AI IN THE WORKPLACE - WHAT ARE EMPLOYERS DOING TO PREPARE?

Artificial Intelligence ("AI") is transforming the world of work and is being used to help improve efficiencies across all stages of the employment lifecycle including during recruitment, training, employee monitoring and in the dismissal process. However, in reshaping the world of work, it also raises novel issues in the employment law context.

HOW CAN EMPLOYERS REDUCE RISKS RELATING TO AI IN THE WORKPLACE?

Employers should consider the following preparatory steps:

- **Mapping:** Identify, audit and understand the current and proposed future uses of AI within the business. Assess what actions may need to be taken in relation to such use to ensure compliance with the new EU AI Act;

- **Governance:** Appoint leadership with responsibility for overseeing AI use in the workplace and to engage with relevant stakeholders (including employment / HR, legal, privacy, technology functions) to set the business' framework for AI implementation;

- **Policies and procedures:** Internal policies should be developed to articulate the guardrails for AI usage within the business;

- **Training:** Appropriate training and guidance should be provided to all employees using AI systems to ensure they understand how to use the tools in accordance with the provider's instructions and what their obligations are under the new rules;

- **Supply chain management:** Engage with third party suppliers, including a review of existing contract terms, to ensure legal protections and controls are in place in relation to the acquisition of AI;

- **Risk assessments:** Explainability is a key element in reducing the risk of algorithmic bias. Develop a model to holistically assess proposed AI use and the suitability of data used to train AI systems; and

- **Consultation:** Employees and their representatives must be informed that they are subject to an AI system under the EU AI Act. Identify any consultation obligations with representative bodies under any collective or works council agreement in relation to current and planned AI deployment and processes.

HOW CAN MATHESON HELP?

The Matheson team has extensive experience in the AI space and can assist employers in the following ways:

- **Training:** Provide bespoke training sessions to empower employers to optimise their use of AI in the workplace and reduce potential risks;

- **Policies and procedures:** Review and develop policies and guidance to enable employers to mitigate risk and articulate the guardrails for AI usage within the business;

- **Identification of bias / discrimination risks:** Assist employers in assessing the use of AI in the workplace and whether this could lead to the risk of biased or discriminatory outcomes;

- **Information and consultation:** Assist with any information and consultation processes that might arise as a result of the implementation of AI in the workplace, including engagement with any employee representative bodies;

- **Workforce impact:** Advice in connection with role changes, upskilling / retraining employees, restructurings / redundancies as a consequence of increased automation in the workplace;

- **Third party engagement:** Assist employers in their engagement with third party suppliers, including reviewing existing contract terms to ensure legal protections and controls are in place in relation to the acquisition of AI; and

- **Legislative compliance:** Assist employers in scoping their obligations and preparing for compliance under the EU AI Act.

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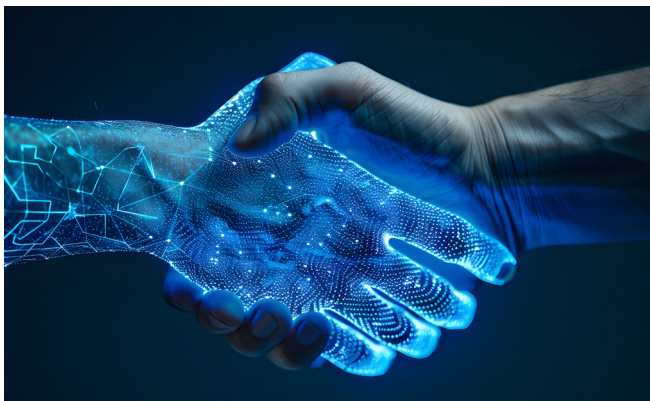**T** +353 1 232 5691
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