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Artificial Intelligence, Algorithmic Management, and worker protection: A doctrinal, institutional, and comparative labour law analysis of Ghana

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Abstract
Background: Artificial intelligence (AI) and algorithmic management are reshaping workplace governance through automated recruitment, digital surveillance, performance evaluation, work allocation, and disciplinary decision-making. Although these technologies may enhance efficiency, they also pose serious risks to worker protection, including opaque decision-making, intrusive monitoring, weakened procedural fairness, and employment insecurity. These concerns are especially significant in Ghana, where labour regulation remains rooted in assumptions of human managerial discretion and does not expressly address automated decision-making in employment.
Methodology: This article adopts a doctrinal and institutional labour-law methodology informed by a rights-based framework. It examines Ghana's Labour Act, 2003 (Act 651), the Data Protection Act, 2012 (Act 843), relevant constitutional principles, and associated labour-law doctrines. The analysis is complemented by selective comparative engagement with international labour standards and the European Union's AI regulatory framework.
Findings: The article finds that Ghana's legal regime is not simply technologically underdeveloped but structurally misaligned with algorithmic forms of managerial authority. Labour law presupposes identifiable human decision-makers, while data protection law remains too general to address digitally managed work. This creates an accountability gap that leaves workers insufficiently protected and justifies a context-sensitive, labour-centred regulatory framework grounded in transparency, human review, proportionality, institutional accountability, and social dialogue.

Keywords: Artificial intelligence, algorithmic management, labour law, worker protection, ghana

Introduction

Artificial intelligence (AI) and related algorithmic technologies are increasingly reshaping the organisation and governance of work. Employers now deploy automated systems in recruitment, scheduling, productivity monitoring, performance evaluation, discipline, and dismissal. These technologies are often defended in terms of efficiency, consistency, and managerial rationality, yet their workplace use raises deeper legal and normative concerns. When employment-related decisions are generated or materially influenced by opaque digital systems, traditional assumptions about accountability, fairness, and employer responsibility become unstable. Algorithmic management, therefore, represents more than a technological upgrade in workplace administration; it marks a structural transformation in the exercise of managerial power within employment relationships (Prassl, 2018; Kellogg *et al*., 2020; De Stefano, 2022) [9, 19, 23].

The rise of algorithmic management has been especially visible in platform-mediated and gig-economy work, where digital systems allocate tasks, determine pay, monitor performance, rank workers, and impose sanctions, including suspension or deactivation. In such settings, algorithmic systems frequently perform the practical functions of managers while platforms resist the legal obligations ordinarily associated with employer control. A growing body of scholarship shows that this model can intensify asymmetrical and opaque forms of labour control, undermine procedural fairness, weaken access to remedies, and deepen precarity (Wood *et al*., 2019; De Stefano & Aloisi, 2021; Adams-Prassl, 2022) [2, 10, 26]. These concerns are not confined to platform labour. Similar systems are increasingly used in conventional sectors, including logistics, education, finance, manufacturing, and public administration, where employers adopt digital tools to monitor workers, evaluate output, and support managerial decision-making (OECD, 2023; ILO, 2025).

These developments pose a fundamental challenge to labour law. Classical labour-law doctrine is built on the premise that managerial authority is exercised by identifiable human actors who can be required to justify their decisions and held legally accountable for unfair or arbitrary conduct. Algorithmic management destabilises this premise by displacing, mediating, or obscuring human discretion. Decisions affecting hiring, pay, promotion, discipline, or dismissal may now emerge from data-driven systems that are difficult to understand, scrutinise, or contest. The resulting problem is not merely one of technological novelty, but a deeper doctrinal problem concerning how labour law allocates responsibility and protects workers where control is exercised through automated systems rather than visible managerial judgment (Kahn-Freund, 1972; Collins, 2019; De Stefano, 2022) [5, 9, 18].

In Ghana, this issue is increasingly urgent. Digitalisation is advancing across public and private employment settings through biometric attendance systems, digital performance-monitoring tools, platform-based work arrangements, and other forms of data-intensive managerial oversight. At the same time, Ghana's legal framework remains largely anchored in traditional models of employment regulation.

The Labour Act, 2003 [20] (Act 651) establishes the general statutory framework for employment relations, while the Data Protection Act, 2012 [8] (Act 843) governs the processing of personal data. Yet neither statute expressly addresses algorithmic management, automated employment decision-making, or the specific asymmetries created when workplace control is embedded in digital systems (Labour Act, 2003 (Act 651); Data Protection Act, 2012 [8, 20] (Act 843); Data Protection Commission, 2026). This creates uncertainty not only about the legality of algorithmic surveillance and automated discipline, but also about access to remedies, evidentiary burdens, and the attribution of responsibility when workers suffer harm.

The Ghanaian context makes these questions especially important. Labour-market governance operates under conditions marked by institutional constraints, uneven enforcement, and significant levels of labour informality. In such an environment, the unregulated diffusion of algorithmic management may deepen existing vulnerabilities rather than merely introducing new ones. The issue, therefore, is not simply whether AI is entering the workplace, but whether labour law in Ghana is normatively and institutionally equipped to regulate the forms of managerial authority that AI increasingly enables (ILO, 2025; World Bank, 2020) [27].

This article argues that Ghana's legal framework is not merely lagging behind technological change, but is structurally misaligned with algorithmic forms of managerial power. That misalignment arises because labour law remains organised around human discretion and ex post review of identifiable decisions, whereas algorithmic management embeds workplace control within opaque systems of data extraction, prediction, and automation. At the same time, Ghana's data protection law adopts a largely generalist and technology-neutral orientation that is insufficiently responsive to the coercive context of employment relationships and the practical limits of consent in the workplace (Bodie *et al*., 2017; Ajunwa, 2020; Edwards & Veale, 2017) [3, 4, 12].

The article makes three principal contributions. First, it offers a labour-centred doctrinal account of why Ghana's existing legal architecture is ill-suited to regulate algorithmic management, showing that the challenge lies not only in enforcement deficits but in the deeper assumptions upon which the legal framework is built. Second, it analyses how this misalignment generates concrete risks to worker protection in areas such as surveillance, procedural fairness, platform control, and job security. Third, it develops a context-sensitive regulatory framework for Ghana, informed by international labour standards and comparative developments, particularly within the ILO and the European Union, while avoiding uncritical transplantation of foreign models (ILO, 2021; Regulation (EU) 2024 [10, 24]/1689).

Methodologically, the article adopts a doctrinal and institutional approach based on secondary legal and policy sources. It examines Ghana's Labour Act, the Data Protection Act, relevant constitutional principles, labour-law doctrines relating to fairness and accountability, and selected international and comparative materials that provide persuasive normative guidance. The comparative dimension is used not to import external rules wholesale, but to illuminate how worker-protective principles such as transparency, explainability, human oversight, and social dialogue may be adapted within Ghana's own legal and institutional setting (McCrudden, 2006; ILO, 2025; Regulation (EU) 2024 [21, 24, 28]/1689).

The discussion proceeds in seven further parts. Section 2 sets out the theoretical and methodological framework of the article. Section 3 examines the nature of AI and algorithmic management in the workplace and explains why these systems challenge orthodox labour-law assumptions. Section 4 analyses Ghana's existing legal framework, focusing on the Labour Act and the Data Protection Act, and identifies key doctrinal and institutional gaps. Section 5 explores the principal risks to worker protection arising from algorithmic surveillance, automated decision-making, platform-based labour control, and automation-related insecurity. Section 6 engages comparative and international perspectives, drawing particularly on ILO standards and the European approach to AI regulation. Section 7 proposes a labour-centred and rights-based regulatory framework for Ghana. Section 8 concludes by arguing that the future relevance of labour law in Ghana will depend in part on its ability to respond credibly to algorithmic forms of workplace governance.

Theoretical and Methodological Framework

1. Theoretical Framework: Labour Law, Power, and Algorithmic Control

This article is grounded in a labour-law tradition that understands employment regulation as a corrective response to structural inequalities of bargaining power within the employment relationship. Classical labour-law scholarship has long recognised that workers typically enter employment from a position of institutional and economic vulnerability, thereby justifying legal intervention to restrain managerial prerogative, secure procedural fairness, and protect dignity at work (Kahn-Freund, 1972; Adams & Deakin, 2014; Collins, 2019) [1, 5, 18]. From this standpoint, labour law is not merely facilitative; it is protective and distributive, designed to counteract the structural asymmetries embedded in wage labour.

Algorithmic management intensifies these asymmetries by embedding managerial authority within automated, data-driven, and frequently opaque systems. Rather than merely assisting human supervisors, algorithmic systems increasingly shape access to work, task allocation, performance evaluation, remuneration, and disciplinary outcomes. In doing so, they reconfigure the conditions under which workers experience control and contest authority in the workplace (Prassl, 2018; Kellogg *et al*., 2020; De Stefano, 2022) [9, 19, 23]. AI in employment must therefore be treated not as a neutral organisational tool, but as a governance technology capable of redistributing power, limiting contestability, and restructuring accountability.

The article also draws on a rights-based understanding of labour law that foregrounds dignity at work, equality of treatment, procedural justice, and collective voice as central normative commitments of employment regulation. From this perspective, labour law expresses substantive limits on acceptable forms of managerial control. Algorithmic management threatens these commitments by restricting access to reasons, narrowing opportunities for challenge, and weakening the practical availability of remedies (Bodie *et al*., 2017; Ajunwa, 2020; Adams-Prassl, 2022) [2, 3, 4]. Where automated systems function as "black boxes," workers may be unable to understand how adverse

outcomes were produced, identify whether bias or error occurred, or effectively vindicate their rights through institutional processes (Edwards & Veale, 2017 [12]; OECD, 2023).

This framework is especially important in Global South contexts such as Ghana, where labour markets are marked by high informality, precarious work, and uneven enforcement capacity. In such settings, the unchecked spread of algorithmic management risks intensifying existing vulnerability rather than merely introducing a new regulatory problem. The central normative question is therefore whether Ghana's legal framework can continue to perform labour law's protective function when managerial power is increasingly exercised through data-processing systems rather than directly through human actors (ILO, 2025; World Bank, 2020) [27, 28].

2. Methodological Approach

The article adopts a doctrinal and institutional legal methodology based on secondary sources. Doctrinal analysis is appropriate where the objective is to assess the adequacy, coherence, and normative orientation of legal frameworks responding to emerging regulatory problems. In labour-law scholarship, doctrinal work remains central where the inquiry concerns how statutory rules, legal principles, and institutional structures allocate power, responsibility, and remedies (McCrudden, 2006; Adams & Deakin, 2014) [1]. The present article accordingly prioritises interpretation and critical evaluation of legal norms rather than empirical measurement.

The primary domestic sources examined are Ghana's Labour Act, 2003 [20] (Act 651), the Data Protection Act, 2012 [8] (Act 843), relevant constitutional principles, and associated doctrines of fairness, accountability, and employer responsibility. These materials are analysed to determine whether Ghana's legal framework can adequately regulate employment relationships in which managerial authority is exercised through algorithmic and automated systems. Particular attention is paid to the extent to which these legal materials presuppose human decision-making and direct managerial accountability (Labour Act, 2003 (Act 651); Data Protection Act, 2012 [8, 20] (Act 843)).

The methodology also incorporates an institutional dimension. Legal protection depends not only on statutory design, but also on the capacity and orientation of the institutions responsible for implementation and enforcement. In the context of data protection, the Data Protection Commission describes itself as the statutory body responsible for enforcement, complaints handling, audits, and compliance oversight under Act 843. That institutional architecture matters for any assessment of whether Ghana can meaningfully govern workplace surveillance, data extraction, and automated decision-making in practice (Data Protection Commission, 2026). Likewise, any labour-law response to algorithmic management ultimately depends on the interpretive and remedial capacities of adjudicatory and regulatory bodies operating within the employment sphere.

The domestic analysis is complemented by selected comparative and international materials. The article draws on ILO reports and standard-setting discussions that advance a human-centred approach to digitalisation and labour protection, particularly in relation to platform work, transparency, social dialogue, and accountability in digital labour markets (ILO, 2021, 2025) [10, 17]. It also draws on the European Union's AI Act, now enacted as Regulation (EU) 2024 [24]/1689, not as a model for wholesale transplantation, but as an illustration of a more explicit, risk-based, and preventive regulatory strategy for high-risk AI systems, including those used in employment contexts (Regulation (EU) 2024 [24]/1689; European Commission, 2026).

Analytically, the article focuses on four interrelated dimensions: algorithmic surveillance and worker privacy; automated decision-making and procedural fairness; algorithmic control in non-standard and platform work; and automation-related insecurity, including job displacement and weak transition protection. These dimensions provide a coherent structure for identifying doctrinal, institutional, and normative gaps in Ghana's response to algorithmic management. The limits of this methodology should also be acknowledged. Because Ghanaian case law and empirical evidence on algorithmic management remain thin, the article is primarily a normative and structural legal analysis rather than an empirical account of adjudicated disputes or workplace practice.

AI and Algorithmic Management In The Workplace

Algorithmic management refers to the delegation or partial delegation of managerial functions to computational systems that collect, process, and act upon worker-related data. These systems are used to organise, assign, monitor, supervise, and evaluate work, and in some settings, they also shape remuneration, discipline, and termination. The International Labour Organization defines algorithmic management in similarly broad terms, emphasising that it may involve AI-driven prediction as well as simpler rules-based systems that structure managerial decisions (ILO, 2025). In labour-law terms, what matters is not whether a system uses sophisticated machine learning, but whether it materially mediates the exercise of managerial authority over workers. When that occurs, algorithmic management becomes a question of legal power, accountability, and worker protection rather than one of workplace technology alone.

Employers and platform operators commonly justify algorithmic management by reference to efficiency, objectivity, consistency, and productivity optimisation. Digital systems may indeed streamline scheduling, automate routine allocation decisions, and process large volumes of workplace data more rapidly than human supervisors. Yet a growing body of scholarship shows that these systems often intensify managerial control rather than neutralise it. Algorithmic systems can deepen asymmetries of information and power by making workplace decisions less transparent while extending the scope, speed, and granularity of surveillance and performance control (Bodie *et al*., 2017; Ajunwa, 2020; Kellogg *et al*., 2020; De Stefano, 2022) [3, 4, 9, 19]. The legal problem is therefore not merely that management becomes digital, but that it may become less contestable.

One of the defining features of algorithmic management is opacity. Decisions affecting access to work, pay, evaluation, promotion, discipline, or dismissal may be generated or materially shaped by systems whose internal logic is inaccessible to workers and not always fully intelligible even to the deploying employer. This opacity complicates the operation of labour-law principles that depend upon reason-giving, reviewability, and identifiable responsibility. Where a worker cannot know why an adverse outcome

occurred, it becomes harder to detect bias or factual error, and harder still to invoke legal processes in any meaningful way (Edwards & Veale, 2017; Adams-Prassl, 2022) [2, 12]. In practice, algorithmic opacity risks hollowing out substantive fairness by leaving workers formally subject to rights that are procedurally difficult to exercise.

Algorithmic management also transforms the evidentiary structure of workplace disputes. Traditional labour-law adjudication assumes that an employer can identify the relevant decision-maker, explain the basis of a contested decision, and defend its fairness against legal standards. In algorithmically mediated settings, however, responsibility may be dispersed across software vendors, platform rules, automated scoring systems, and managerial reliance on digital outputs. That dispersion does not remove employer control, but it can make employer accountability more difficult to establish in practice. This is especially problematic in legal systems where unfair dismissal and workplace grievance doctrines are built around clear attribution of human judgment and procedural explanation (Prassl, 2018; Collins, 2019; De Stefano & Aloisi, 2021) [5, 10, 23].

These dynamics are most visible in platform-mediated labour. In ride-hailing, delivery, and similar sectors, digital platforms use algorithmic systems to allocate work, rank worker performance, shape earnings, and trigger suspension or deactivation. Uber's Ghana-facing driver materials expressly discuss account-access loss, deactivation review, and in-app review procedures, while Yango's Ghana driver materials state that driver ratings affect access to ride requests and that low ratings can result in temporary blocking. These platform practices illustrate how algorithmic systems can perform core managerial functions even where formal employment status is denied or contested. In legal terms, such systems reproduce many of the practical attributes of employer control while blurring the institutional identity of the controlling actor (Wood *et al*., 2019; De Stefano & Aloisi, 2021; Adams-Prassl, 2022) [2, 10, 26].

However, algorithmic management is not confined to platform work. The ILO and the European Commission's Joint Research Centre have highlighted its spread into more traditional sectors, including logistics and healthcare, underscoring that digitally mediated management is now a general labour-market issue rather than a niche feature of gig work alone (ILO, 2025 [17]; European Commission Joint Research Centre, 2025) [13]. This broader diffusion is analytically important for Ghana. It means that the legal challenge cannot be treated solely as a problem of worker misclassification or digital platforms. The deeper issue is whether labour law can continue to perform its protective role when managerial control is increasingly exercised through data-processing infrastructures across both standard and non-standard forms of work.

From a normative labour-law perspective, three implications follow. First, algorithmic management may erode procedural fairness by reducing access to reasons and limiting meaningful opportunities to challenge adverse decisions. Second, it may weaken employer accountability by obscuring who made a decision and on what basis. Third, it may intensify surveillance in ways that undermine dignity at work, worker autonomy, and collective voice (Bodie *et al*., 2017; Ajunwa, 2020; ILO, 2021; De Stefano, 2022) [3, 4, 9]. These concerns do not depend on technological determinism. They arise because labour law has historically functioned to correct power imbalances in employment relationships, and algorithmic management risks reconstituting those imbalances in technologically opaque forms. The relevance of these concerns to Ghana's legal framework is examined in the next section.

Ghana's Legal Framework and Algorithmic Work

Ghana's current legal framework contains no dedicated statute regulating AI at work or algorithmic management in employment relations. The principal domestic legal materials are instead the Labour Act, 2003 [20] (Act 651), which regulates employment relations and establishes the National Labour Commission, and the Data Protection Act, 2012 [8] (Act 843), which establishes the Data Protection Commission and regulates the processing of personal information. Read together, these statutes provide only a partial and indirect basis for addressing algorithmic management. They were not designed for workplaces in which surveillance, evaluation, allocation, and disciplinary action may be driven by automated systems rather than by visible human supervision.

1. Labour Regulation and the Limits of Traditional Doctrine

The Labour Act, 2003 [20] (Act 651), remains the core statutory framework governing employment relationships in Ghana. For present purposes, its most relevant provisions are those concerning fair and unfair termination, remedies for unfair termination, and redundancies arising from organisational or technological change. Section 63 prohibits unfair termination and provides that termination may be unfair where the employer fails to prove both a fair reason and compliance with fair procedure. Section 64 empowers the National Labour Commission to order reinstatement, re-employment, or compensation. Section 65 further requires employers contemplating major changes in production, organisation, structure, or technology likely to entail terminations to notify the Chief Labour Officer and the relevant trade union in writing. These provisions are significant because they show that Ghanaian labour law is not indifferent to managerial power or technological restructuring; rather, it already contains a protective architecture centred on fairness, procedure, and accountability.

Yet that protective architecture remains rooted in assumptions of identifiable human decision-making. Act 651 does not expressly address situations in which managerial decisions are generated or materially influenced by algorithmic systems. It contains no provisions on automated evaluation, data-driven discipline, algorithmic ranking, explainability, or human review of technologically mediated decisions. As a result, the Act provides no direct doctrinal guidance on how responsibility should be attributed where an adverse employment outcome emerges from an automated system rather than from a clearly identifiable human actor. This is the point at which Ghana's labour law begins to show structural strain. The issue is not merely statutory silence on new technology, but the deeper fact that existing labour-law doctrine presupposes a model of managerial authority that algorithmic systems increasingly disturb (Prassl, 2018; De Stefano, 2022; Adams-Prassl, 2022) [9, 23].

This doctrinal gap has practical consequences for workers seeking redress. Section 63(4) of Act 651 places an evidentiary burden on the employer to prove a fair reason

and fair procedure, but the operation of that burden becomes more complex where the employer relies on algorithmic outputs, performance scores, behavioural analytics, or platform-generated ratings as the basis of an adverse decision. In such cases, the worker may struggle to identify the operative criteria, challenge the accuracy of the underlying data, or test whether the decision was proportionate. The statutory language of fairness remains relevant, but its practical enforceability may be weakened where the rationale for the decision is hidden inside automated systems or treated as proprietary or too technical to disclose. This means that algorithmic management may not formally displace the protections of Act 651, but it can make those protections harder to activate in practice.

The same point applies to procedural fairness more broadly. Section 63(4) requires proof not only of a fair reason, but also of fair procedure. That requirement is potentially important because it creates a doctrinal opening through which Ghanaian labour institutions could insist upon explanation, notice, and meaningful review even in algorithmically mediated disputes. However, Act 651 itself does not specify how fair procedure should operate when automated systems contribute to evaluation, disciplinary recommendation, or termination. Nor does it establish any express right to explanation, access to relevant decision criteria, or human reconsideration of automated outputs. Without legislative clarification or judicial development, the concept of fair procedure risks becoming under-specified in precisely the contexts where digital decision-making makes procedural safeguards most necessary.

Section 65 of Act 651 is also relevant to AI-related workplace transformation. It expressly applies where employers contemplate major changes in production, organisation, structure, or technology that are likely to entail terminations. This provision is important because it shows that Ghanaian labour law already recognises technology as a source of restructuring risk and imposes notification duties where worker displacement is foreseeable. Yet the provision remains oriented toward conventional redundancy scenarios rather than ongoing algorithmic governance of work. It addresses technology-driven job loss, but not the day-to-day use of automated systems for surveillance, scoring, work allocation, or discipline. In other words, Act 651 acknowledges technology at the point of termination or restructuring, but not as an embedded modality of managerial control throughout the employment relationship.

2. Data Protection and Algorithmic Surveillance

The Data Protection Act, 2012 [8] (Act 843) provides the second major legal framework relevant to algorithmic management in Ghana. The Act establishes the Data Protection Commission and states that its object is to protect individual privacy and personal data by regulating the processing of personal information. The Commission's own current materials describe it as the statutory regulator responsible for enforcement, registration, audits, compliance checks, guidance, and broader privacy governance under Act 843. This institutional structure matters because algorithmic management is deeply data-dependent: monitoring systems, performance analytics, biometric attendance tools, and automated decision-support systems all rely on the collection and processing of personal information.

Act 843 contains several principles that are normatively relevant to workplace AI, including lawfulness, accountability, openness, purpose specification, data quality, and security safeguards. The Commission also presents these principles as part of its current compliance architecture. In abstract terms, these principles could constrain some abusive forms of workplace surveillance by requiring employers to process personal data lawfully, for specified purposes, and with appropriate transparency and safeguards. They therefore provide a potentially important legal vocabulary for challenging indiscriminate or excessive digital monitoring in employment settings.

However, the Act remains generalist and technology-neutral. It does not expressly regulate automated decision-making in employment, algorithmic profiling of workers, predictive behavioural scoring, or the use of AI systems in disciplinary and termination processes. Nor does it create employment-specific protections that reflect the structural imbalance of power between employer and worker. This is a significant omission. In workplace settings, formal consent to data processing is often shaped by economic dependency and practical inability to refuse. A data-protection framework that is not specifically adapted to employment may therefore be insufficient to address coercive or structurally one-sided forms of digital monitoring and control (Ajunwa, 2020; Edwards & Veale, 2017; De Stefano & Aloisi, 2021) [3, 10, 12].

The practical consequence is that Act 843 may regulate data processing without adequately regulating algorithmic power. An employer may be able to argue that personal data are being collected for operational or administrative purposes, while the worker remains unable to challenge how those data are converted into performance rankings, behavioural inferences, disciplinary flags, or automated assessments. That gap is especially important where monitoring becomes continuous, intrusive, or functionally disciplinary. The law may govern the collection and handling of data, yet still fail to provide meaningful standards for contesting the managerial use of algorithmically processed information in the employment relationship. This is where data protection law, standing alone, becomes an incomplete response to algorithmic management.

3. Doctrinal and Institutional Implications

Taken together, Acts 651 and Act 843 reveal a regulatory architecture that is fragmented rather than integrated. Labour law protects against unfair termination and recognises technology-driven restructuring, but remains primarily oriented toward ex post review of identifiable managerial decisions. Data protection law regulates the processing of personal information and establishes a statutory regulator, but does so in general terms that do not squarely address algorithmic control in employment. The two regimes, therefore, speak to adjacent aspects of the problem without fully capturing the legal reality of digitally mediated managerial authority.

This fragmentation produces what may properly be described as an accountability deficit. Under the current framework, a worker may be subject to extensive digital monitoring, evaluated through opaque metrics, or affected by algorithmically mediated disciplinary or platform decisions, yet lack a clear route to demand explanation, human review, or effective contestation. The Labour Act

offers fairness language but no explicit algorithmic safeguards; the Data Protection Act offers privacy governance but no labour-specific regulation of automated managerial power. That combination risks leaving workers formally covered by law while substantively exposed to forms of control that are difficult to scrutinise, challenge, or remedy.

The problem is not that Ghana lacks labour law or data protection law. It is that the interaction between the two remains underdeveloped in the face of algorithmic management. A credible legal response will therefore require more than isolated amendments. It will require a labour-centred framework capable of linking data governance, procedural fairness, accountability, and worker voice in a coherent way. That need becomes clearer once the specific risks to worker protection are examined in greater detail.

Risks to Worker Protection

The spread of artificial intelligence and algorithmic management in the workplace generates a cluster of interrelated risks that go to the heart of labour law's protective function. These risks are not exhausted by questions of efficiency or innovation. They are concerned whether workers remain able to understand, contest, and obtain redress for decisions that affect their livelihoods when managerial authority is increasingly exercised through data-intensive and partially automated systems. The International Labour Organization has repeatedly emphasized that platformization, algorithmic control, and digital monitoring can undermine decent work unless accompanied by effective safeguards, human oversight, and social dialogue. In a context such as Ghana, where labour-market vulnerability and enforcement constraints already shape the practical reach of labour rights, these risks become especially significant.

1. Algorithmic Surveillance and Privacy

One of the clearest risks posed by algorithmic management is the expansion of workplace surveillance. Digital systems can monitor location, attendance, communications, productivity, task completion, and behavioural patterns on a continuous or near-continuous basis. In some settings, such systems rely on biometric tools, GPS tracking, productivity dashboards, or behavioural metrics that produce an unusually granular and persistent form of managerial observation. The ILO's current framing of algorithmic management expressly links these systems to monitoring and supervision functions, while OECD work likewise identifies monitoring and evaluation as central components of algorithmic management in the workplace.

From a labour-law standpoint, the key problem is not that all monitoring is unlawful, but that digitally mediated surveillance may become excessive, opaque, or functionally coercive. Continuous data extraction can erode dignity at work, narrow worker autonomy, and generate chilling effects on expression, association, and collective activity. Where workers are unable to know what data are being collected, how long they are retained, what inferences are drawn from them, or how they shape managerial judgment, surveillance ceases to be merely administrative and becomes a deeper structural mode of control. These concerns have been central to recent international discussions on algorithmic management and digital labour governance.

In Ghana, these concerns are sharpened by the limits of the existing legal framework. The Data Protection Act, 2012 [8] (Act 843) provides a general framework for lawful processing, but it does not create employment-specific rules on digital monitoring, algorithmic scoring, or biometric workplace surveillance. The Data Protection Commission identifies itself as the regulator responsible for compliance, audits, and enforcement under Act 843, yet the statute remains general in form and does not directly confront the distinctive coercive conditions of employment-based consent and surveillance. The consequence is that employers may be able to rely on a broad compliance narrative while workers remain insufficiently protected against intrusive or disproportionate monitoring practices.

2. Automated Decision-Making and Procedural Fairness

A second major risk concerns automated or algorithmically mediated decision-making. Once workplace data are collected and processed, they may be used to generate or shape outcomes relating to recruitment, work allocation, performance assessment, remuneration, discipline, and termination. The problem with labour law is that such decisions may be difficult to explain in intelligible terms, difficult to verify, and difficult to challenge. The ILO's current materials on algorithmic management and platform work, together with contemporary OECD analysis, all stress that automated systems can reduce transparency and complicate worker contestation, especially where systems function as opaque or semi-opaque decision architectures.

Procedural fairness in labour law traditionally depends on notice, reasons, an opportunity to be heard, and some form of meaningful review. These safeguards presuppose that a decision can be attributed, explained, and evaluated against a standard of fairness. Algorithmic management places pressure on each of those assumptions. Where adverse outcomes are generated or substantially influenced by data-driven systems, workers may not know what criteria were decisive, whether the system relied on incomplete or inaccurate data, or whether the result reflected a rational and proportionate assessment. In practice, this weakens access to remedies even where formal legal protections remain in place.

This problem is especially acute under legal frameworks that do not expressly provide rights to explanation or human review. Ghana's Labour Act, 2003 [20] (Act 651) requires fairness in termination and provides remedies for unfair termination, but it does not expressly specify how fairness is to be assessed where automated systems materially shape disciplinary or dismissal outcomes. The statutory burden to prove fair reason and fair procedure remains important, y*et al*gorithmic opacity can make that burden harder to test in practice. The legal issue is therefore not simply whether automated decisions are permitted, but whether the worker can meaningfully challenge the basis on which they were made.

3. Platform Work, Algorithmic Control, and Precarity

The risks of algorithmic management are especially visible in platform-mediated work. The ILO's platform-economy materials continue to show that digital labour platforms organise work through data-driven allocation, monitoring, ratings, and deactivation mechanisms that can significantly affect workers' income and access to continued work. The

2021 World Employment and Social Outlook on digital labour platforms and the ILO's more recent platform-economy documents both treat these governance mechanisms as central to the platform business model and to the emergence of new forms of labour precarity.

In practical terms, algorithmic control in platform work can replicate many of the substantive features of employer authority while remaining insulated by contractual classification. A worker may be told when work is available, how tasks are allocated, how performance is measured, and whether they may continue working, yet still be denied the legal protections ordinarily associated with an employment relationship. Platform-operated materials in Ghana reinforce the immediacy of this issue. Uber Ghana describes deactivation review processes, while Yango Ghana states that driver ratings affect access to rides and may lead to blocking when ratings fall too low. These examples illustrate that algorithmically mediated control is not hypothetical in the Ghanaian context; it is already embedded in platform governance structures that bear directly on worker livelihood and continuity of work.

The labour-law risk is therefore twofold. First, algorithmic systems may intensify managerial control over work. Second, formal legal classification may continue to shield the controlling entity from corresponding obligations. Where this occurs, workers may be exposed to unilateral deactivation, opaque ratings, and income instability without access to unfair termination remedies, collective bargaining rights, or meaningful dispute resolution. In a labour market marked by informality and enforcement constraints, these features can deepen structural precarity rather than merely introduce technological novelty.

4. Automation, Job Security, and Social Protection

Algorithmic management also intersects with broader automation-related risks to job security and social protection. Recent ILO materials on digital transformation and generative AI continue to emphasize that technological change may alter occupational structures, reallocate tasks, and intensify pressures on workers who lack access to retraining, redeployment, or social protection. The point is not that AI necessarily produces simple job elimination in every sector, but that it can redistribute insecurity toward workers who are least able to absorb labour-market shocks.

Ghana's Labour Act does acknowledge technology-related restructuring in Section 65, which requires notice where major technological change is likely to entail terminations. That is important, but it remains a relatively narrow and reactive protection. It addresses technological change primarily at the point of possible redundancy rather than as a wider transition problem involving reskilling, redeployment, lifelong learning, or coordinated workforce adjustment. Contemporary ILO discussions of digital transformation increasingly frame these issues in terms of just transitions, social dialogue, and institutional preparation, underscoring that labour law and employment policy must respond not only after displacement occurs but also during the process of technological restructuring itself.

Without stronger connections between labour protection, skills policy, and social security, AI-driven transformation may aggravate existing inequalities in the labour market. Older workers, workers in low-security sectors, and workers in precarious or informal employment are especially exposed where social protection systems and transition frameworks are weak. For Ghana, this reinforces the need to treat algorithmic management not merely as a privacy issue or a narrow question of dismissal law, but as a broader labour-governance challenge involving security, fairness, and institutional capacity.

Comparative and International Perspectives

Comparative and international developments provide important normative and regulatory reference points for assessing national responses to algorithmic management.

1. International Labour Organization

Comparative and international developments are important not because they supply ready-made legal templates, but because they clarify the direction of emerging regulatory norms on AI at work. They show that the problems raised by algorithmic management are no longer treated as marginal issues confined to a few platform sectors. Instead, international institutions and major regulators increasingly regard workplace AI as a matter of transparency, accountability, worker protection, and governance design. For Ghana, these developments are useful as persuasive reference points in thinking through how labour law might adapt without uncritically importing foreign rules.

2. International Labour Organization

The ILO has moved steadily toward a human-centred approach to the governance of AI, digitalisation, and algorithmic management in the world of work. The 2021 [14] World Employment and Social Outlook on digital labour platforms highlighted how platform models rely on algorithmic systems for allocation, monitoring, and evaluation, and warned that these systems can weaken decent work unless labour protections evolve accordingly. More recent ILO work has continued that trajectory by defining algorithmic management expressly, examining the governance of workplace AI, and documenting how worker representatives and social dialogue mechanisms are engaging with algorithmic systems across sectors and jurisdictions.

Three themes are especially relevant to the present article. First, the ILO treats transparency and explainability as central to worker protection where algorithmic systems shape working conditions or employment outcomes. Second, it places sustained emphasis on human oversight, reflecting concern that automated systems should not operate as unreviewable authorities over workers. Third, it stresses the importance of social dialogue and collective voice in the introduction and governance of workplace AI. The ILO's 2025 case-study work on social dialogue and algorithmic management is especially useful here because it shows that participation by worker representatives is not an abstract aspiration but an emerging governance practice across multiple jurisdictions and sectors.

This ILO orientation is significant for Ghana because it aligns closely with labour law's protective logic. It frames AI not simply as a matter of innovation policy or market efficiency, but as a question of power, fairness, and decent work. That framing supports the argument advanced in this article that workplace AI should be approached through labour-centred regulation rather than through data protection or commercial law alone. It also offers a normative basis for insisting that digital management systems remain contestable, reviewable, and open to collective engagement.

3. European Union: The AI Act

The European Union's AI Act, enacted as Regulation (EU) 2024 [24]/1689, represents the most developed legislative attempt to regulate AI systems through a risk-based framework. Of particular importance for labour-law analysis is the fact that the Regulation treats AI systems used in employment, worker management, and access to self-employment as high-risk use cases. The relevant recitals and Annex III framework expressly identify employment-related uses such as recruitment, selection, decisions affecting terms of work, promotion, termination, task allocation, and performance monitoring as sensitive contexts requiring heightened regulation. This is a major development because it signals, at the level of enacted law, that workplace AI engages fundamental-rights concerns serious enough to justify ex ante regulatory obligations rather than mere reliance on after-the-fact remedies.

The significance of the AI Act lies less in any single obligation than in its overall regulatory logic. The Regulation proceeds on the premise that certain uses of AI are sufficiently consequential that providers and deployers must meet advanced requirements relating to risk management, data governance, documentation, transparency, human oversight, and post-market monitoring. In labour-law terms, this is important because it shifts attention from narrow dispute resolution after harm occurs to the proactive design of accountable systems before and during deployment. That logic offers a useful contrast to legal frameworks that remain largely reactive and case-based.

For present purposes, the EU model should not be treated as a transplant blueprint for Ghana. The institutional capacity, market structure, enforcement environment, and constitutional context differ significantly. Yet the AI Act remains highly instructive as evidence of an emerging regulatory consensus: employment-related AI is not an ordinary business tool but a category of technology that may require explicit worker-protective safeguards. That insight is directly relevant to Ghana, even if the specific legal machinery must be adapted to local realities.

4. Comparative Lessons for Ghana

The comparative lesson for Ghana is not that it should copy the EU AI Act or wait for a dedicated ILO convention on workplace AI. The more useful lesson is that contemporary regulation is moving toward an integrated understanding of worker protection in digitally managed work. Three elements stand out. First, transparency and explanation are increasingly treated as necessary preconditions for contesting algorithmic decisions. Second, human oversight is being reaffirmed as a safeguard against unreviewable automation in employment contexts. Third, social dialogue is emerging as a key governance mechanism, especially where algorithmic systems reshape day-to-day working conditions. These themes recur across current ILO materials and the EU's enacted framework.

For Ghana, this suggests that reliance on general labour-law fairness clauses and technology-neutral data protection principles is unlikely to be sufficient on its own. Those regimes remain important, but comparative developments show that worker protection in the age of algorithmic management increasingly depends on legal and institutional arrangements that directly address opacity, human review, surveillance intensity, and participatory governance. In that sense, the comparative material supports—not replaces—the article's central argument that Ghana's existing framework is structurally misaligned with algorithmic forms of managerial authority.

A context-sensitive Ghanaian response would therefore draw selectively from international and comparative principles rather than from wholesale transplantation. It would treat transparency, meaningful review, proportionality, institutional accountability, and worker voice as core labour-law values that must be made operational in relation to AI systems at work. Comparative and international developments are valuable precisely because they show that such an approach is both normatively defensible and increasingly consistent with broader global regulatory trajectories.

Towards A Regulatory Framework For Ghana

The analysis above shows that Ghana's current legal framework is not wholly silent on workplace power, fairness, or technological change. The Labour Act, 2003 [20] (Act 651) already regulates unfair termination, provides remedies through the National Labour Commission, and requires notification where major technological changes are likely to result in terminations. The Data Protection Act, 2012 [8] (Act 843) likewise establishes a regulator with statutory responsibility for compliance, audits, inspections, and complaint handling in relation to personal data processing. The difficulty is not the total absence of legal infrastructure, but the absence of a coherent labour-centred framework that directly addresses algorithmic management as a mode of employer control. A credible Ghanaian response should therefore build on existing institutions and statutory principles while adapting them to the realities of data-driven management.

The central objective of reform should be to ensure that the deployment of AI and algorithmic systems at work remains compatible with core labour-law values: fairness, accountability, dignity, contestability, and worker voice. Comparative developments support that direction. The ILO's current work on algorithmic management stresses transparency, human oversight, and social dialogue, while the European Union's enacted AI Act treats employment-related AI systems as high-risk uses requiring stronger ex ante safeguards. Ghana does not need to transplant those models wholesale, but it can draw from their underlying regulatory logic in developing context-sensitive legal responses.

1. Statutory Recognition of Algorithmic Management

A first reform priority is explicit legal recognition that managerial authority may be exercised through algorithmic and automated systems and that employer responsibility persists when it is. This could be achieved through the amendment of Act 651 or through targeted subsidiary labour regulation. At present, the Labour Act assumes visible managerial action and does not expressly address algorithmic scoring, automated disciplinary triggers, platform ratings, or AI-assisted employment decisions. Formal recognition matters because it would make clear that the use of digital systems does not displace employer obligations relating to fairness, accountability, or remedies. In doctrinal terms, it would close the gap that allows technology to function as a shield against scrutiny. The ILO's current characterization of algorithmic management as systems used to organize, assign, monitor, supervise, and

evaluate work strongly supports treating such systems as labour-governance tools rather than merely technical infrastructure.

Statutory recognition would also provide the normative basis for identifying which forms of workplace AI require heightened safeguards. The EU AI Act is instructive here, not as a transplant model, but as evidence that AI used in employment, worker management, recruitment, performance monitoring, and access to self-employment can justifiably be singled out for stronger regulation. Ghanaian law could adopt a more modest version of this insight by specifying that where automated systems materially affect hiring, discipline, remuneration, work allocation, or termination, additional obligations apply. That would move the law from general silence to sector-sensitive recognition.

2. Rights to Explanation and Meaningful Human Review

A second reform priority is the creation of enforceable rights to explanation and meaningful human review. Where algorithmic systems generate or materially influence decisions affecting employment status, earnings, discipline, or access to work, workers should be entitled to receive an intelligible explanation of the basis of the decision and to request review by a human decision-maker with authority to reconsider the outcome. This is one of the clearest lessons emerging from international labour governance: rights are of limited practical value if workers cannot understand the reasons for adverse action or contest them before an accountable authority. Recent ILO materials on workplace algorithmic management and social dialogue repeatedly stress the importance of transparency, contestability, and oversight in this respect.

In Ghana, such rights could be introduced in stages. The strongest option would be a legislative amendment to Act 651 or the adoption of regulations under labour or sectoral authority specifying minimum procedural safeguards where algorithmic tools are used. A complementary route would involve interpretive development by labour adjudicatory institutions, drawing on the Act's existing insistence on fair reason and fair procedure in termination disputes. If a decision that materially affects a worker cannot be explained in intelligible terms or cannot be meaningfully reviewed, there is a strong argument that the procedural fairness demanded by the statute has not in fact been satisfied. Such interpretive development would not solve the problem entirely, but it would begin to align existing labour doctrine with the realities of automated decision-making.

3. Proportionality Limits on Algorithmic Surveillance

A third priority is the imposition of proportionality-based limits on workplace surveillance. Not all monitoring is illegitimate. Employers may, in some circumstances, have valid reasons to monitor attendance, security-sensitive operations, or task completion. The legal issue is whether surveillance remains necessary, proportionate, transparent, and connected to legitimate workplace purposes. Ghana's Data Protection Act already provides a legal foothold here by regulating personal-data processing and empowering the Data Protection Commission to monitor compliance, investigate complaints, and conduct audits or inspections. The Commission's current compliance guidelines reinforce that role and emphasize demonstrable compliance by controllers and processors.

What remains missing is a clear employment-specific application of those principles. Ghana could move in this direction without waiting for a wholly new AI statute. The Data Protection Commission could issue sector-specific or employment-focused guidance on workplace monitoring, biometric systems, and AI-assisted performance analytics, clarifying expectations around necessity, transparency, access, retention, and accountability. Labour adjudicatory bodies could also interpret unfair labour practices and procedural fairness in ways that treat excessive, opaque, or coercive surveillance as inconsistent with dignity at work. Such a combined approach would help ensure that surveillance practices are judged not only by abstract data-processing legality but by their effect on power, autonomy, and fairness in the employment relationship.

4. Protection for Platform and Algorithmically Controlled Workers

A fourth priority concerns workers who are subject to algorithmic control outside standard employment classifications. Platform workers may not always fit neatly within conventional doctrinal categories, yet the practical reality of platform governance often resembles managerial control in substance. Uber Ghana's own driver-facing materials describe deactivation review processes, while Yango Ghana states that driver ratings affect continued access to work opportunities and may lead to blocking. These are not trivial platform features; they are mechanisms through which access to work is governed and livelihood risk is distributed. Ghanaian law should respond to that substance rather than rely exclusively on contractual labels.

One feasible path would be the development of a functional control-based approach through adjudication and administrative guidance. Where a digital intermediary determines or materially shapes the key conditions under which work is offered, monitored, evaluated, or withdrawn, labour institutions should be willing to look beyond formal classification and ask whether worker-protective norms ought to apply. Comparative experience supports this move. The ILO's continuing work on digital labour platforms underscores that algorithmic control is central to platform governance and that decent-work concerns cannot be resolved purely through contractual designations. Ghanaian reform need not settle all classification debates in one step, but it should, at a minimum, ensure that algorithmically controlled workers are not wholly excluded from procedural protection and access to dispute resolution merely because control is technologically mediated.

5. Institutionalising Social Dialogue in AI Deployment

A fifth priority is the institutionalisation of social dialogue in decisions about workplace AI. The introduction of algorithmic systems should not be treated as an exclusively managerial prerogative, particularly where those systems alter performance evaluation, work allocation, surveillance intensity, or disciplinary processes. The ILO's recent global case studies on social dialogue and algorithmic management show that worker representatives, unions, and collective-bargaining mechanisms are increasingly being used to shape how AI-related tools are designed, introduced, and monitored. These developments demonstrate that participation in AI governance is no longer merely theoretical; it is an emerging practice with direct relevance to labour-law regulation.

For Ghana, social dialogue could be advanced through collective bargaining, workplace consultation arrangements, sectoral guidance, and administrative expectations attached to major technological changes. Section 65 of Act 651 already requires notice where major changes in technology are likely to entail terminations. That provision could serve as an entry point for a broader culture of consultation around workplace digitalisation, especially in organized sectors. While broader legislative support would strengthen this approach, even modest institutional measures could help normalize the principle that workers should have a voice in how algorithmic systems affect their working conditions.

6. Alignment with International Labour Standards

A final priority is deliberate alignment with international labour standards and current global regulatory trajectories. Ghana is not obliged to replicate foreign instruments, but it does benefit from engaging frameworks that already treat workplace AI as a matter of worker protection rather than mere technical modernization. The ILO's human-centred approach and the EU's risk-based treatment of employment-related AI both support the broader proposition that digital innovation should be governed by principles of fairness, transparency, accountability, and meaningful oversight. Those principles can be adapted within Ghana's constitutional and institutional setting without requiring wholesale regulatory transplantation.

7. Limits and Future Research

Any regulatory framework proposed at this stage must remain attentive to the limits of current knowledge. Ghana has limited domestic case law on algorithmic management, and publicly available empirical evidence on workplace AI practices remains thin. This means reform design must proceed with both principle and caution. There is a strong case for future empirical work on platform labour, biometric surveillance, AI-assisted human-resource systems, and institutional enforcement capacity in Ghana. At the same time, the absence of abundant litigation or data should not be mistaken for the absence of regulatory need. Comparative evidence and the current trajectory of digital labour governance make clear that waiting for widespread harm before acting would be a deeply reactive approach.

Conclusion

This article has argued that algorithmic management poses a structural challenge to the existing foundations of Ghanaian labour law. The problem is not simply that artificial intelligence introduces new workplace technologies. The deeper issue is that Ghana's legal framework remains largely organized around assumptions of identifiable human discretion, while contemporary managerial authority is increasingly exercised through systems that organize, monitor, evaluate, and sometimes discipline workers through data-driven and automated processes. The Labour Act, 2003 [20] (Act 651) continues to provide important protections in relation to unfair termination, remedies, and technology-related restructuring, while the Data Protection Act, 2012 [8] (Act 843) provides a statutory framework for personal-data governance and empowers the Data Protection Commission to monitor compliance. Yet, taken together, these laws remain only a partial response to algorithmic management because they do not directly address the opacity, contestability, and distributive consequences of digital managerial control.

The analysis has shown that this legal misalignment produces an accountability deficit. Workers may be monitored continuously, assessed through opaque metrics, or affected by automated or semi-automated decisions without access to clear explanations, meaningful review, or straightforward remedies. These risks are particularly acute in platform-mediated work and in labour markets marked by precarity, uneven enforcement, and institutional constraints. The concern, therefore, is not technological change in the abstract, but the possibility that workplace AI may normalize forms of control that are difficult to scrutinize within existing legal frameworks. International developments reinforce this concern. The ILO's current work on algorithmic management and social dialogue, together with the EU's enacted AI Act, points toward a broader regulatory consensus that employment-related AI requires transparency, human oversight, participation, and stronger accountability mechanisms.

For Ghana, the appropriate response is neither complacency nor wholesale transplantation of foreign models. What is needed is a context-sensitive, labour-centred framework that formally recognizes algorithmic management, secures rights to explanation and meaningful human review, imposes proportionality limits on surveillance, extends procedural protection to workers subject to algorithmic control, and strengthens social dialogue around workplace digitalisation. Such a framework would not reject innovation. Rather, it would insist that technological change remain consistent with the normative commitments of labour law: dignity at work, fairness, accountability, and social justice. The future relevance of labour law in Ghana's digital economy will depend in significant part on whether it can adapt to govern power in its increasingly algorithmic form.

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