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qLegal Online Publication

The use of Artificial Intelligence (AI) in the workplace

It is inevitable to stumble upon AI in today's modern environment. The technology can benefit our lives in many ways. This online publication will clarify how the technology impacts the workplace and what the legal concerns thereof are.

1. What is AI?

Artificial Intelligence (AI) is commonly defined as *the theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.*

By combining large amounts of data with fast processing and intelligent algorithms machines carry out tasks in a swift, precise and effective way. This offers endless possibilities. AI developed many sectors in many ways. We use AI every day without realizing it: asking Siri for directions, getting a recommended playlist from Spotify, using image recognition systems in social media, voice recognition systems in virtual personal assistant; and recommender systems used when we shop online.

2. Applications of AI in the workplace?

AI has had a significant impact on jobs, ranging from creating many new jobs to displacing other jobs. This affects the skills organisations are looking for.

Chabot's automated answers to customer queries, thereby providing 24/7 and personalised customer support, streamlining internal communications and saving time and effort of employees.

Security can be increased in multiple ways by using AI. Vulnerabilities can be better detected and addressed. Multi Factor authentication can be required when employees try to login in a high-risk context.

Analytics allow organisations to use data to make important decisions in an efficient way, for example with regards to their marketing or trading strategies.

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Voice assistants help employees by tracking their to-do-lists, update on the weather, on their emails, etc.

Smart responsive buildings help people in organisations to manage right amounts of light, heat, movement of water and waste but also to find quiet places for meetings.

Intelligent virtual assistants help employees to take care of mundane or repetitive tasks and recommend how tasks should be best prioritised.

Customer-relationship management (CRM) systems collect customer data across different communication channels, helping to improve and automate sales processes.

Applicant Tracking Systems (ATS) reinvented the HR function. This software enables HR teams to electronically organize their recruitment and hiring data. By automatically sorting and analysing applicant information the hiring process gets more efficient.

3. How can AI help people in the workplace?

Cost 	Efficiency 	Benefit employees 
Operational costs (eg. travel expenses, maintenance costs, marketing costs, bank charges, etc.) can be cut.	Technical improvements, automation and management of tasks. (stronger workflows)	Frees employees time that can be used for more intellectual challenging activities.
Risk assessment processes can reduce risks.	Greater output - reduction of errors – less oversight.	AI assistant can help employees to make decisions, thereby reducing stress.
save costs associated with repetitive tasks.	Boost productivity.	Different applications improve communications, making employee collaboration pleasant.

4. Why should AI be embraced, not feared?

Several misconceptions on AI might restrict its potential. It is important to well understand AI, its potential and its limitation to make full use of the technology.

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'AI will destroy all jobs' false – AI can take over a number of jobs. However, the technology has the potential to assist in existing jobs and create new jobs. It is the task of society to make human capacities compatible with new technologies.

'AI is still in its infancy' true – In different sectors AI has not yet reached its full potential.

'AI will drive employees further from each other' false – AI is not only about collaboration between humans and machines, but also between people.

'AI is only something for big organizations and IT specialists' false – Many high and low tech applications can serve a purpose for all types of organizations and all types of employees. Many applications are low in cost and complexity.

'AI means change' true – But change does not mean a giant turnaround. It is recommended to implement AI step by step. A complete transformation would be too difficult, requires too many capabilities and can provoke resistance.

AI in the medical field

AI may be able to help in categorizing all types of cancer and drugs needed to treat it, doing it with efficiency and speed. However, in any case scenario it will be a physician who will determine the treatment plan

AI in finance

Algorithms may be used to prepare tax returns, but it still will be required human input to successfully complete the task.

AI for banks

AI-based software's is helping banks to assess potential borrowers and analyse massive amounts of data much quicker. The AI-driven fraud detection tools can analyse clients' behaviour, track their locations, and determine their purchasing habits. Therefore, they can quickly detect any unusual activities

5. What are the legal concerns of AI in the workplace?

Implementing AI in the workplace might impact your legal obligations. There is no all-encompassing legal framework for AI applications. The specific regulatory obligations will always depend on the application and the context. There are three important legal elements to take into account when applying AI in the workplace.

Data protection

One of the core elements of AI is the usage of big amounts of data. This results in privacy or data protection obligations for the controller operating these systems. The Data Protection Act 2018, the UK's implementation of the GDPR, regulates how personal information can be used and what the obligations alongside this use are. The UK's Information Commissioner's Office sets out clear guidance for data controllers on how to implement their legal obligations

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Intellectual Property

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Two copyright issues might arise when using AI technologies. First, AI can create works that you would want to be protected. Computer generated works without a human involved can be protected under copyright when they are original and either literary, dramatic, musical or artistic. The author and therefore the owner of the work will be the person who undertook the necessary arrangement for the creation of that work. Second, AI systems can copy copyrighted material. UK law foresees a text and data mining exception for infringement of copyrighted works, if the text and data analysis took place for non-commercial research and if the copy is accompanied by sufficient acknowledgement. A licence from the author is necessary if the action cannot fall under an exception.

AI has the potential to create valuable inventions. Acquiring patent protection for those creations can be very difficult under the current legal framework. Alternatively, an organisation can protect AI inventions as trade secrets. The information must be not generally known or readily accessible, must have commercial value because it is secret and subject to reasonable steps to keep it secret. The best way to ensure confidentiality is to make the AI invention subject to a contract.

Liability

AI technologies who operate automatically can cause different types of harm. This can be invasion of privacy, bias and discrimination but also death or physical injury. An organisation must think about these types of harm when making use of the technologies. Next to the application of the general liability regulations such as the Consumer Protection Act, the UK has developed specific regulation for certain AI applications, such as the Automated and Electric Vehicles Act. An organisation making use of AI might need to consider suitable insurance.

6. What's next?

It is time to make your workplace ready for AI. Researchers have come with suggestions to ensure AI enhance rather than replaces functions within organisations.

Reskilling existing employees to make them ready for AI changes in the workplace should avoid inefficient firing and hiring. Career enhancement needs to be increased by stepping up educational levels and developing a higher level of cognitive skills.

It is estimated that 65% of children who enter primary school, will probably work in new professions that do not currently exist. In this evolving employment landscape, it is a prerequisite for businesses to anticipate and prepare for future skills requirements and job content.

AI in the farm industry

AI has been helping farmers in collecting and analysing farm data, such as soil health, to control conditions and pass with precision the use of pesticides

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Change of culture is required in many workplaces. Employees need to get acquainted with the new technologies in order to avoid frustration, discover and deploy full potential.

Planning the transformation step by step can bring many advantages. Select specific areas that can be transformed and use the small step to demonstrate that the process works. Use the money that is saved from the first step for further steps. Document the changes with impact management and tracking tools.

Demand in jobs Two examples:
Data analysts, are necessary to derive insights from data a company gathers.
Specialized sales representatives, are necessary to explain new products and technological advancements to businesses.

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