

# **HUMAN RIGHT TO WORK IN THE AGE OF AUTOMATION**

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## **ABSTRACT**

The aim of this article is to address and discuss the problem of human right to work in the age of automation and technological development, to consider what implications these aspects may have for rights to work, and how the right to work should be applied in the era of automation. In the contemporary "era of rights" fundamental human rights gain attention, yet the right to work remains overshadowed amid escalating automation. This article explores employment as a universal human right, emphasizing the evolving work landscape. Navigating perspectives on automation, from predictions of temporary "technological unemployment" to fears of prolonged joblessness. Integral to human rights, the right to work extends beyond employment, encompassing fair wages and occupational safety. The article explores its incorporation in international labor law, emphasizing its status in legal instruments like the Universal Declaration of Human Rights. As automation advances, offering efficiency and raising concerns about job displacement and inequality, the article highlights the need for adaptation. Two perspectives emerge on automation's impact, posing challenges in predicting job losses or gains. The human right to work faces hurdles, requiring tailored solutions to reconcile its coexistence with automation. Advocating for discussions and solutions that uphold human rights, the article calls for a nuanced approach in balancing the right to work and automation. It underscores the need to prioritize adaptability and human dignity in navigating technological progress.

**Key words:** automation, the right to work, human right, technological development, employment.

JEL: Human Rights Law

## **1. Introduction**

Nowadays, it would seem that the protection of basic human rights is at a relatively high level. More and more national and international legal

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regulations are being created to ensure their protection, and the discussion on this topic is becoming more and more common. One could even say that we currently live in the „era of rights“. However, it cannot be denied that some topics do not receive the attention they deserve. This is the case with the right to work, which is often overlooked in discussions about human rights (Kwan, 2021). The entitlement to employment is a fundamental human right universally acknowledged as an inherent aspect of human dignity for individuals of all ages. It is evident, according to diverse human rights standards, that both states and businesses must undertake measures to promote and protect core labor rights (Gutterman, 2022). This topic definitely requires a lot more attention, especially now, when increasing automation is rapidly changing the way we work.

Many articles and books have already been written about how automation affects or may affect human work. There are two main schools of thought on the issue of automation in the context of the right to work that are most commonly pointed out in the literature and discussions. The first perspective argues that “technological unemployment” will be temporary and that automation will ultimately create more jobs but there are also those who are of the view that there will be long-term “technological unemployment” and a jobless future (Lau 2020). It is difficult to determine which approach is correct. One could say that fear of job loss in the era of automation is no really anything new. Since the onset of Industrial Revolution, it has been true that technological advancements replaced certain jobs at that time. However, relatedly, after an adjustment period, the economy generated new, ultimately better-paying jobs for the displaced workers (Korinek, 2019). The issue that is not sufficiently addressed is whether the right to work can in any way provide protection for the workers replaced because the truth is that automation and technological development pose many challenges to legal systems in contemporary times. Given that the right to work and automation do not coexist by nature, conventional human rights measures such as mandating due diligence or ensuring rights-compliant implementation are not appropriate. Calling to stop or slow down automation is also not the right solution (Kwan, 2021). Therefore, it is crucial to primarily promote discussions on this topic. Hence, this is also the main goal of this article.

## **2. Right to work as a human right**

### **2.1. The content and scope of the right to work**

The right to work holds a crucial position within human rights and freedoms, as its definition necessitates recognizing it as a fundamental human right. The source of labor law, like other human rights, is the inherent dignity of human person. This fundamental truth is confirmed by its regulation in numerous international documents that establish human rights as an international norm and demand, imposing on states the obligation to implement economic mechanisms

and pursue employment-friendly policies (Stawowy, 2004). Evident manifestations of encroachment upon this fundamental value, which is the dignity of every human being, such as inhumane working conditions, lack of social protections, or the inability to universally participate in creating economic goods and benefiting from them, have been a cause for the formation of the second generation of human rights. This encompasses economic rights (including the right to work), social rights, and cultural rights.

Human rights are always rights 'to' some value, so for a better understanding of the right to work as a human right, it is important to elucidate what value it represents and what it encompasses (Zadroga, 2010). It is important to emphasize that the "right to work" extends beyond mere employment. The work environment and conditions are integral to this right, encompassing the right to occupational safety, the right to request work environments aligned with work and health conditions, the right to demand appropriate work hours, the right to a fair wage, the right to paid leave, the right to rest, the right to leisure, and the right to request work suitable to age, strength, and gender, in addition to the right to social security it is also the right to freely choose an occupation, fair work conditions, secure and healthy life, freedom of association, prohibition of discrimination and the right to protection against the termination of labor of contract (Kaya, 2019). Moreover, work is a good that has the power to express and enhance human dignity. It becomes indispensable in the life of a person who desires to shape and support their own family, acquire the right to property, or contribute to the building of the common good (Zadroga, 2010).

## **2.2. The right to work in the human rights protection system**

The right of individuals to work is encompassed by economic, social, and cultural rights. The principle of the right to work constitutes the cornerstone of international and European labor law. As a moral imperative and legal norm, this right was expressly incorporated into the international human rights framework by the United Nations (UN) after World War II. The acknowledgment that every human being possesses the right to work is established in both the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social, and Cultural Rights.

The Universal Declaration of Human Rights in Article 23, paragraph 1, states that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". Moreover, in Article 6, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights, it is stated that "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right".

The right to work has also been regulated in many other legal acts, such as the European Social Charter, other legal acts issued under the auspices of the European Union, and the constitutions of countries around the world. This underscores how fundamental the right to work is in the human rights system.

### **2.3. Legal acts concerning artificial intelligence**

In current times, the development of artificial intelligence and its impact on all aspects of social life undoubtedly has become a leading issue, which brings not only benefits but also many dangers, including those for human rights. At the current pace of artificial intelligence development, it is important to introduce new legal regulations at a faster pace not only at the EU level but also at the national level. Unfortunately, meeting these requirements proves to be extremely difficult, and over the past few years, relatively few legal acts addressing this issue have been created.

Serious work on legal regulation of the artificial intelligence issue at the international level began in March 2018, when a press release was issued by the group of experts on AI. Another milestone in EU legislation regulating AI is undoubtedly the publication from by the European Commission of the 'WHITE PAPER on Artificial Intelligence European approach to excellence and trust' (February 2020). This document presents the EU's position on legal regulations related to the development of artificial intelligence. The 'White Paper' outlines the issues associated with the development of this technology and sets out a plan of action to address these issues. Also worth mentioning is the Proposal for an Artificial Intelligence Liability Directive (AILD) from September 2022. The purpose of this proposal was to improve the functioning of the internal market by laying down uniform rules for certain aspects of non-contractual civil liability for damage caused with the involvement of AI systems.

Additionally, the European AI Office is being established. It will support the development of artificial intelligence based on international law adopted by the EU. In January 2024, the European Commission presented the 'GenAI4EU' initiative, in which this Office will participate. These entities will base their actions on several important sectors, such as cybersecurity and healthcare. All these legislative actions by the EU aim to mitigate the negative implications associated with the use of artificial intelligence.

AI Act will contain the first such advanced legal regulations concerning AI. It will distinguish various levels of risk associated with the development of this technology. High-risk systems will be divided into two categories. Within one of them, 8 areas will be identified. In context of the right to work one of these areas will concern employment and workforce management. Control over these systems will be exercised before entering the market and during their operation.

Despite the fact that over the past few years several other various legal regulations have been created, there are definitely too few of them, and they are

emerging too slowly compared to the quantity and pace of the issues generated by artificial intelligence in various areas of life.

### **3. Automation and the right to work**

#### **3.1. The concept of automation**

The term “automation” refers to the use of various technologies, such as machinery, software, or other systems, to perform tasks or processes with minimal human intervention. The goal of automation is often to increase efficiency, reduce errors, and streamline operations across various industries. It can range from simple repetitive tasks to complex processes, and it plays a significant role in areas like manufacturing, transportation, finance, and more. By now automation has expanded beyond its roots in manufacturing to include applications in health care, security, transportation, agriculture, construction, energy, and many other areas (Goldberg, 2012). It is becoming increasingly common in everyday life. For the purposes of this paper, automation is broadly defined as any reliance on technology that eliminates the previously required involvement of human labor. This would therefore also include the interconnected use of robots and artificial intelligence (AI), such as the selfnavigation of vehicles.

#### **3.2. Automation’s influence on human work and threats to jobs**

Technological progress is not a new phenomenon, but in recent years, it is becoming increasingly faster and more advanced, as is evident in how technology and artificial intelligence are impacting the way we work. AI can influence labor demand by automating tasks, complementing human workers, and creating new tasks. While the advantages of automation are undeniable, it simultaneously gives rise to numerous challenges. Automation, by its nature, surpasses certain human roles in terms of costs, quality and capacity efficiency (Kwan, 2021). Moreover, in recent times, people have become increasingly proficient in creating machines and programs that can figure things out on their own. As a result, tasks requiring pattern matching, especially in fields ranging from customer service to medical diagnosis, will increasingly be carried out by machines (McAfee and Brynjolfsson, 2016). Therefore, it is difficult to determine whether its purpose is to facilitate human work or even to replace it. Nevertheless, it certainly raises many questions and concerns.

There are two main schools of thought on this issue that are presented in literature and various discussions on the right to work. On one side, there are people who believe that automation will ultimately lead to mass unemployment and a jobless future. One of the most controversial problems is definitely elimination of jobs (Kwan, 2021). As machines become more and more capable,

they will replace more and more human workers. As automation takes over routine tasks, some jobs may undergo transformation or even disappear altogether. It is undeniable that automation is already having a significant impact across various industries. The impacts are noticeable in both factories and offices, affecting positions ranging from cashiers and telemarketers to accountants and researchers. With the ongoing acceleration of AI and robotics capabilities, a broader spectrum of jobs will likely be influenced. Tasks particularly susceptible to automation are typically routine and rule-based, such as data collection and processing. Additionally, roles requiring physical labor in predictable environments, like manufacturing and warehousing, are progressively being taken over by machines. Some individuals anticipate that this trend will result in a society where a significant number of people are jobless and struggle to find employment.

The development of artificial intelligence can also deepen wage inequalities by disproportionately benefiting highly skilled workers, who can leverage AI technologies to increase productivity and innovation. As a result, low-skilled workers may experience pressure to lower wages. Additionally, the use of artificial intelligence systems in the workplaces raises many ethical concerns regarding privacy, transparency, and work quality. There is a risk that job automation may result in a decrease in skill levels, increased surveillance, job insecurity, and worsened working conditions for specific employees.

There is also another - more positive - perspective on job automation, that “technological unemployment” will be only temporary (Lau, 2020). The prevailing narrative on automation and employment suggests that while automation may eliminate numerous jobs, it also has the potential to generate many new ones. Automation may impact the demand for labor negatively, yet simultaneously, it can lead to the creation of new jobs and novel tasks. Technology does not only eliminate jobs; it also plays a role in their creation. The advent of technology might phase out certain professions, paving the way for other, more productive occupations (Badet, 2021). The emergence of technology may phase out certain professions, making room for other, more productive ones. As machines automate tasks, they liberate human workers to concentrate on more creative and strategic endeavors. This shift brings about fresh opportunities and novel industries. On the other hand, automation has a lesser impact on jobs requiring creativity, social intelligence, and complex decisionmaking. This shift is poised to result in a more productive and efficient workforce, fostering new opportunities for businesses and individuals. Frontline service jobs, such as waiters and hairstylists, may undergo changes due to automation but are unlikely to be fully automated in the near future. The same holds true for roles involving people management or specialized expertise, including CEOs, teachers, engineers, and scientists. Creative professions in the arts and media also appear less susceptible in the short term.

Which of these two perspectives is accurate? It is probable that the truth lies somewhere in between. Although automation will undoubtedly result in certain job losses, it is also poised to generate new employment opportunities. The crucial factor will be for individuals and businesses to adjust to the evolving landscape and cultivate the skills required in the age of automation.

#### **4. The challenges facing the human right to work**

In the era of automation, human rights, including the right to work, face many significant challenges. As mentioned at the beginning of this article, there are currently many different legal regulations protecting the right to work. However, it cannot be denied that during the development of technology and artificial intelligence, they may prove to be insufficient. The introduction of automation and artificial intelligence poses new challenges for legislators in terms of protecting workers' rights. It is essential to adapt legal regulations to the changing work conditions to safeguard employees from potential threats associated with automation, such as job loss, employment instability, or inequalities arising from uneven access to new technologies. This leads to other questions: whether the right to work can protect the replaced workers and how it can do so. How should the right to work and the benefits of applying automation be balanced?

Certainly, one cannot provide a single, definitive answer to this question. Given that the right to work and automation do not coexist by nature, conventional human rights measures such as mandating due diligence or ensuring rights-compliant implementation are not appropriate. Calling to stop or slow down automation is also not the right solution. It is necessary to develop tailored solutions that will reconcile these seemingly contradictory aspects. It is necessary to take a direction that will place human rights at the heart of advancements in the field of artificial intelligence (Kwan, 2021). Certain supporters of the right to work contend that it should be upheld over other competing rights such as the right to science. They would assert that the right to innovate and the right to access scientific benefits are not absolute or exclusive. Moreover, workers also have the right to benefit from scientific progress. However, automation displaces them from their jobs, making them the primary group adversely affected by technological advancements. People are compelled to continually acquire new skills for survival. While this might seem unproblematic for some, it poses a challenging and elusive demand for many, especially those who are less privileged and less capable of acquiring new skills. Individuals have diverse talents, and some may struggle to learn skills that are challenging to automate but excel in other natural abilities, such as physical strength or manual dexterity. In a scenario where everyone should equally enjoy the right to work and scientific benefits, it is unjust to sacrifice a specific group

of people. At the same time, employees must be prepared for the changing demands of the job market and new skills required in the digital era. In this context, it is crucial for labor law to include provisions regarding education and training that will assist workers in adapting to new technologies and evolving professional requirements.

## **5. Conclusions**

In conclusion, the discourse on basic human rights has reached a significant level of attention and protection in contemporary times. However, amidst this "era of rights" the right to work often remains overshadowed in discussions on human rights. The significance of the right to work as a fundamental human right cannot be overstated, especially as automation reshapes the nature of employment rapidly. The impact of automation on human work is a subject that has generated extensive literature and diverse perspectives. Debates revolve around the potential for "technological unemployment" to be temporary or lead to a long-term jobless future. In today's age, the rise of artificial intelligence (AI) has become a crucial concern, with its broad impact on society bringing both benefits and significant risks, including those related to human rights. As AI development accelerates, there's an urgent need for swift implementation of new legal regulations at both EU and national levels. However, meeting these requirements proves challenging, with only a few legislative acts addressing AI enacted in recent years. Historical context, dating back to the Industrial Revolution, highlights the cyclical nature of job displacement and creation. Nevertheless, the challenge lies in addressing the protection of workers amidst the profound changes brought about by automation and technological advancements. The right to work, as a crucial aspect of human rights, is deeply rooted in the inherent dignity of individuals. It goes beyond mere employment, encompassing various facets such as fair wages, occupational safety, and the right to rest. However, as the era of automation unfolds, conventional human rights measures may not be sufficient to address the coexistence of the right to work and automation. Automation, characterized by technological progress, poses challenges to the job market, potentially leading to disruptions and inequalities. Striking a balance between the benefits of automation and the protection of workers becomes paramount. Discussions on this topic are essential, emphasizing the need for tailored solutions that recognize the evolving nature of work.

The challenges facing the right to work in the age of automation necessitate a comprehensive approach. Legal regulations protecting workers' rights should adapt to changing work conditions, ensuring safeguards against potential threats like job loss and employment instability. It is imperative to acknowledge the diverse talents and capabilities of individuals, especially those less privileged,



in the face of evolving skill requirements. Ultimately, the reconciliation of the right to work and automation requires a nuanced perspective. Calls to halt or slow down automation are not the solution. Instead, a direction that places human rights at the forefront of technological advancements is crucial. The right to work must be upheld alongside other competing rights, recognizing the diverse impacts of technological advancements on different segments of the workforce.

As we navigate the challenges posed by automation, fostering discussions, adapting legal frameworks, and prioritizing human rights will be key in shaping a future where the benefits of technological progress are equitably shared among all individuals in the workforce.

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