Algorithms, artificial intelligence and automated decisions about workers and the risks of discrimination

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Abstract:

Big data, algorithms and artificial intelligence currently allow employers to process information about their employees in a far more efficient manner and at a much lower cost than has been the case until now. This makes it possible to profile workers automatically and even allows technology itself to replace human resources supervisors and managers and to make decisions that have legal effects on the employees (recruitment, promotion, dismissals, etc.). This entails great risks of discrimination by the technology in command, as well as the defencelessness of the worker, who is unaware of the reasons underlying such a decision. This study analyses the guarantees established in the existing European data protection regulation with the aim of safeguarding the employee against discrimination. One of the main conclusions that can be drawn, however, is precisely the inadequacy of this regulation and the need for collective governance of data protection, which requires the participation of workers' representatives in establishing safeguards.