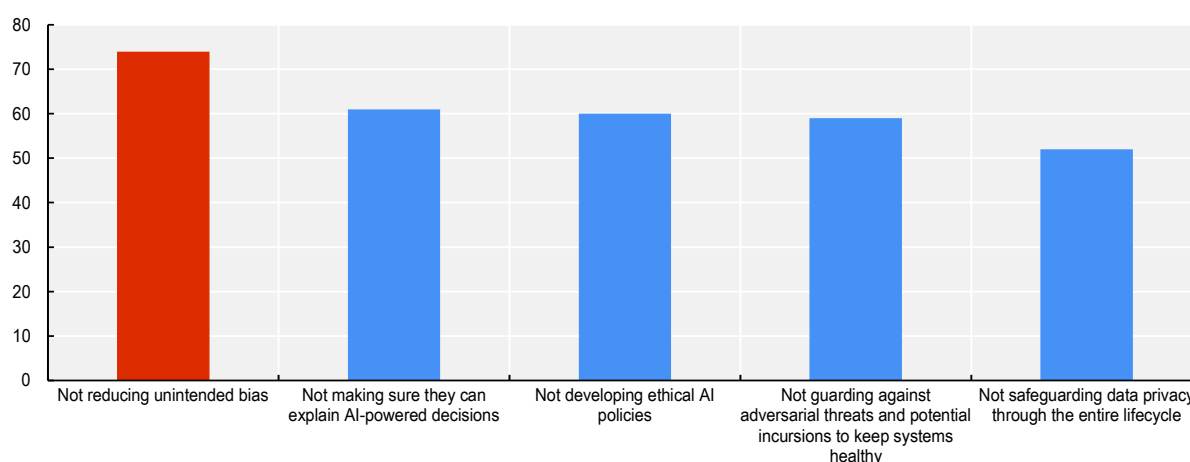*Possible policy directions that countries may consider:*

- Impact assessments and quality labels to evaluate privacy and security of personal information in the AI systems.
- Restricting the collection, use, inference, and disclosure of workers' personal information.
- Requirements to safeguard workers' personal information and appropriate handling of data.
- Providing information to workers about data collected by employers and purpose of use (see also Transparency).
- Rights for workers to correct, delete, opt-out of, or limit the use of sensitive personal information, including through workers' representatives.
- Quality labels and certifications for AI systems with good data protection.

Bias and discrimination

Risks: Trustworthy AI can help identify and reduce human discrimination and bias in the workplace by supporting decisions with quantitative evidence. However, if not well designed and/or trained on biased/non-representative data, AI systems can replicate and systematise human biases that have historically existed in the labour market, leading to bias and discrimination in who can see job postings, who is shortlisted for job openings, who is assigned which tasks at work, who receives training, and performance assessment, among others.

Gaps: In theory, existing anti-discrimination legislation is applicable to AI use in the workplace. There may, however, be gaps and loopholes in this legislation. Relevant case law is still limited and will show where legislation may need to be reviewed. Lack of transparency and explainability of AI systems (see Transparency and Explainability) poses further challenges in countries that rely heavily on individual action for seeking redress, making it difficult to contest AI(-based) workplace decisions using only existing anti-discrimination laws.

Figure 5. Percentage of AI-using organisations that do not take steps to reduce unintended bias in the system

Source: *IBM Watson* (2022[3])*, IBM Global AI Adoption Index 2022,* www.ibm.com/downloads/casGVAGA3JP?mkt_tok=/ NjczLVBISy05NDgAAAGH0tcnDiI.

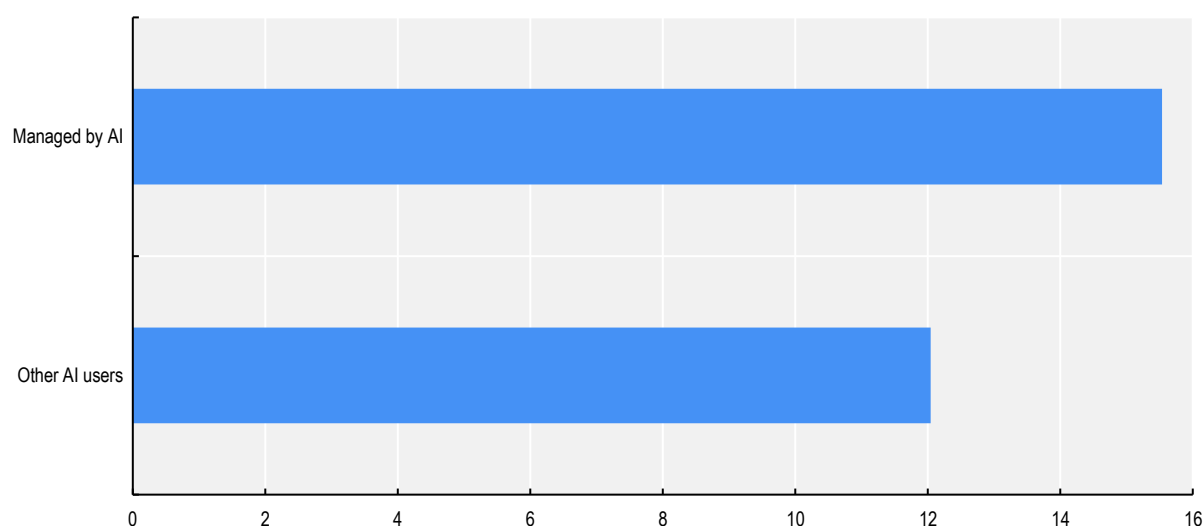*Possible policy directions that countries may consider:*

*   Reviewing and, where necessary, adapting existing anti-discrimination legislation to the use of AI in the workplace.
*   Impact assessments to assess risks of bias prior to implementation, and regular audits after implementation.
*   Quality labels and certifications against bias.
*   Involving social partners and representatives of vulnerable and underrepresented workers in the design and deployment of AI systems in the workplace.

Lack of autonomy, agency, and dignity

Risks: Firms frequently introduce AI systems to streamline production processes, boost efficiency and increase productivity. These systems can give workers real-time and continuous feedback on their performance, direct work and provide behavioural nudges. This "algorithmic management" can unduly limit workers' autonomy, reduce human contact and the ability of workers to discuss their work with managers, or contest decisions that seem unsafe, unfair, or discriminatory. These practices could undermine workers' sense of professional identity and meaningfulness, and present risks for physical and mental health and safety at work.

Gaps: Some countries have introduced regulation on workplace monitoring (e.g. the Electronic Communications Privacy Act in the United States, the GDPR in the European Union and the United Kingdom, or the Personal Information Protection and Electronic Documents Act in Canada) and automated decision-making (the Algorithmic Accountability Act in the United States and the GDPR). A comprehensive approach to regulating algorithmic management is still lacking in most jurisdictions, however. The EU platform directive is one of the first pieces of legislation to do so, but it only applies to a very small sub-section of the workforce (platform workers).

Figure 6. Percentage of workers whose sense of autonomy decreased, manufacturing and finance employers who use AI

Source: OECD (2023[2]), *OECD Employment Outlook 2023*, https://doi.org/10.1787/08785bba-en.

Possible policy directions that countries may consider:

- Defining clear boundaries for use of AI systems, e.g. on the permissible extent of monitoring and automated decision-making.
- Requiring human oversight of decisions that affect workers' safety, rights, and opportunities.
- Consultations and involvement of workers and/or their representatives in the adoption of AI systems (see Challenges to social dialogue).

Lack of transparency

Risks: The ability of workers to exercise specific rights (e.g. the right not to be subject to automated decision-making), detect risks, and/or effectively question outcomes, hinges on their awareness of their interactions with AI systems and how that system reaches its outcomes (see also Insufficient explainability). However, AI use can be difficult to detect without explicit disclosure. For instance, Harris, B. et al. (2023[4]) find that only 17% of adults in the United Kingdom can often or always tell when they are using AI. Even if individuals are aware of their interactions with AI, gaining insight into its decision-making process can be difficult, for instance due to developers' reluctance to disclose information, or to the complexity of the system.

Gaps: Most AI principles underscore the importance of transparency of AI and its use, but translating these concepts into practice may be complex. For instance, several States in the United States have introduced laws requiring employers to notify applicants and/or employees about their interactions with AI, but often these regulations do not encompass all conceivable AI applications, and focus on the use of AI for recruitment or electronic monitoring. In the EU, the Platform Work Directive provides individuals with some rights to information on the logic of algorithms where automated decision-making is used, however it only applies to platform workers. In addition, there may be barriers to transparency due to intellectual property rights (trade secrets) and privacy laws, both of which limit how much information can be disclosed.

> *Possible policy directions that countries may consider:*

- Requirements to disclose use of AI systems in the workplace and in hiring processes, for both employers and workers.
- Reviewing and, if necessary, updating privacy and intellectual property laws to address potential ambiguities and balance the rights they protect against the need for transparent AI (use).

Insufficient explainability

Risks: AI systems, particularly those using complex technologies like deep neural networks, yield outcomes that can be difficult or even impossible to explain. A lack of explainability can undermine the trust and confidence that people place in AI systems and the decisions that are informed by them. It also makes it difficult for individuals to provide informed consent to the use of such systems, or to identify and seek redress for adverse effects caused by AI systems in the workplace. A lack of trust and confidence, in turn, can cause worker resistance and hence hinder the adoption of AI systems in the workplace.

Gaps: Policy makers in various countries have touted explainability as a desirable property of AI systems, however, there still is no broad agreement on what explainability would entail. The GDPR for example requires data subjects to be provided with "meaningful information about the logic involved" in automated decision making processes, which often starts by providing information about what the AI system has been "optimised" to do. Explanatory tools, such as a simple algorithm that approximates the behaviour of the AI system and thus provides approximate explanation. For some AI systems (and depending upon the definition used), explainability may be difficult if not impossible to achieve, or it may be in conflict with other desirable objectives such as accuracy or privacy. Neither the EU AI Act nor the US Presidential Executive Order mention explainability.

> *Possible policy directions that countries may consider:*

- Requiring developers to provide documentation, instructions of use, and explanatory tools to accompany AI systems used in the workplace.
- Requiring employers and workers to disclose the use of AI systems in the workplace and in hiring processes, and provide results of explanatory tools upon the request of workers or their representatives.

Lack of accountability

Risks: Establishing clear lines of accountability is fundamental for a trustworthy use of AI and the enforcement of regulations. It is not always clear, however, which actor linked to the AI system is responsible if something goes wrong. This is related to the fact that, unlike traditional goods and services, some AI systems can change as they are used, by learning from new data, so it is not always clear who would be accountable in case something goes wrong: the developer, the provider or the user.

Gaps: In recent years, legislators have made efforts to promote accountability mechanisms, such as impact assessments and/or audits of AI systems to provide evidence and assurance that they are trustworthy and safe to use. For example, New York City Local Law 144 expects employers using automated employment decisions tools to complete yearly bias audits and to make these audits public, and various states have introduced data protection impact assessments for personal data processing activities. However, these efforts remain limited to narrow applications of AI, or to specific risks. The EU AI Act will require providers to carry out ex ante conformity assessments of high-risk AI tools before they are placed on the market. Accountability cannot only rest with developers, however, and the EU AI Act makes clear that users – including employers – bear responsibility for using AI systems in accordance with the instructions of use. Accountability is also promoted by providing individuals with a right to meaningful human input on important decisions that affect them, as done for example by GDPR in the European Union and the United Kingdom. Requiring human intervention and oversight is also called having a human "in the loop" (when humans approve AI decisions) or "on the loop" (when humans view and check AI decisions). However, even in countries where the legislation requires consent to use such systems, it is not clear that such consent is meaningful because of the power imbalance that exists between employers and workers. Moreover, even when there is a human in the loop, there is a risk of mere "rubber-stamping" of decisions taken by AI.

Possible policy directions that countries may consider:

- Code of ethics or an ethics officer/board to oversee the implementation and use of the AI system in companies.
- Audits, prior and/or post adoption of AI systems in the workplace to guarantee their accountability.
- Oversight by humans when AI-informed decisions affect the rights or safety of workers, with explanations of the responsibilities involved.
- Rights for workers to contest decisions made by an automatic decision-making tool.
- Guidelines for employers – and support to SMEs – on compliance with accountability measures applicable to their use of AI in the workplace, including national or international auditing standards (e.g. on auditor independence, representative analysis, access to data, code and models, and consideration of adversarial actions).

Challenges to social dialogue

Risks: Social dialogue can play a critical role in managing the work-place risks of AI. Evidence shows that the outcomes of AI for workers are more positive in firms that consult workers about the adoption of new technologies. However, by giving employers access to more and better data about workers, AI could also introduce information asymmetries, especially when workers are not aware that they are interacting with AI, or not sufficiently informed about the outcomes of this interaction (see Transparency). In some cases, employers may try to shirk responsibility for certain decision by arguing they were made by AI systems. There is also a risk that data collected through AI is used to limit worker's the right to organise.

Gaps: The number of workers who are members of unions and are covered by collective agreements has declined in most OECD countries, and the development of new forms of work and new business models,

partly facilitated by AI, risks exacerbating the under-representation challenge faced by traditional social partners. The lack of AI-related expertise among social partners is a major challenge to support their members in the AI transition.

Figure 7. Percentage of employers reporting positive impact on job quality
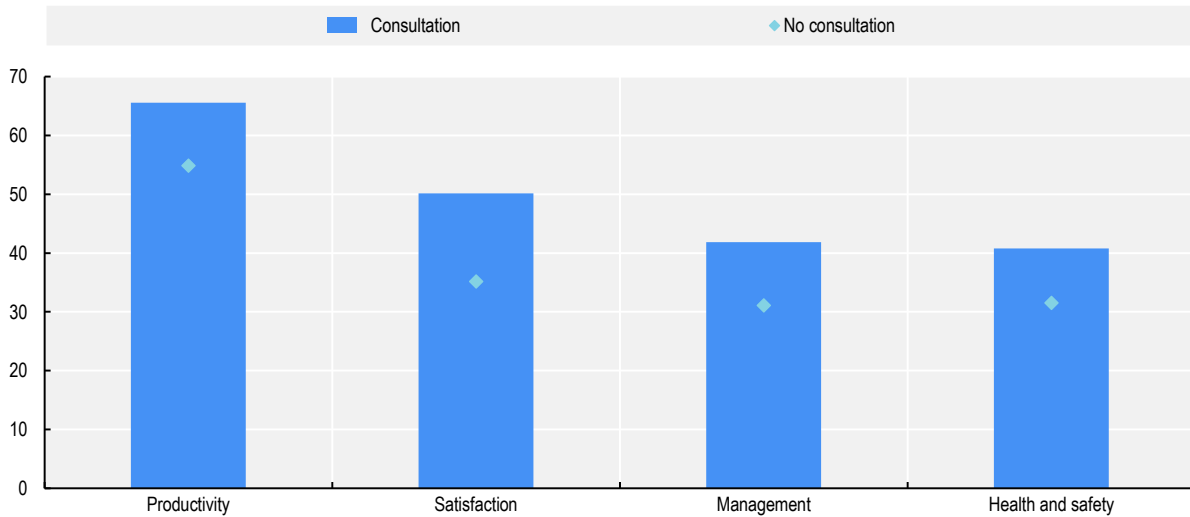
Source: Lane, M., M. Williams and S. Broecke (2023[1]), "The impact of AI on the workplace: Main findings from the OECD AI surveys of employers and workers", https://doi.org/10.1787/ea0a0fe1-en.

Possible policy directions that countries may consider:

- Consultations and discussions with managers, workers and their representatives and other stakeholders on the adoption of AI in the workplace, while taking into account the country's situation and labour relations.
- Development of AI-related expertise, and digital education more generally, among workers' representatives.
- Supporting social partners' efforts to expand their membership to forms of work and employers where they are not currently represented, for example in the platform economy.

Conclusions

AI is a fast-moving technology and while policy makers should be lauded for the many initiatives they have taken so far, it is clear that many gaps remain especially considering the very fast pace of AI development. In order to assist policy makers in this daunting task, there is a need to keep monitoring the risks of AI as they emerge and play out in the labour market. It is also important to keep track of policy responses across and within countries, and to follow the evolution of case law, to help policy makers identify emerging solutions as well as best practice, for their policy formulation but also, importantly, for effective and swift implementation of these policies. Finally, there is a key need for co-ordination at the international level to promote interoperability across borders and avoid regulatory gaps.

Box 2. OECD Principles for responsible stewardship of trustworthy AI

These Principles form Section 1 of the OECD Recommendation of the Council on Artificial Intelligence ("OECD AI Principles") (OECD, 2019[5]). The OECD AI Principles were adopted in May 2019 by the OECD member countries; since, other adherents include Argentina, Brazil, Egypt, Malta, Peru, Romania, Singapore and Ukraine. In June 2019, the G20 adopted human-centred AI Principles that draw from the OECD AI Principles.

1. Inclusive growth, sustainable development and well-being

Stakeholders should proactively engage in responsible stewardship of trustworthy AI in pursuit of beneficial outcomes for people and the planet, such as augmenting human capabilities and enhancing creativity, advancing inclusion of underrepresented populations, reducing economic, social, gender and other inequalities, and protecting natural environments, thus invigorating inclusive growth, sustainable development and well-being.

2. Human-centred values and fairness

a) AI actors should respect the rule of law, human rights and democratic values, throughout the AI system lifecycle. These include freedom, dignity and autonomy, privacy and data protection, non-discrimination and equality, diversity, fairness, social justice, and internationally recognised labour rights.

b) To this end, AI actors should implement mechanisms and safeguards, such as capacity for human determination, that are appropriate to the context and consistent with the state of art.

3. Transparency and explainability

AI Actors should commit to transparency and responsible disclosure regarding AI systems. To this end, they should provide meaningful information, appropriate to the context, and consistent with the state of art:

i. to foster a general understanding of AI systems,

ii. to make stakeholders aware of their interactions with AI systems, including in the workplace,

iii. to enable those affected by an AI system to understand the outcome, and,

iv. to enable those adversely affected by an AI system to challenge its outcome based on plain and easy-to-understand information on the factors, and the logic that served as the basis for the prediction, recommendation or decision.

4. Robustness, security and safety

a) AI systems should be robust, secure and safe throughout their entire lifecycle so that, in conditions of normal use, foreseeable use or misuse, or other adverse conditions, they function appropriately and do not pose unreasonable safety risk.

b) To this end, AI actors should ensure traceability, including in relation to datasets, processes and decisions made during the AI system lifecycle, to enable analysis of the AI system's outcomes and responses to inquiry, appropriate to the context and consistent with the state of art.

c) AI actors should, based on their roles, the context, and their ability to act, apply a systematic risk management approach to each phase of the AI system lifecycle on a continuous basis to address risks related to AI systems, including privacy, digital security, safety and bias.

5. Accountability

AI actors should be accountable for the proper functioning of AI systems and for the respect of the above principles, based on their roles, the context, and consistent with the state of art.

Source: OECD (2019[5]), Recommendation of the Council on Artificial Intelligence, OECD, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449.

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