Proceedings of the 5th International Conference on International Law and Legal Policy
DOI: 10.54254/2753-7048/2026.39408

Algorithmic Management in Australian Workplaces: A Study on Transparency, Accountability and Worker Protection in AI-Driven Employment Decisions

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Abstract. AI systems are widely used in recruitment screening, job allocation, performance evaluation, remuneration decisions, promotion and dismissal. Compared with traditional human management, algorithmic management can improve information-processing efficiency and assist employers in making complex workplace decisions. This article employs doctrinal legal analysis to examine the regulation of AI-driven employment decisions under the Fair Work Act 2009 (Cth), anti-discrimination law and the Privacy Act 1988 (Cth). Drawing on Mobley v Workday Inc and Houston Federation of Teachers v Houston Independent School District, it identifies the practical limitations of the existing legal framework. The analysis finds that Australian law provides partial protection, but remains fragmented and reactive. Workers generally obtain remedies only after an adverse decision has occurred, while the current framework lacks adequate pre-deployment disclosure, risk assessment, independent auditing and meaningful human review. It recommends prior disclosure, individualised reasons for adverse decisions, restrictions on solely automated decisions, clear employer accountability, algorithmic impact assessments, periodic independent audits and worker participation. These reforms would not prohibit workplace AI; rather, they would establish a more appropriate balance between technological efficiency, fairness, accountability and worker protection.

Keywords: Algorithmic management, Workplace AI, Procedural fairness, Human oversight, Worker protection

1. Introduction

AI systems have been widely used in many aspects of enterprise employment management, including recruitment screening, job allocation, performance evaluation, salary decision, promotion and dismissal. Workplace AI usually does not directly eliminate the whole position, but changes the labor process by automating or re-dividing specific work tasks; this task restructuring may increase work intensity, reduce job quality, and limit worker autonomy [1, 2].

The core position of this article is not to completely ban AI personnel tools, but to build a balanced mechanism to simultaneously ensure workers' autonomy, fairness and normal human review procedures [3, 4]. Although the current Australian law supports some rights relief paths, the

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DOI: 10.54254/2753-7048/2026.39408

overall system presents fragmented and reactive characteristics. The relevant research report of the Australian Human Rights Commission (AHRC) mentioned that there is no general right to reason for personnel decision-making in the private sector, and opaque AI will greatly reduce the legal remedy available to victim workers.

This article will sort out the legal risks arising from algorithm employment, study and judge Australia's existing legal protection system, and compare local judicial cases with extraterritorial regulatory experience. According to the specific situation of recruitment, performance ratings, pay, promotion and termination in Australia, the four legal frameworks of workplace law, anti-discrimination law, privacy law and procedural fairness are analyzed, and finally a systematic legal reform and improvement plan is put forward.

2. Algorithmic management and legal risks in australian workplaces

2.1. Algorithmic management in the employment relationship

Algorithmic management mainly refers to the new model of employer to monitor, assess, organise and intervene in the decision-making of workers and workplaces by relying on data-driven and AI-enabled systems. This kind of system will "exercise or inform the use of the managerial prerogative", that is, the observation, research and communication work undertaken by the traditional supervisor will be partially undertaken by dashboard, score, rank or predictive model. Adams-Prassl defines the change as "algorithmic boss", because the whole process of employer functions from hiring to termination can be assisted by the system or even completed independently [5].

The power change runs through the whole employment lifecycle. In the recruitment link, AI can achieve CV screening, candidate ranking and video interview scoring; in the daily monitoring link, the system can track working time, location, keyboard activity, customer feedback and worker interaction. Blackham's relevant research points out that Australian workplaces has used algorithmic tools in recruitment, work allocation, performance management, employee monitoring and dismissal [6]. Similar risks also appear in algorithmic hiring systems, where screening tools may automate or assist recruitment decisions before a worker can know why they were rejected [7].

2.2. Transparency and black box decision making

When the AI system produces score, ranking or prediction results, workers are usually unable to view the generation logic and specific process behind the results. Black-box does not mean that AI is completely inexplicable, but that workers are often unclear whether the employer has enabled the AI system, what specific data the system has collected, which factors will directly affect the results, what the corresponding weight of each indicator is, whether there is inaccurate data, and whether the decision-making link implements real human review. Algorithmic outputs can be shaping workplace decision-making at the group and individual levels; Blackham further proposed that ML technology will make the internal logic of the model generating a particular result more difficult to explain [6, 8].

Once the worker cannot know the specific reasons why he was rejected, rated low or denied promotion, it is difficult to effectively challenge the decision, identify discriminatory treatment, correct inaccurate information, and make an effective defence before the disciplinary action is implemented. When complex algorithm scores directly affect employment security, the general explanation is not enough to support the worker to complete the meaningful contest.

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2.3. Bias privacy and procedural fairness

Bias risk in workplace AI first comes from the system's learning mechanism for historical data. Bias can originate from tool design or training data, and will continue to reproduce the existing societal inequality; at the same time, biased, historical or out-of-date data will directly affect the operation and judgment of workplace algorithms [8, 9]. Therefore, many seemingly objective and neutral criteria may still cause indirect discrimination: the employment gap will have an adverse impact on carers, the job requirements of full-time availability will limit the group of women who take care responsibility, and facial and voice analysis are also prone to misassess disabled workers, migrants or workers with accents. Kelly-Lyth and Thomas's risk research framework and the relevant allegations against Workday screening tools in Mobley v Workday prove that this kind of risk is not an abstract theoretical hidden danger [7, 10].

Procedural fairness risk usually occurs in negative algorithm decision-making scenarios. When employees receive an adverse score, they cannot obtain valid notice, reasons, opportunity to respond, review and substantive human reconsideration. When the scoring system only refers to patient feedback, outcomes and efficiency, but ignores acuity, workload, case complexity and clinical context, even if the quantitative score seems objective, there is still injustice in essence. AI output must be reviewed by professional human judgment and cannot be directly regarded as an authoritative result [3, 11]. These risks demonstrate that algorithmic management challenges not only substantive employment rights, but also the fairness and legitimacy of the decision-making process itself.

3. Evaluating the adequacy of the australian legal framework

3.1. Employment law

At the level of employment law, the Fair Work Act 2009 (Cth) can provide basic legal relief for workers whose rights and interests are damaged by AI-driven employment decisions. If the employer identifies the employee as a low performer based on the AI performance score and dismisses him, the employee can claim the dismissal "harsh, unjust or unreasonable" according to section 385 and 387 [12]. A simple AI score may not be a valid reason related to the employee's capacity or conduct; if the employer does not disclose the scoring basis, does not give the employee the opportunity to respond, or does not warn the alleged poor performance in advance, there will be procedural fairness defects in the relevant personnel procedures. If an employee is disciplined for questioning the algorithm score, exercising workplace right or participating in collective labor procedures, the employer must provide evidence to prove that the adverse treatment it has made is not because the employee has exercised the legitimate rights protected by law [12].

Workplace automation has made it difficult for traditional employment law to adapt to the employment model; the relevant legal provisions of Australia are scattered among privacy, employment and equality laws, and there are no regular system rules specifically for algorithmic management [6, 13]. The Fair Work Act 2009 (Cth) can only verify whether the decision-making basis and process are compliant after dismissal, and does not require algorithmic impact assessment, bias testing, audit, information disclosure, employee communication consultation or substantive meaningful human review before the enterprise goes online in the AI system. The AHRC (2020) technical report also mentioned that if you want to control algorithmic bias, you must intervene in the early stage of system design, testing and monitoring [8].

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3.2. Anti discrimination law

Under the regulatory framework of the anti-discrimination law, the core issue is to prohibit the differential treatment based on various protected attributes in employment decisions [14-18]. Although AI bias can constitute direct discrimination in a few cases, indirect discrimination is more common in practice: that is, a superficially neutral rule, requirement or data model, which will cause disproportionate damage to the rights and interests of specific groups. AHRC technical papers show that algorithmic bias can arise from training data, system design or inherent bias built into the model, which eventually leads to various unfair or illegal outcomes [8, 9].

The institutional advantage of anti-discrimination law is that it can regulate various discriminatory outcomes and provide complaint, conciliation, compensation and systematic reform relief channels for workers or applicants whose rights and interests are damaged. The rule logic of indirect discrimination is very suitable for the control of algorithmic tools, because the rule focuses on the actual impact of decision-making, not the subjective motivation of the actor [6, 7].

Even so, there is still a significant shortage of evidence in the legal system. Workers often cannot detect whether they have been screened out by the algorithm, nor can they know the data source, proxy variables, comparison groups and model weights behind the decision-making. It is difficult to prove through statistical data that a specific group has suffered a disproportionate impact. The vast majority of applicants do not know that enterprises use AI screening tools, which makes it difficult to protect recruitment-related rights [6, 7]. Therefore, anti-discrimination law may address harmful outcomes, but opaque algorithms make discrimination difficult to identify, prove and remedy.

3.3. Privacy law

Australia's privacy law mainly relies on the Privacy Act 1988 (Cth) and Australian Privacy to protect employee data and provide basic safeguards [19]. Algorithmic management will rely on a large amount of worker data to instruct, evaluate, discipline and reward employees; the automated insights obtained by the system through data will directly affect all kinds of organizational decisions of the enterprise [3].

In the AI office scene, the biggest privacy risk comes from inferred data. The AI system not only simply records basic information such as employees' commuting, but also predicts workers' productivity, promotion potential, burnout risk, resignation possibility through data analysis, and even determines whether employees need disciplinary management. OAIC AI guidance clearly stipulates that AI-generated or inferred information that can correspond to a specific individual is personal information [20]. Employees can't verify whether the performance data generated by the algorithm is accurate at all, but these data will directly bring them various employment consequences [19].

The first loophole in privacy law is the employee records exemption. The Privacy Act 1988 (Cth) does not completely ignore workplace data. APPs can constrain the workplace monitoring record retained by enterprises. However, employers of private enterprises can enjoy legal exemptions when handling work-related data of in-service and retired employees [6, 19]. Privacy Act Review materials also admit that such exemptions and imperfect redress mechanisms are institutional defects that need to be optimized [21]. The employee records exemption may limit the ability of privacy law to provide comprehensive protection in the employment context.

Employees and enterprises belong to subordinate relationships. Workers basically can't refuse workplace monitoring and data processing. Once they refuse, they are likely to affect their hiring, shifts, promotion and job security. The current privacy law only focuses on whether data collection,

DOI: 10.54254/2753-7048/2026.39408

data use or data disclosure is compliant, but the real problem of algorithmic management is the logic of data estimation, the accuracy of prediction, the impact of AI score on salary and penalties, and whether workers can challenge data and inference [19, 20]. Privacy law provides some safeguards, but it does not fully address the predictive and decision-making uses of worker data in AI systems.

4. Case studies and comparative perspectives

4.1. Mobley v Workday

AI recruitment bias will directly deprive job seekers of employment opportunities before workers have established labor relations with the company and are in the job search stage. N.D. Cal. The agency theory and disparate impact claims of the case were recognized in 2024 to continue to be tried, but the relevant claims of employment agency theory were rejected [10]. A 2026 order still left core federal disparate impact claims standing, while dismissing some state and disability claims with leave to amend [22]. The most critical legal significance of this case is to highlight the necessity of vendor accountability. When the employer hands over the recruitment screening or referral function to the Workday third-party system for processing, the job seeker no longer faces the manual and explainable recruitment judgement, but enters the decision-making process of the vendor design system. The employer directly trusts the results, and the algorithm automatically completes the rejection [23]. An applicant basically cannot know what data, proxies or thresholds are used by the system, and it is difficult to prove that the opaque screening system has caused a disparate impact. For Australia, Mobley v Workday does not need to copy the agency doctrine of the United States, but reveals a common problem: an AI vendor creates the system, the employer relies on it, the applicant is rejected, and the reasons are unavailable. Although the existing anti-discrimination law can support the protection of rights, the lack of transparency of the algorithm makes it extremely difficult to obtain evidence and ensure accountability.

4.2. Houston Federation of Teachers

Houston Federation of Teachers v Houston Independent School District clearly shows that algorithmic performance ratings will directly affect the career development of employees [11]. HISD has enabled SAS's Educational Value-Added Assessment System (EVAAS), which relies on students' standardized test growth data to judge the effectiveness of teachers' work. Students' grades once accounted for 50% of the overall assessment, and teachers' low value-added scores will directly become the termination reason for non-renewal and dismissal. The court pointed out that SAS source codes and methodology belong to proprietary trade secrets, and teachers and schools cannot find out the specific calculation methods of the algorithm [11]. The focus of this case is not whether EVAAS is correct, but that employees can't understand, verify and challenge their own AI scores at all. Teachers' work includes classroom context, professional judgement, student differences and long-term teacher-student interaction, which cannot be summarized by simple numerical indicators. If the complex algorithm calculates the assessment results without meaningful reasons or review mechanisms, procedural fairness is just empty talk.

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5. Reforming australian workplace AI regulation

5.1. Strengthening transparency and explainability

In order to solve the problems of black-box, difficult to prove and lack of reason, Australian workplace law should establish clear disclosure and explanation duties for high-impact employment decisions. Blackham said that for ordinary non-technical audiences, algorithms themselves are "opaque and hard to understand" [6]. Before employers use AI to handle recruitment, remuneration, promotion, performance management, disciplinary action or dismissal, they should take the initiative to inform the workers of the use of the system, the main data categories, the main factors affecting the results, and whether the AI output is determinative or advisory. AI-informed decision-making should be transparent and explainable and accept human oversight. The EU AI Act also lists the employment and worker management system as high-risk AI [4, 24]. This obligation does not require the disclosure of proprietary source code. The Houston Federation case proves that once the algorithm becomes "black box, impervious to challenge", the employer cannot use trade secrets to refuse to explain [11]. Explainability should be practical and worker-facing, rather than limited to technical disclosure that employees cannot understand. At the same time, the employer should explain how the AI output affects the final decision, provide accessible reasons, and allow workers to correct inaccurate data, question unfair results and apply for meaningful human review.

5.2. Human oversight and accountability

Australian law should prohibit employers from relying solely on automated systems to make final decisions on dismissal, disciplinary action, promotion, pay or major performance management. Blackham calls this regulatory method "human-in-command" and reminds that if there is no clear person in charge, there will be an accountability vacuum [4, 6]. Human oversight must have practical meaning, not just symbolic. Managers only confirm the AI-generated score, which does not constitute a meaningful human review; the reviewer must receive professional training, consider the contextual information of workers, have the right to deny AI results, correct error data, and provide reasons for the final decision. At the same time, Mobley v Workday shows that third-party AI vendors may actually control recruitment gatekeeping; therefore, even if employers rely on external AI systems, they should continue to bear legal responsibility for final workplace decisions [10, 22].

5.3. Independent auditing and worker participation

In order to solve bias, privacy, consultation and evidentiary gaps, employers should conduct algorithmic impact assessment before deploying high-impact workplace AI. After the system is put into use, periodic independent audits should also be accepted to check discriminatory impact, error rates, accuracy, data quality, privacy risks and the impact of the system on different protected groups. Blackham suggests that employers disclose an easy-to-understand audit summary to explain the performance of the system for different protected groups, data quality controls, human oversight and workforce outcomes [3, 6]. The EU AI Act requires workplace high-risk AI deployers to notify the affected workers and their representatives before the system is put into use [24]. Workers should not only be regarded as data objects, but should obtain prior notice through trade unions or worker representatives, participate in consultation, understand relevant audit findings, and have the opportunity to raise opinions or objections to the use of the system. If the audit finds material bias, serious errors or lack of effective human oversight, the employer should suspend or restrict the use

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of the system and take corrective action. These reforms would not prohibit workplace AI, but would ensure that innovation operates consistently with fairness, accountability and worker protection.

6. Conclusion

Existing Australian law provides partial but insufficient protection against the risks of AI-driven employment decisions. Workers usually seek remedies only after adverse decisions occur, so the current system cannot establish full and clear legal obligations for transparency, explainability, accountability and human oversight before high-impact workplace AI is deployed.

At the same time, although the anti-discrimination law can deal with discriminatory outcomes, as Blackham pointed out, the lack of transparency will further increase the difficulty of proving causation, disadvantage and comparator, making the cost of worker's rights protection in practice higher. AI should be allowed to assist workplace decision-making, but it should not replace meaningful human judgment where decisions affect employment rights, pay, promotion, discipline or dismissal. Stronger duties of transparency, explainability, accountability, independent auditing and worker participation are therefore necessary to ensure that algorithmic management remains consistent with worker protection and the rule of law.

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