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EFFECTS OF ARTIFICIAL INTELLIGENCE ON LABOUR LAW AND LABOUR MARKET: CAN AI BE A BOSS?*

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1. Introduction

Using Artificial Intelligence (AI) has totally transformed our days, and this is the future as well. The changes suggest such aspects that are mostly still not clear today. In my opinion, we are far from certain post-apocalyptic visions and they are not likely to happen in the future. We should not fear the revolution of machines, and the scenes of the Terminator are also not likely to recur. But it does not mean that using AI will not have negative effects or even dangers for our days. Although using AI is not just a set of issues to be treated globally. Using it in a certain life situation brings up at least so many questions as using it in general. These questions should be answered in a complex way. We should not look at the questions only from technical or legal aspects. These aspects are totally related, and the changes in the certain parameters influence the other elements as well.

However, we should try to define the legally relevant definition of AI before starting to analyse it in detail from the employment aspects. The report made for the House of Lords ascertains that the field actually has not any unified definitions.[1] It highlights the definition of the Industrial Strategy from the others. According to the definition, we are talking about technologies that can perform tasks that would presume human intelligence, for example, vision. It reveals from this general text that they are primarily used in such situations that are associated with the replacement of human manpower. The replacement of human labour can happen on more levels. The simplest way is to replace simple work tasks. This would mean the replacement of employees working next to the tape. A more complex AI which can learn could replace tasks requiring more complicated professionalism as well. The number of positions that will be performed by mechanical thinking is growing

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1 *Ai in the UK: ready, willing and able*. Published by the Authority of the House of Lords, 2018, p. 14.

with the development of technology.[2] In the case of certain positions, the time is likely to come when not the possibility of replacing human manpower by an AI will be the question, but if it is worth it.

It is already not a question in the present labour market conditions that using AI will have more significant frames in the future than today. For example, József Hajdú writes it in his study that if we change to robots from one day to the next, 11% of the Hungarian employees could be replaced immediately[3]. Here, in our present conditions, primarily, the employees performing operator work would be replaced. This correlation suggests the question of what chances do those employees with lower qualifications have on the future's labour market whose manpower has been replaced by an AI?[4] The technological innovation and development will bring the necessity of a newer social innovation as well. Namely, in my opinion[5], social innovation is such a social change that fits the new, changed life situations. Social innovation is generated by the technological development, and in a sense, it enforces it. Using AI, the basis of this paper will be one of these significant factors. In this study, as can be seen above, we would like to highlight its effects on labour and labour market. We would like to examine the questions coming up if an AI takes part in justifying or making employment decisions. It may happen that we should worry about losing our jobs because of the decision made by this AI, or maybe we even do not get the desired position. However, not just the narrow legal frames should be examined, but the wider social science context as well.

2. The connection between social innovation and robotization

Using robots in industrial and everyday life has already been an important part of social innovation. On the other hand, the expansion of robotization and AI connects in several cases. AI, software controls the activity of the robotic manpower when it is programmed. In several cases, it is only automatism, but robots are getting in a decision situation in more and more cases. And solving decision situations is related to programming. The basic question is the task of what a certain robot is intended for. After determining the task, the written program is loaded. The loaded program can perform its task in the given frames, and make the decisions assigned to it.

But before jumping at the questions drawn above, it is worth to clarify two things. One of them: what is a robot? It has no exact definitions accepted by legal sciences. According to certain views, it should be imagined as a non-biological

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[2] Compare: Zoltán RÁCZ: Az ügyvédi hivatás jövője a robotika fejlődésének fényében. *Advocat*, 2019/1., pp. 9–12.

[3] József HAJDU: A munkavégzés jövője: A robotika forradalmának hatása a munkaerőpiacra. In: Klára GELLÉN (ed.): Jog, innováció, versenyképesség. Budapest, Wolters Kluwer, p. 51.

[4] Ralf KOPP: Workplace Innovation (WPI) as Social Innovation (SI): Slow farewell or continuation of the techno-centric age. *Future of Work*, Neuchatel, 11/09/2019.

[5] Compare: György KOCZISZKY–Mariann VERESNÉ SOMOS–Károly BALATON: A társadalmi innováció vizsgálatának tapasztalatai és fejlesztési lehetőségei. *Vezetéstudomány*, 2017/6–7., p. 16.

agent.[6] The cited thought is extended by Richards and Smart, and they describe a robot as a constructed system that shows both mental and physical activity, but it is not alive in a biological sense.[7] In this form, a robot is a machine which is able to perform mental and physical activity, but all of them are automatic. Mind is missing from the machine.[8] Using AI is necessary for robots to have greater autonomy.

As I have already mentioned before, robots and AI have connected. We should complete the previous train of thought by the definition of AI. But it should be made clear that robots do not always suppose an AI, and it is true in reverse as well. AI does not necessarily require becoming real by built-in a robot. The basic difference is that the robot has a physical extension.[9] Shortly, the two do not suppose each other, but they are often connected. A robot is a machine that can be used for performing a lot of different tasks, such as cleaning or even waitering.[10] But as I have mentioned, they are capable of more complicated tasks as well. That is why their use is so various. In a lot of cases, robots are used to make our lives more comfortable and to put energy investment in it.

Actually, we have discovered robots to substitute ourselves. Robots can do almost all the tasks instead of us. This perception is a positive start point to oversimplify our own life. But its simplifying nature and the alternative suggestions for a solution connected to it can have dangers as well. The lifestyle generated by robots leads to new adjustment strategies. As relationships have changed, our personal relationships are also transformed. Robots have primarily been developed for replacing humans. For example, if there is a machine which does a part of the housework instead of us. This is entirely about ensuring our own comfort and freedom. As he recognized this, Zsolt Ződi cites in his book that some people think about robots as the slaves of the modern era.[11]

Using the new generation of robots is much more extended as they cannot be found only on all the fields of everyday life. A great many robots have been employed for example, in the car industry as well. A significant part of the work pro-

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6 RICHARDS–SMART: How should be the law think about the robots? In: CALEO et al. (eds.): *Robot Law*, Edward Elgar Publishing, Cheltenham-Northampton, 2016, p. 4.

7 Niel M. RICHARDS–William D. SMART: op. cit. p. 6.

8 Referring to the cult Japanese anime called Ghost in the Shell, which may have founded some pop-cultural references of AI in the most abiding way.

9 Zsolt ZŐDI: *Platformok, robotok és a jog*. Gondolat, 2018, p. 184.

10 Robotpincér viszi ki az ételt egy győri kínaiban (In English: A waiter robot serves the meals in a Chinese restaurant in Győr). In: https://hvg.hu/kkv/20180912_Robotpincer_viszi_ki_az_etelt_egy_gyori kinaiban ˙(23/09/2019).

11 Zsolt ZŐDI cites Pagallo's thoughts (PAGALLO: *Law of Robots.* p. 104.). Revealing this question would significantly divert the context of this text from the targeted aim. But it is worth to think about that robots cannot be the subjects of human legal relationships in the sense that law regulates primarily human interactions. I agree with the author that if robots are considered to be slaves, they should be given personality, and they should be treated as humans. Robots should be emancipated for this, which would suggest that they are entities with independent free will and they are sentient beings. But technology is still not at this level in its current state. The process would even suggest the fiction of creation and the so-called divine spark, in connection with robots awaken to self-consciousness.

cesses is performed by them. In addition, we can find factories which are totally automatized and robotized.[12] Men cannot enter to these places to work. The more spread use of robots and AI transforms the currently known legal law relationships. The tendency is not likely to change the itemized legal regulation, but the way of asserting interests. This process is perfectly illustrated by Vasil Kirov in connection with the difficulties of enforcing the collective contract rights of employees working in the bank sector.[13]

The future will mostly be about what kind of competencies should be owned by someone compared to his earlier position.

3. Employment issues associated with using AI

Based on the above, how at all can we deal with employment issues if there are not any unified AI definitions? Moreover, if we look at it from the aspect of technical sciences, the concept of AI has been significantly transformed compared to János Neumann's basic thought.[14] To our knowledge today, the definition of a robot and an AI is often confused. To perform our analysis, we adjust to the main conceptual characters in the way that we do not start from Neumann's theory about the singularity, and we do not require to look at self-developing robots as AIs. In connection with the industrial production, the expression "AI" is usually used for all the programs and solutions which have decisional competences. The decisional competences are originated from the algorithms as well, but they make AI perform independent activities. From the aspect of labour relations and employment, the duality of decisional and acting autonomy should be examined. The two definitions mentioned before are especially important from the aspect of the function of labour relations. They mean the basics of classic labour relations. The power shift between the parties is originated from the subordination relationship of them.[15] The employer directs and controls the employees' work based on his right of instruction. And the employee performs the instructions or, if he legally has the opportunity, he can deny it. An employment relationship based on trust has been formed during the last about 150 years of development of labour relations, and it is still personal in a lot of cases. Even if we can say that most parts of the employment relations are realized in the factories by next-to-the-tape work.

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[12] Robottal avatta fel automata magasraktárát a HELL ENERGY Magyarország Kft. (In English: The HELL ENERGY Hungary LTD. inaugurated its automatic high-bay warehouse by a robot) ic https://arhiv.minap.hu/cikkek/robottal-avatta-fel-automata-magasraktarat-hell-energy-video-kepgaleria, (10/09/2019).

[13] Vasil N. KIROV–Patrick THILL: The impact of crisis and restructuring on employment relations in banking: The cases of France, Luxembourg and Romania. *European Journal of Industrial Relations*, 2018/3., pp. 297–313 (doi: https://doi.org/10.1177/0959680117752047).

[14] Compare: Béla POKOL: A mesterséges intelligencia: egy új létréteg kialakulása? *Információ és Társadalom*, 2017/4., p. 39.

[15] Tamás PRUGBERGER–György NÁDAS: *Európai és magyar összehasonlító munka és közszolgálati jog*. Complex Kiadó, 2016, p. 12.

If we think about how this relationship will change, it will partially or totally give its place for the AI. Those possibilities will be analysed next when AI would get to an employer's or employee's position.

3.1. Making employer decisions and AI

Making employer decisions is a series of decisional competencies with several questions. That's why highlighting the employer's responsibility is significantly important in labour law relations. Making employer decisions can be concentrated in one hand as well, or it can be solved on more levels by delegating the authorities. In the first case, we can talk about a micro, small or probably medium-sized business. In the second case, we can talk about the operation of a medium-sized or bigger business.

The basics of exercising the employer's authority are defined in § 20 of Act I of 2012 in the Hungarian Labour Code (hereinafter: LC). The detachment of the employer and the practitioner of the employer's authority is a well precipitable duality in the labour relation. This duality builds on that an employer is a legal person in most cases. And a legal person does not have such human characteristics that would help it to perform its rights and obligations related to the labour relation on its own. In the case of a natural employer person, the two roles can overlap. But mostly, the roles do not overlap. That's why these regulations are written in the chapter about representation. The level of practicing the employer's authority is determined by the employer. The question arises that who can the exercising of the right be delegated for. In connection with clearing the previous legal barriers, the § 20 (2) of the Act says that the person who exercises the employer's authority can be such a person who does not have a labour relation with the employer.[16] In practice, it means that the task can be performed even by agency or work contracts.

You may think about that why does the topic of representation connects to the theme undertaken in this study? One of the connection points is the option defined in § 20 of the Labour Code. In connection with this, the extension of exercising the employer's authority determines a wide personal range. The question is what kind of personal circle can be defined. How wide should we interpret the range of the persons who are entitled to exercise the employer's authority in a way? The interpretation range of the problem depends on the basic character of the actually examined legal relations as well. This is presented in Ildikó Rácz's study, which examined work-via-platform and applications. In these cases, one of the greatest questions in the analysis of the consumers' behaviour. The consumers may rate the service provided by the worker[17], which is processed by an algorithm, so in fact, not the employer is the person who makes the decisions associated with perfor-

[16] Zoltán BANKÓ–Gyula BERKE–György KISS: *Kommentár a munka törvénykönyvéhez*. Wolters Kluwer, 2017, p. 108.

[17] In case of digitalized legal authorities, it is still subservient to make difference between the employee and the person in employment. But in case of digitalized forms, the character of the legal relations is still not clear, so it is worth to point on the differences also in the conceptual set.

mance evaluation, but it is based only on the calculation of the algorithm.[18] The question is whether it means the outsourcing of the employer's authority, such as in case of a booking or a cleaning service? I think it is not the classic outsourcing in this case.[19] A significant part of platform providers does not look at themselves as employers, or at least they communicate this for a third person. Although, the five-star evaluation system developed for the consumers still influences the decisions and can materialize the outsourcing of decisional competences. However, the platform providers protest against it, they define more requirements for the working persons as they would be in an employer position, or at least in a quasi employer role.[20] The evaluation significantly influences a worker's fate in these legal relations. So, the performance evaluation is made by persons who are not in a labour relation with the employer platform provider according to the § 20 (2) of the LC. Over that, an outsourced performance evaluating system is quite endangered due to abuse, it is also necessary to take account of the fact that the consumer is actually in no real legal relation with the operator of the platform. Does this solution fit to the examined section of the LC? Currently, there is no actual legal interpretation for this question. Nevertheless, a kind of automatization of exercising employer legal authority has happened, since the approval of the algorithm's decision happens based on the consumers' decisions. This cannot be completely considered as the expansion of AI, but we are one step closer to it. In my opinion, the algorithm mentioned in this case cannot be matched with the definition of AI. However, it suggests the possibility that some certain employer authorities could be delegated for even an AI.

The examination of the tendency analysed by Mirela Ivanova and her co-researchers is a newer step forward this way.[21] During their study, they examined the works via applications from the aspect of that whether there is always a person behind the instructions given for the workers via the app, or the program is able to give instructions in a completely autonomic way.[22] Their research ascertained that there are application-generated decisions behind which there is no human presence. This is different from the examined possibilities as the algorithm does not use the external evaluations as a strong point, but it evaluates the situation based on its communication with the working person and tries to give the instruction suitable

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[18] Ildikó RÁCZ: Teljesítményértékelés – kiszervezve? In: Lajos PÁL–Zoltán PETROVICS (eds.): *Visegrád 15.0 – A XV. Magyar Munkajogi Konferencia szerkesztett előadásai*. Wolters Kluwer, 2018, pp. 417–416.

[19] A kiszervezés, outsourcing magyar gyakorlatáról lásd: Bernadett SZEKERES: A változó munkavégzés megjelenése és megítélése a bírói gyakorlatban. *Miskolci Jogi Szemle*, 2018, 13. évf., 1. sz., p. 141.

[20] Hilda TÓTH: A munkajog új kihívásai: a "gig" gazdaság munkavállalói csoportjai. In: Veronika SZIKORA–Éva TÖRÖK (eds.): Ünnepi tanulmányok Csécsy György 65. születésnapja tiszteletére I–II. kötet. Debreceni Egyetem Állam- és Jogtudományi Kar, Debrecen, 2017, pp. 393–400.

[21] See more details about the research: Mirela IVANOVA–Joana BRONOWICKA–Eva KOCHER–Anne DEGNER: The App as Boss? – Control and Autonomy in Application-Based Management, Europa Universität Viadriana, http://www.labourlawresearch.net/sites/default/files/papers/ArbeitGrenzeFlussVol02.pdf, (22/09/2019).

[22] IANOVA et al.: pp. 7–8.

for the situation. The application-based management has already become able to make the appearance of whether the program would send its own decisions to the worker. However, such programs cannot think yet, and they are far from the self-developing robots mentioned by Neumann. But the marked direction is increasingly attracting new technologies. If we look at the two previous examples as developmental stations, then it is understandable that, according to the examined sources, the most likely script is that the main field of the AI exercising employer role will be the field of performing HR tasks.[23]

3.2. Men as data? – Basic problems of using HR robots

One of the most important elements of exercising employer authority is human resources. That' s why it is an interesting and exciting issue that this can be the first field where AI can replace human decision-makers. We have to examine a multi-level and complex problem set. A significant part of the problems will be legal; the other will be ethical in nature.

One possible outcome of the proceeding changes happening in the current labour market is rooted in the labour law sci-fi presented in the journal called Munkajog by György Lőrincz. According to him, it will be the founder of the necessity of the new labour law regulations. One of his hypothesis says: the social transformation *"[…] affects and transforms the character of the labour relation basically in the way that the personal contact of the subjects of the relation takes a back seat, and the personal relation will be replaced by the relation between the employee and the digitalized environment. An additional change which necessarily affects the content of the regulation is the looseness of the limitations of work (primarily its place and time)."*[24] Although, this point of view should be completed with another thought as well. This thought is that whether a machine, an AI could be interpreted as a person. Is it even possible to look at the AI as a person? Does the regulation of the Civil Code make it possible to treat AI as a person in the far future?[25] The relevance of the issue is that, based on the rule defined in the previously mentioned § 20 in the LC, the employer's power can be delegated for a person. The Hungarian regulation in force does not look at AI as an entity with special legal personality, so especially as a special legal person.

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[23] György BÖGEL: Mesterséges intelligencia a humánpolitikai munkában. *Opus et Educatio*, 2018/3., http://opuseteducatio.hu/index.php/opusHU/article/view/272/470; Balázs ÖRSI: A mesterséges munkatársakról – Gondolati előretekintés. *Munkaügyi Szemle*, 2019/5., pp. 46–51; Attila KUN: Munkajog és digitalizáció- rendszerszintű kihívások és kezdetleges európai uniós reakciók. In: Lajos PÁL–Zoltán PETROVICS (eds.): *Visegrád 15.0 – A XV. Magyar Munkajogi Konferencia szerkesztett előadásai*. Wolters Kluwer, 2018, pp. 389–416.

[24] György LŐRINCZ: Kommentár a munka törvénykönyvéről szóló 2012. évi I. törvényhez – Munkajogi sci-fi. Munkajog, 2018/4., pp. 1–16.

[25] Dániel ESZTERI researches the answers for similar questions: A mesterséges intelligencia fejlesztésének és üzemeltetésének egyes felelősségi kérdései. *Infokommunikáció és jog*, 2015/62–63., pp. 47–57.

Currently, as AI is not a person, it cannot do HR tasks. If a change happens in this issue, then personalising AI would generate further questions.[26] However, if such a solution would get green light legally, technical and ethical questions should also be answered. Technically, one of the tasks to be solved is datafication (looking at humans as data). A human politician works with humans. AI has promising future in human politics if a man can be "datafied", the human's characteristics, status, position, and environment can be caught by data, moreover, by digital data. Countless examples prove that the datafication of humans proceeds fast which has remarkable consequences, possibilities and risks, and this process transforms the human political work as well.[27] Can a human become a set of data? Would treating humans as data sets mean the reduction of their personality? In this case, the internal sensations of the persons should be examined, and the question whether we will be able to accept the decision of a machine that affects our life. Currently, it tells us whether we are good at working at a certain company or not. Will the emancipation of AI be necessary for the future? The practical relevance of the real practical usefulness of the answer given for the question seems to become relevant later. However, in my opinion, researching this question in the present is not useless. The necessity of analysing this question is supported by the case that happened at Amazon which experimented with developing an HR robot. The experimental project was closed with several results and edifications. It reveals from the article in Reuters that the project started in 2015, and the company finished it for 2017.[28] The project was not successful, more mistakes came up which would affect the company in the future, and they would seriously bring the responsibility of the employer to the fore. One of the greatest problems with using HR robots was that it started to make causeless differences between male and female applicants. According to the analyses, one cause of making differences was linguistic analysis. The program found the expressions used by men more convincing. The presentation of their achievements was more powerful in men's CVs. Such verbs characterized these texts as "perform" and "finish". One basis of the distinction was the difference between the language skills of men and women. The AI found the CVs written in the masculine language more effective. The above-drawn problem was only one part of the functional difficulties of HR robots. The other field was that it often offered unqualified manpower for positions where highly qualified knowledge was necessary.

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[26] In the frames of the theme marked by the article and this paper, we cannot deal with this issue in details. But it is necessary to highlight that personalizing AI suggests a completely transformed technological and social environment which basically generates such life situations that have never existed before. The social innovation in this context would be accompanied by a significant dogmatic change.

[27] György BÖGEL: op. cit.

[28] Jeffry DASTIN: *Amazon scraps secret AI recruiting tool that showed bias against women*. https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G (21/09/2019).

If we examine the employer's authority of AI through the example of the Amazon, it is completely clear that it was a hasty decision.[29] If we look at the actual legal consequences of such a case, then it brings up issues, such as:

- Can the employer's decision-making authorities be delegated to the authority of an AI?
- Can the acceptance of the fact be ethically justified that the AI decides on human fates?
- What will be the legal consequences of artificial intelligence's mistakes? Can it be held accountable because of its legally putative personality, or the employer is responsible for it?

These questions are not simple ones. I would not like to answer all of them; the only aim is to reveal the contexts connecting to the case and our daily Hungarian legal practice. The answer to the first question has been examined in this paper earlier. Then we found that AI is not a person according to the Hungarian legal rules. Here, we could finish answering the questions based on the law in force, because we should stop. But it is worth to conduct the complete theoretical experiment.

Anyway, giving competences and skills for machines by the help of which they could decide on human fates will be the central issue of great arguments. This issue has a quite strong moral-philosophical embedment. Are men able to, or is it necessary for men to emancipate their own technologies and acknowledge them as equal ones? It must be added that this issue is a bit artificial and false, despite its importance. We are often leaving our lives for machines, robots, and artificial intelligence. Maybe not so much as mentioned in the example, but it is real. It is an increasingly common practice in banks to use artificial intelligence for making decisions on credit assessments or starting enforcement proceedings. We can talk with even chatbots during the administration without knowing it. Life situations influenced by artificial intelligence are here in the present,[30] we are just not aware of it.

In the frames of this current study, I would not try to explain the pros and contra ethical arguments completely. Instead of this, the started theoretical experiment should rather be finished. Regarding the examined solution in the case of Amazon, the suspicion of programmed discrimination came up as well. The truth content of this statement could not be examined, but the literature knows the possible reasons of this phenomenon:

- if the algorithm was taught on prejudiced data,
- if it is taught by data referring to the present world well,
- if the programmer was prejudicing when defining the aim,
- if, after giving the data, the programmer chooses the variables which can be taken into account by the algorithm.[31]

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[29] The company could be saved, because it had a bombastic growth in the mentioned period which justified the employment of numerous new employees, and they wanted to make the process to be more efficient.

[30] Another common example is using personal, targeted advertisements after a google search.
Another common example is using personal, targeted advertisements after a google search.

Any of the listed reasons could cause mistakes in the HR processes. The company will probably never reveal in public, how the settings referring to the special interpretation of the language could result in the discriminative behaviour of the AI. But the process used by the robot brings up the violation of the equality requirements of our laws in force. These regulations could be found in Act CXXV of 2003 (hereinafter: Ebktv.). The illegal disadvantageous discrimination applied in the frames of employment relationships is under the scope of the Ebktv., since the employer is in a dominant position to the employee. Because of this dominance, the employer is obliged to keep the requirements of equal treatment in the range of the private law debtors.[32]

The requirement of equal treatment is such a principle that is basically important to be followed in our current social and legal relations. The application of it is also highly important from the aspect of legal law relations. Violating equal treatment bases the possibility of acting against the employer. The basic question is whether using AI changes the legal foundations of the employer's responsibility. In the current legal situation, based on § 6:540 (1) in Act V of 2013 in the Hungarian Civil Code (hereinafter: CC), the employer is responsible against the harmed person if the worker (employee) causes damage for a third person in connection with his legal relationship referring to his employment. This rule is completed by the rule of § 6:540 (3) in the CC, according to which the employee is jointly responsible for the damage with the employer if it is caused intentionally. But can wilfulness be suggested in the case of an AI?

On the other hand, the criterion of applying this additional rule would be to recognize the Ai's personality and independent will. Thirdly, we should suggest that AI has such goods from which it can compensate for the damage. These are still uninterpretable categories in the case of AI. The current solution is more likely, and, in my opinion, easier to interpret in the future, if the AI causes damage when acting as the employer's "representative". That type of passing responsibility that connects the responsibility for the employee with the employee's labour law responsibility is not a working construction in the case of an AI. That's why we are talking about either the employer's own damage or such a passed responsibility that can redirect us to the issues of even consumer protecting responsibility in respect of guarantee-warranty-product liability.[33] We should suppose free will and at

AI is prejudiced, and this is the humans' mistake, https://qubit.hu/2019/08/16/mar-a-mesterseges - intelligencia-is-eloiteletes-es-ez-az-ember-hibaja (23/09/2019).

[32] Katalin GREGOR–Judit VARGA–Adél LUKÉT–Veronika MOLNÁR: *Az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény alkalmazása*. Egyenlő Bánásmód Hatóság, 2018, p. 18.; Tamás GYULAVÁRI–András Kristóf KÁDÁR: *A magyar antidiszkriminációs jog vázlata*. Bíbor, 2009, pp. 22–29.; Nóra JAKAB: *Az egyenlő bánásmód nemzetközi, európai és magyar összefüggései?* Bíbor, 2016, p. 32.

[33] During the deduction of the example, it has become completely clear that we should not think about a unified liability system in case of artificial intelligences in the future. In my opinion, regarding the legal basis of damages caused by HR robots, it differs from damages caused by a self-driving car or even a drone. Compare: Réka PUSZTAHELYI: Reflections on Civil Liability for

least limited legal and default capacity of the AI to be actually a subject of liability relationships. But in fact, the mistakes attributed to the AI are human mistakes that are added to the algorithm during the programming process. And the realization of the mistake is so drastic because the machine itself is not able to treat it in an intuitive human way or overwrite it if it is necessary. If we translate it for the language of labour relations, the set of tools and interactions over a personal interview and/or law can overwrite the employer's earlier preconception about female manpower, and the employer can decide despite his preconceptions. In the case of the machine, there are only set objective parameters and decisional competencies or those considered to be objective, which cannot be overwritten by the machine. That's why AI executes but does not change the programmed preconception. So it happened that the realization became a failure in the case of the Amazon. On the other hand, the precise execution of the program is able to enlarge the problem that can be treated easily on the emotional and communicational base by a human.

Another practical element should be highlighted over the above-mentioned thoughts in connection with the establishment of liability. The legal specialist interviewed by Reuters has underlined that the third person often do not realize that the decisions about them have been made by an AI. Because of this, the person who is the subject of the procedure in connection with the damage or infringement made by the AI employed by the company should face with significant evidence difficulty.[34]

In connection with our daily relationships we are mostly unable to tell it actually what the basis of a decision about us is, and the basis of the decision having been made will mostly not been revealed.

4. Closing thoughts

Before writing this study, I thought that I would like to examine the effects of artificial intelligence on labour law from the aspect of the employees. During writing the article, I realized that introducing new technologies can affect the employees in several ways. The issue of the effects of those cases which bring up questions primarily on the employer's side has come into view during my research. So, I arrived at the problem set which I have tried to draw up in this study, hopefully successfully. In my opinion, the effects of AI and robotics will be different in the world of work, despite their correlations. The field of using AI will have a significant role in supporting the employer's decisions and replacing jobs requiring higher qualifications. And the effects of robotics endanger the positions of employees with lower qualification. It seems at first whether I have drawn a sharp line between them, but of course, these two phenomena are usually blurred, and their effects accumulate.
But examining their effects cannot be started quite early, since the law, as the following system, is lagged that is shown well by the fact that Amazon has tried to

Damages Caused by Unmanned Aircrafts. *Zbornik Radova,* Pravni Fakultet (Novi Sad) 2019/1., pp. 311–326. (Doi: 10.5937/zrpfns53-21513).

[34] Jeffry DASTIN: op. cit.

automatize a part of the decision-making processes, as I have mentioned before. The actual mass application of these systems is far in time, but the law should be ready to give answers for questions such as can exercising the employer's authorities or a part of it be delegated to an entity which is a program created by a human? In my opinion, the importance of legal issues is a secondary one behind the ethical issues. If a consensus can be made in connection with using this technology, the legal issues will become primary ones. These processes will proceed relatively fast and partly parallelly. The transformation of the employment relations does not necessarily happen in legal frames, but primarily in connection with the content of the legal relation. The basis of the changes will be the disappearance of the trust character mentioned by György Lőrincz, which occurs parallelly by the problem of big data[35] and the dematerialisation of workplaces.

The primary subject of labour law research will always be the study of the employees' rights and possibilities. Researching these topics is extremely important since the victims of digitalization, just like in cases of industrial technological development of earlier eras, are the employees participating in mass production. Although, in my opinion, the employees' rights should always be examined in the context of the other party, the employer.[36] So it especially important to examine the employer's legal entity, even in connection with the role of AI. The importance of this is shown by the fact that the phenomena and changes on the employer's side always influence the labour law guarantees, but mostly the definition of the employee as well. So it is especially significant to examine in case of employment or legal law regulation in the future whether an AI can have an HR position or not.

[35] In details: Yuval Noah HARARI: *21 lecke a 21. századra*. Animus Kiadó, 2019.

[36] Compare: Gábor MÉLYPATAKI: A munkavállaló fogalma a magyar és a német jogban a munkáltató szempontjából. *Publicationes Universitatis Miskolcinensis Series Juridica et Politica*, XXX/2, pp. 521–540.