Case Study for MSc in Science, Technology, and Policy

'Right to Work' as a human right in the age of generative AI

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Abstract

Normative discussions around AI-induced labour displacement have focused on the risks faced by so-called *low-skilled workers*. However, in a pervious essay I argue that these low-skill jobs are not themselves at risk, and rather that the autonomy and human-interaction these labourers experience in their workplace is instead at risk as algorithmic systems increasingly take over managerial tasks (Gadhia, 2025). This article then contends with the near-future possibility of significant labour-displacement in white-collar sectors as a result of the development and deployment of Generative AI systems. Furthermore, this article covers the foundational *Right to Work* architecture in international human rights frameworks, how it came to be, and the extent to which existing institutions and frameworks are poised to tackle this potential social challenge.

The primary outcome of this paper is to argue that to meaningfully contend with and address the possibility of technology-induced labour displacement, we need to design and adopt newer legal instruments which complement the existing foundational frameworks. Together, these instruments—new and old—should address the social, economic, and social-justice needs of workers in the 21st century by problematising existing conceptions of work as a purely economic activity, as well as questioning assumptions made by lawmakers in a pre-globalisation society.

Introduction

Artificial Intelligence (AI) systems as parts of commercial applications have existed for over a decade now; take for example recommendation algorithms powering Netflix, Amazon, or YouTube, or other task-oriented systems like Google Translate (Gomez-Uribe & Hunt, 2016; Hardesty, 2019; Wu et al., 2016). Although their presence is ubiquitous in modern software, these existing systems have lacked, when compared to contemporary LLM-powered chatbots, the deep, independent user interaction that applications like ChatGPT offer. Since the release of ChatGPT in November 2022, the adoption of generative-AI consumer products has been growing. A recent November 2024 survey by the United States National Bureau of Economic Research claims nearly a third (27%) of their population-representative sample reported using of LLM-chatbots at least once a week (Bick et al., 2024).

The broader public has seen a growing familiarity with "AI" as a concept, and as a result, AI industry leaders have become major public figures wielding considerable wealth and political influence. A byproduct is that Silicon Valley CEOs and researchers are now able to shape policy decisions at a global scale. CNBC recently reported on the role of Jensen Huang (Nvidia CEO) in Trump's decision to reverse GPU export bans to China and framed it as Huang "winning the political competition against other CEOs" (Butts, 2025). Similarly, OpenAI's *Project Stargate* (aiming to build a cross-continental network of data centres in the USA and UAE requiring vast amounts of natural resources, backed by an array of private funders), was announced by Donald Trump himself in a public address, putting an "American stamp of approval" on this massive investment—in terms of both finance and natural resources (Robison, 2025). As these public figures wield their influence over global politics and resource allocation decisions to build "more AI," they paradoxically continue to speak simultaneously of the risks and harms that this technology could bring to society.

There is a valid rationale to dismissing—or otherwise not acting upon—the warnings echoed at large by these AI leaders given that they entangle deep fears of the [long-term] existential risks of this technology with an active race to be the first one to get there. Without getting into an in-depth analysis of the rhetorics used by these figures, the barrage of warnings that come from them have an effect of shrouding in ambiguity *those* risks which are likely more *real* and *near-term*, and *those* which are much more speculative and often in the *very long-term*.

From all the *various AI-risks* present in broad public discourse, this paper will focus on warnings around labour displacement, since this represents one of the more immediate concerns and is worth addressing given the universality of *Work* across cultures and societies. Unlike speculative future risks of civilisational collapse at the hands of super intelligences, job displacement is already happening especially in

white-collar sectors (Brynjolfsson et al., 2025) and falls within the realm of existing legal and institutional frameworks.

More specifically, in this paper I will focus on matters of labour justice and technological unemployment. The structure I will follow starts with two of the three primary documents in the International Bill of Rights which are relevant to us: the Universal Declaration of Human Rights (*UDHR*, 1948) declaring a fundamental 'Right to Work,' followed by the outlining of specific foci in the International Covenant on Economic, Social, and Cultural Rights (*ICESCR*, 1966). The ICESCR gave the 'right to work' a binding treaty form in Articles 6 to 8, obligating ratifying states to safeguard access to employment, ensure just and favourable working conditions, and protect trade union freedoms, but its provisions were framed in broad and vague terms, leaving the other bodies to supply the more concrete standards for state action. Then, we will explore the role played by the International Labour Organisation (ILO) as a UN specialised agency in charge of furthering labour rights, the nature and scope of its treaties, and the obligations placed on the governments of ratifying states. From there, I build the argument that *social responsibilities*—such as those of promoting employment and access to meaningful work—within a nation-state extend from being the responsibility of only the government to that of all public facing institutions whether from the public or private sector, and I borrow this notion from the UN guiding principle on 'Business and Human Rights' (2012).

The research questions this paper addresses are as follows:

> What role can international human rights frameworks on the right to work play in addressing technological unemployment? Are they adaptable to new contexts, or do they primarily serve as normative foundations requiring complementary state and corporate policies?

Motivation and existing instruments

In a previous essay, I have argued that "low-skill" workers are not at risk of job displacement in the age of AI but rather face a more nuanced injustice—that their role as labourers is dehumanised as they are instead managed by algorithmic systems (Gadhia, 2025). However, in this situation, it is worth contending with what becomes of the so-called "managerial class" and whether they are instead at a greater risk of job displacement. To analyse this, the argument I build will focus on the impacts on white-collar jobs, often at an entry-level, to gleam trends in the risk of job displacement faced by the class of "high-skilled workers." This concern is of interest because it determines what becomes of more economically developed, global north nations which depend on high-skilled labourers and brings into question the normative story of upward

economic-mobility which many in less economically developed global south nations aspire to.

Current employment trends

The academic literature available which has carried out empirical analyses of which jobs are "exposed to AI" i.e., are at risk of being impacted, often tries to contend with the question of the nature of the impact—whether displacement or augmentation—but little broad consensus emerges from these discussions. However, when simply dealing with the data presented in these studies, interesting observations can be made. Take for example recent studies from Eloundou et al. (2024) and Colombo et al. (2025) both agree in their analysis that the jobs which are most at-risk of *AI exposure* are high-skilled jobs which typically require workers to have graduate or post-graduate qualifications. In fact, Colombo et al. (2025) specifically note a positive correlation in the "cognitive, problem-solving, and management skills" characterising a job, and its "exposure to automation or augmentation." In analysing what the nature of this exposure has looked like in recent history, they present data from 2003-2023 where the trends display that *AI* exposure has meant both employment and wage growth. However, I would argue that the landscape of AI-tools has undergone a rapid change from 2023 to 2025, and simply extrapolating historical trends may lead to misplaced expectations.

In an even more recent empirical study, Brynjolfsson et al. (2025) report declines in the number of available entry-level positions for white-collar workers, and this trend is strongest in clerical and administrative roles, as well as entry-level programming and software engineering jobs—roles which fit the earlier description of "high-skilled work." Their analysis indicates that firms have already started to reduce hiring for tasks such as data entry and basic research assistance, with there being a 13% decline in available entry-level roles for workers between 22-25 years of age in AI exposed job positions. This finding, if it is an early indicator for an upcoming trend, may contradict expectations from the historical trend laid out by Colombo et al. and instead motivate the need to focus our policy goals towards ensuring continued access to work—and therefore social life and economic mobility—for many citizens.

Consider the legal profession as an example: law firms in the United States and Europe, as well as various European and other Ministries of Justice have begun deploying generative AI tools for tasks such as contract review, document drafting, and summarisation—work traditionally assigned to paralegals and junior associates (Contini, 2024). Though these could be considered "menial and repetitive tasks," they are also key to allowing junior professionals to learn various skills and acquire field-relevant knowledge through practice.

To think critically about the current state of affairs as laid out above, we have to understand the existing tools we have at our disposal as international legal instruments to contend with this challenge, and to otherwise further problematise the notion of technological job displacement in order to imagine new tools. However, one observation to consider is the prevalent use of digital tools to complete the tasks characterising typical jobs which we would consider as *AI exposed*; a curious advantage of so-called "low-skill" jobs is the barrier they pose to their work being turned into data for training.

The fundamental Right to Work: a 20th century background

The "right to work" architecture is designed to continually transform and adjust to match the social, economic, and cultural circumstances of the time, and has an almost-century long history as part of the international legal frameworks. In fact, this architecture continues to undergo changes as our ever-more-globalised societies contend with the rapid diffusion of digital technologies and the institutions which build/deploy/manage them, and this is the possibility which this paper tries to explore.

The articulation of the right to work in international law begins with the Universal Declaration of Human Rights (1948), adopted in the wake of the Second World War as part of the new United Nations framework. Article 23 of the Declaration proclaims that everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. While the UDHR itself carries no binding legal force, it established a normative baseline that subsequently shaped the drafting of binding treaties relevant to the matter.

This proclaimed right, following its appearance in the UDHR, was solidified with the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)[1], in which Articles 6 to 8 elaborate the right to work, fair conditions, and trade union freedoms respectively, as binding obligations for states that ratified the treaty. Yet again, the ICESCR leaves much of the operational content of these rights undefined. Assuming a generous reading of the document's vagueness, I would argue this reflects both: a cold-war era political compromise, as well as the recognition that economic and social rights would need continuous elaboration.

Some necessary elaboration to ICESCR articles has come through the International Labour Organisation (ILO), originally founded under the League of Nations in 1919 and later integrated into the UN system with a mandate to "advance social and economic standards by setting international labour standards." These standards (known as *Frameworks* or *Conventions*) are legally binding when they are ratified by a participating member state, and else the ILO can also make *Recommendations* which, along with

[1] Together with the International Covenant on Civil and Political Rights (ICCPR, 1966), the ICESCR and UDHR form the International Bill of Rights.

non-ratified frameworks, are not legally binding to any member state in question. Following this structure throughout the mid-20th century, the ILO developed a body of conventions and recommendations—ranging from employment (termination) policy and vocational training to protections against unemployment (e.g. the 'Employment Policy Convention 122' (1964) and the 'Termination of Employment Convention 158' (1982)—that supplied the technical detail missing from the text of the 1966 Covenant. By the late 1980s, instruments such as Convention No. 168 on Employment Promotion and Protection against Unemployment (1988), also referred to as the C168, had established a more concrete legal framework for how states might fulfil their obligations under international human rights law. However, it is noteworthy that criticisms of these instruments remain.

21st Century applicability: limitations and possibilities

The primary critiques to these instruments being used in the 21st century come in three forms: vagueness, state-centrism, focus on industrial conceptions of work. In this section I would like to provide some context for each.

From vagueness to political unwillingness

With the fundamental architecture of the "right to work" created in the previous century, there remain aspects of the current landscape of *work* which were unanticipated by those treaties. The most general critique which persists in the literature is various challenges stemming in one way or another from the vagueness of the language used, and this is particularly true of the ICESCR as an enforceable treaty. Agbakwa (2002), for example, makes this critique of the covenant and extends it to the language used later in the African charter—which can aid my argument as an example—arguing of both documents that "[f]or both the individual and the state, the provision provides little guidance as to the state's obligation and the individual's appropriate expectations," which, he argues, in turn allows a state of political unwillingness when no one knows what it means for "everyone [to have the right] to the opportunity to gain his living by work," or "fair wages and decent living" (Art. 6 and 7 respectively, ICESCR 1966). The ambiguities lie at multiple layers, in one instance for example, trying to untangle *what is work?* Does it include domestic labour, or does it only count when someone is willing to pay for the work? Or in another instance, untangling *what* is *fair and decent?* In a later section, I consider Sen's *capability approach* (Bonvin & Farvaque, 2006) to think about such questions. In any case, our current economic systems rely on data and other digitally mediated information to make decisions, and quantitative, calculated answers to these questions are hard to conjure so far or are owned by private actors. Considering this limitation, and by extending Agbakwa's argument, it seems to follow how responsibility for these positive rights can be sidelined by state actors.

The line of criticisms around the ineffective enforceability of the ESCRs remains even in recent literature, with McAuliffe (2023) arguing for example that frequently observed is the "[hollow] promotion of the ESR [while] largely unconcerned with agency, power, interests, and compromise," and that "[n]o studies have produced generalisable conclusions about the relative importance of ESR in explaining the adoption or non-adoption of certain policies by leaders and bureaucracies." All to say that though the Covenant represents a milestone in international human rights frameworks, compromises made along the way, particularly in its language, render its efficacy minimal in practice.

State-centrism and industrial work

These instruments reflect the assumptions of their time, where *work* primarily meant stable, wage-based industrial employment within the territorial jurisdiction of a nation-state. The institutions drafting these frameworks consisted of representatives of national governments negotiating on behalf of their interests, and therefore there appears to be a strong assumption made along the way: that states alone were the primary guarantors of social rights, and that nearly all aspects of economic production were largely national in scope. The underlying logic was that governments, through domestic industrial and employment policy, inspired by international frameworks, could ensure sufficient access to work. This state-centric logic made sense in the pre-globalisation world of the mid-20th century where multinational corporations and tech-sector giants did not exist, but this assumption ought to be problematised in our current globalised, digitised, platform-based economy where employment relations and technology development often cross borders and jurisdictions.

The ILO conventions of the mid-to-late 20th century similarly propagate an industrial paradigm. Even the concept of "technology" in relation to labour and employment was subsumed within this *industrial* worldview. As an example, consider that Article 10 of Framework C168 (on unemployment protections) lays out the conditions of unemployment under which protections and support ought to be provided by states, which states under Clause 2b) that "suspension or reduction of earnings due to a temporary suspension of work, without any break in the employment relationship for reasons of, in particular, an economic, technological, structural or similar nature." This exhausts all mentions of *technology* within this framework—while assuming a continued employment relation and only temporary loss of wages. Another relevant framework, C122 on employment policy, in conjunction with C168 both present a worldview that unemployment can be mitigated through national economic policy and reskilling programmes, however neither framework anticipates the current structural displacement caused by automation or digital platforms that dissolve traditional employer-employee relationships altogether.

While these frameworks offered a coherent model for protecting labour rights in an industrial economy controlled largely by nation-states as was the case in a pre-globalisation world, they left little conceptual room for understanding *work* as something mediated—and impacted and reshaped—by the development of transnational digital infrastructures. The implicit assumptions—state-centred control over the economy, industrial production as a primary source for work, and gradual economic change—now bring into question the effectiveness of these frameworks in a world where notable portions of white-collar work stand at high risk of *AI exposure*.

However, it is worth noting that the international organisations have started to acknowledge the change in our socio-political landscape in the 20th century. The UN Guiding Principles on Business and Human Rights (2012), for example, represent a model to extend the responsibility for safeguarding human rights beyond merely the nation-state, and instead to include private and other non-state actors (broadly referred to as *businesses*) whose decisions and infrastructures increasingly shape access to work and livelihood.

Access to work

A core argument of this paper is that the aforementioned limitations of foundational human rights instruments are not only institutional or administrative, but that they have normative implications. If existing frameworks no longer reflect our lived realities of digitally mediated and globalised labour, then our concern is not just on how to reform them, but rather to problematise how justice in access to work has been defined in the past and what it ought to mean in the 21st century.

To understand what is at stake, we need to move beyond treating work simply as a means to "gain a living." Sen's *Capability Approach* (CA), as laid out by Bonvin and Farvaque (2006), offers a useful reframing: it evaluates well-being not by the resources people possess or subjective economic measures of satisfaction, but by their actual achievements (*functionings*) as well as by their potential achievements (*capabilities*). Applied to the context of labour, *capability for work* is defined as "the real freedom to choose the work one has reason to value." This concept assesses a person's *capability set* (their real freedom to do and be) by considering not just their material possessions and income, but also the personal, social, and environmental *conversion factors* that allow them to translate these material means into meaningful and valuable outcomes in their own life.

When, as current employment trends discussed above show, entry-level positions in white-collar professions disappear—roles that have historically served as normative gateways to personal and professional development—what is threatened is not just monetary income, but an entire socially available pathway to realise both: actual

achievements (material or otherwise), as well as the opportunities to grow one's *capability set*.[2]

This mismatch between framework assumptions and lived experience raises fundamental concerns of labour justice. Sen, as described by Bovin and Farvaque (2006), distinguishes between the *well-being* approach and the *agency* approach of CA. The former focuses on a person's capability of realising material advantages like income, or non-material advantages like social belonging and fulfilment. The *agency* approach on the other hand concerns itself with a person's capability to realise goals related to participation in economic, social, and political spheres of society. Through this more specific framing, a *just access to work* ought to be understood as both the opportunity to gain a living (materially or otherwise, i.e. well-being), and the opportunity to participate meaningfully in culture and society through the possibility of adhering to normative expectations. In the context of technological labour displacement, this dimension of agency becomes especially important: labourers lack the opportunity for meaningful participation in an economic environment which steers toward automation, motivated promises of material growth.

If generative AI developments disproportionately erode entry-level professional roles, then we undermine both: the livelihoods of affected workers, and the socially expected opportunity of upward mobility—in terms of one's role in their workplace, as well as socio-economic (or, class) mobility—that has long structured the labour markets of global north economies and inspired economic policy in the global south. The danger, then, is not simply technological unemployment in the aggregate, but the erosion of pathways which are supposed to sustain fair and inclusive participation in white-collar professions as a necessary pillar of our global society.

Policy-based solutions

So far, I have covered the existing foundational human rights architecture of the *right to work*: with the UDHR, its historical context, subsequent iterations and operationalisations, and the assumptions of all those doctrines altogether creating an unprecedented normative grounding for this fundamental right. Simultaneously, the historical context also reveals these instruments' structural inadequacy for addressing labour justice concerns in the 21st century. The UDHR and following covenants of the International Bill of Rights, along with the ILO frameworks and following UN guiding principles *have* built a model establishing an interpretation of the *right to work*, however to meaningfully address the possibility of technological labour displacement in society, we require holistic regulatory instruments which take into account a broader, more

[2] Celentano (2019, 2023) also provides an alternative theoretical framework to Sen's, expanding the normative conceptions of *work* in our society, however it is not explored here for limitation of scope.

problematised understanding of the role of labour in society, i.e., the capability approach for example.

To address this challenge through international legal and policy-making instruments requires a new set of complementary instruments which address the possibility of technological labour displacement. These new instruments have to go beyond the 20th century precedent of encouraging state-sponsored social welfare and reskilling programmes because they fall short of addressing the fundamental role that work plays in our society: as that of enabling wellbeing and agency in citizens—developing their capabilities. Although it is useful to note that better implementation of those pre-existing ideals would already lead to an improvement in the material wellbeing of many.

Some policy directions to consider for new, complementary instruments could involve states placing corporate obligations on employers within a national jurisdiction. This approach would build directly on top of the UN Guiding Principle on Business and Human Rights (BHR, 2011) which extends obligations to maintain and promote humans rights to private and non-state actors, This strategy could bypass the current challenges faced by citizens and governments of nation-states who wish to regulate the development and wide-spread deployment of disruptive, consumer-grade AI systems by large transnational corporations headed by wealthy individuals with notable political influence. Broadly speaking, states and businesses would therefore both be required to ensure they maintain (and potentially promote) capability building pathways available which may otherwise erode if the private sector governed by digital economic incentives withdraws from providing sufficient entry-level white-collar work. A specific operationalisation of this could come through employers needing to undertake a "capability impact assessment" of their workers before making labour-related decisions. Especially since there is sufficient consensus in the literature to identify which areas of the labour market are at higher risk of *AI exposure*.

Recent EU legislation addresses AI exposure in society broadly, representing both progress and persistent gaps. Some relevant legislative instruments which cannot be explored here include the EU AI Act (2024), the Platform Work Directive (2024), and the Union Skills package (2025).

Conclusion

To answer the research question stated earlier, this paper has argued that international human rights frameworks defining the right to work architecture can serve as essential normative foundations for addressing the potential for technological labour displacement in the AI age, but we require new, complementary instruments which ensure a just right to work. These new instruments must acknowledge and contend with a much broader understanding of work, situated in a framing where it is viewed as

fundamental to furthering justice in the 21st century. A more practical re-focusing of legislative efforts on employers can help overcome challenges of vast transnational regulation of corporations who build and deploy AI systems.

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