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Brachers Bitesize

AI in the Workplace

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Welcome

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Today's Presenters

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Today's Session

1. Polls

2. Introduction to AI and regulatory issues

3. The benefits of AI

4. Legal Implications

5. AI policies

6. The future?

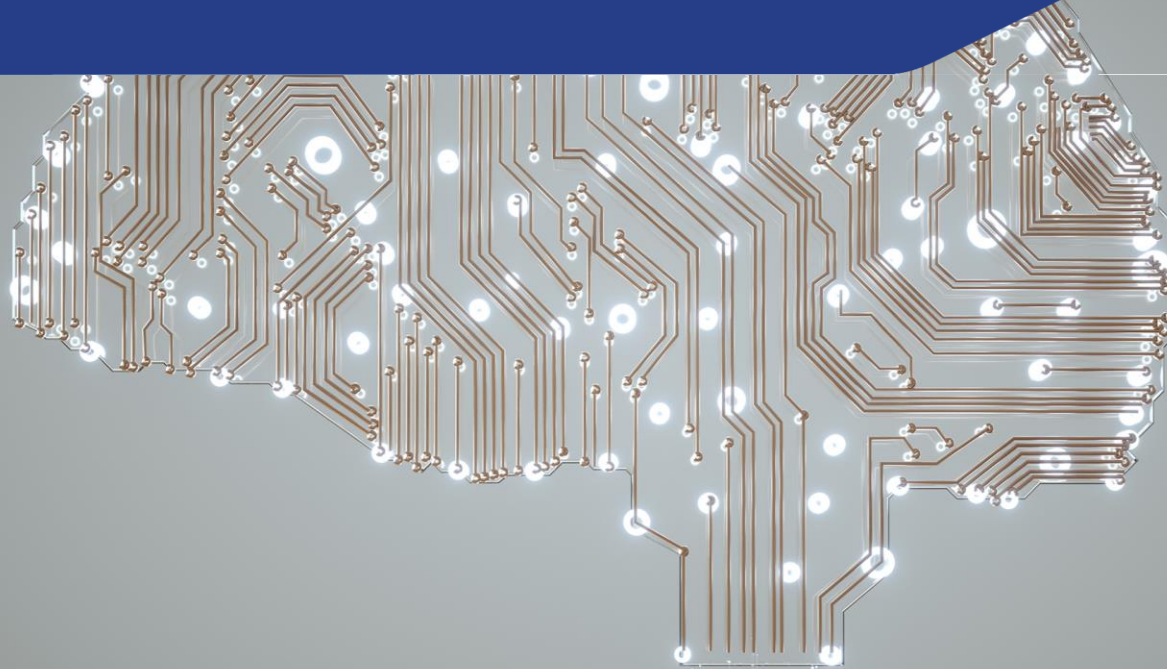**Brachers**
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Poll 1

What impact do you think AI will have on your business?

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Poll 2

Does your organisation have an AI Policy?

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Introduction to AI

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What is AI?

- What do we mean by Artificial Intelligence?

- Generally accepted two step definition:

  - (i) machine intelligence and (ii) the quality of that intelligence.

- Generative AI – encompasses AI that can produce various types of content, including text, audio and images.

- Mainstream examples include Chat GPT and Google Bard

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In the Headlines

AI could replace equivalent of 300 million jobs - report

TUC – government is failing to protect workers from being "exploited" by new AI technologies

ChatGPT banned in Italy over privacy concerns

In the Headlines

BT to cut 55,000 jobs with up to a fifth replaced by AI

'Inevitable' jobs will be more automated, says new AI adviser

4 hours ago · Comments

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Role in the workplace

- Algorithm decision making:

  - Assigning tasks
  - Recruitment processes
  - Performance management

- Machine learning
  - Learning from inputted data to make predictions

- Profiling
  - Categorising employees

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How is AI regulated?

- Currently no specific laws governing use of AI in the workplace

- Use must fit within scope of existing employment laws:

  - Employment Rights Act 1996
  - Equality Act 2010
  - Data Protection Act 2018 / UK GDPR

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Regulation

- 58% of workers in favour of government regulation

- *Public call for government regulation of generative AI at work | Prospect*

- Government approach set out in its White Paper

- [A pro-innovation approach to AI regulation - GOV.UK (www.gov.uk)](www.gov.uk)

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Regulation

- Government white paper suggest empowering existing regulators through overarching principles rather than a dedicated AI regulator

- EU Artificial Intelligence Act

- Artificial Intelligence (Regulation and Workers' Rights) Private Members Bill

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The Benefits

Benefits of AI

- Automated Tasks

- Recruitment

- Performance and evaluation

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Legal Implications

Intellectual Property

- Issues:

  - Use of datasets
  - Lack of permission

- Way forward – government white paper

Data Protection

- UK GDPR and Data Protection Act 2018 applies to personal data used by AI

- ICO has emphasised AI does not qualify for special treatment

  "the underlying data protection questions for even the most complex AI projects are much the same as with any new project. Is data being used fairly, lawfully and transparently? Do people understand how their data is being used? How is data being kept secure?"

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Data Protection

- How might data protection issues arise?

  - Collection of personal data
  - Use of personal data
  - Storage of personal data

- Transparency obligations

- Automated decision making

- Guidance on AI and data protection | ICO

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Discrimination

- Unconscious bias perpetuated by AI systems

- Indirect discrimination
    1. PCP
    2. Substantial disadvantage
    3. Legitimate aim

- *Example: Uber use of facial recognition*

- Retain human element

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Unfair Dismissal

- Right not to be unfairly dismissed – Employment Rights Act 1996

- Fair reason for dismissal required

- Fair procedure must be followed

- Redundancy?

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Unfair Dismissal

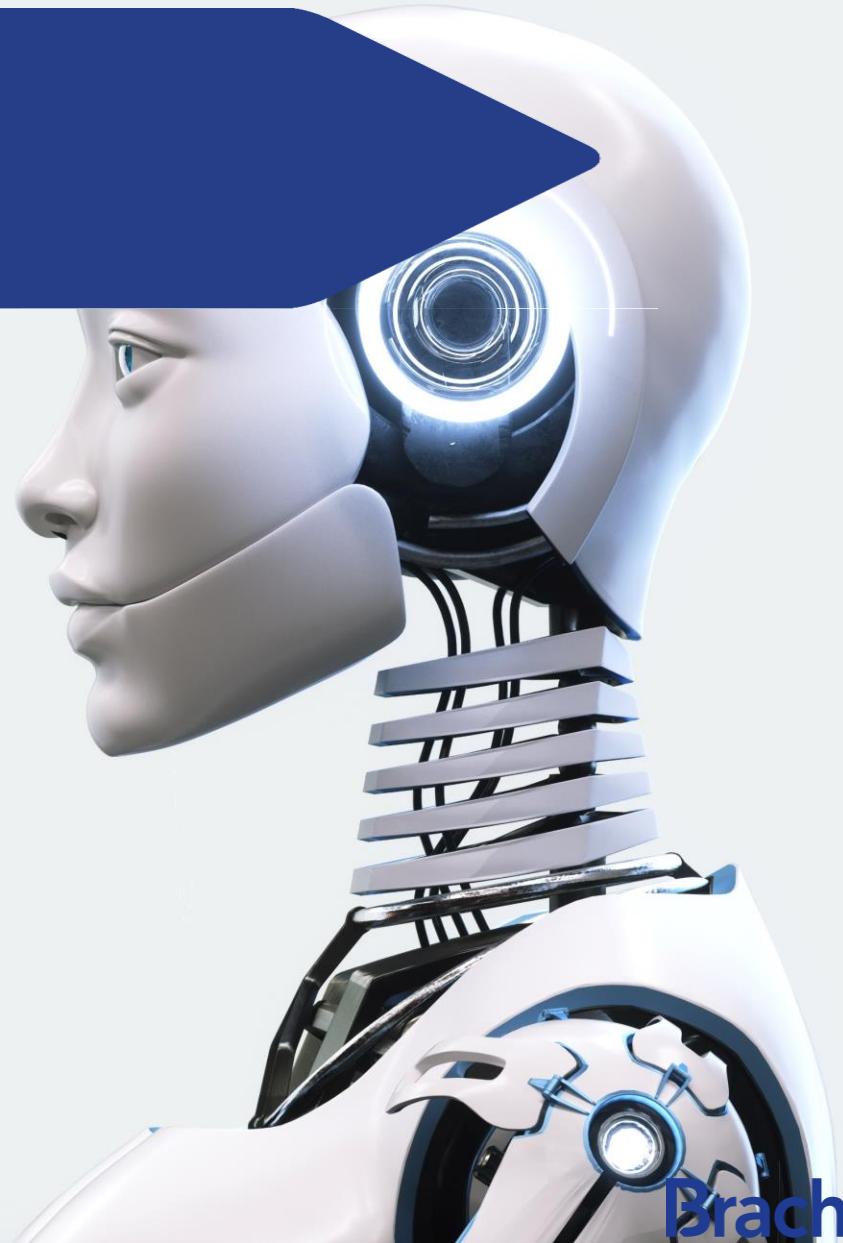- Constructive unfair dismissal

- Implied term of mutual trust and confidence:

  - Employee monitoring and breach of privacy
  - Assessing performance

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AI Policies

AI Policies

- AI Policy

- [Preparing your organisation for AI use | CIPD](#)

The Future

Looking Ahead

- AI anxiety – justified?

- Regulation and legislative controls

- Workplace rules and policies

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Questions