



Institute for the
Future of Work

Toolkit

Towards Good Automation: What the Law Says

A Toolkit for Employers and Workers

Mia Leslie, Abigail Gilbert, Aislinn Kelly-Leith,
Joe Atkinson and James Davies

July 2026



Produced with funding from



Contents

Introduction	03
1. Creation	04
2. High Discretion Augmentation	07
3. Low Discretion Augmentation	12
4. Intensification	15
5. Matching	22
6. Telepresence	26
7. Displacement	30

Citation

Leslie, M., Gilbert, A., Kelly-Leith, A., Atkinson, J., Davies, J.: *Towards Good Automation: What the Law Says - A Toolkit for Employers and Workers*, London: Institute for the Future of Work. DOI: 10.5281/zenodo.18478010

Permission to share

This document is published under the Creative Commons Attribution Non Commercial No Derivatives 4.0 International Licence. This allows anyone to download, reuse, reprint, distribute, and/or copy IFOW publications without written permission subject to the conditions set out in the Creative Commons Licence.

For commercial use, please contact team@ifow.org

Introduction

A core challenge in governing automation is that automation is too often treated as a single, uniform phenomenon. In practice, different technologies transform work in different ways, carrying different risks, impacts, opportunities and challenges.

This toolkit has been developed to support policymakers, regulators, worker representatives, employers, and other stakeholders to better anticipate and respond to the risks that new technologies create in the workplace.

It is structured by **different automation archetype**: the various ways that technology changes work, as set out in our [Reframing Automation](#) paper.

Then, for each archetype, it maps **relevant legal duties and protections** across four stages of the [Good Work Algorithmic Impact Assessment](#) process - Involve, Assess, Act, and Monitor - and highlights where gaps, ambiguities, or weak enforcement mechanisms may leave workers exposed.

This can be used as:

- **a tool for employers** who are thinking about ensuring that they promote good work and comply with the law through adoption processes, achieving different kinds of workplace change,
- **a framework for workers** to assert their rights, and
- **a gap analysis for legislators** thinking about improving protections.

The analysis is intended to be practical and actionable: it helps users pinpoint where additional safeguards may be needed (including governance, consultation, transparency, and risk mitigation measures), and where law reform or regulatory guidance may be required.

1. Creation

New jobs are created as a result of technologies that would not have previously existed

Practical Intersections: Redeployment | Hiring | Promotion

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

No specific guidance.

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 13, Section 19, and Section 39, Equality Act 2010

Employers must not discriminate against applicants in deciding to whom to offer employment and must not discriminate against employees.

Direct discrimination occurs where an employer treats one person less favourably than another, because of a protected characteristic. Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee's relevant protected characteristic. When creating new roles, employers must evaluate whether their recruitment or workplace policies requirements, or practices risk disadvantaging a protected group.

Considered?
Notes:

Section 149, Equality Act 2010

When creating new roles public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Public bodies, or private companies delivering public services, should, as best practice, carry out an equality impact assessment when designing new roles or requirements for such roles that could disproportionately impact protected groups.

Considered?
Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including where roles are being augmented by new technologies.

If the firm employs 5 or more people, findings must be recorded.

Considered?
Notes:

Regulation 4, Manual Handling Operations Regulations 1992

Where new roles are created that require manual handling, employers are required to assess the tasks, loads, working environment and individual capability for all manual handling operations to be undertaken by employees.

Considered?

Notes:

Article 35, UK GDPR

If new roles are being created through the introduction of a new technology, it is likely that the technology will process employee or customer data. Employers must consider whether the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons. If so, a data protection impact assessment (DPIA) must be carried out. There is no requirement to follow a set template, but one is available as guidance: [sample DPIA template](#).

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Section 1, Employment Rights Act 1996

Where new roles are created, employers must provide written statements of employment terms.

Considered?

Notes:

Article 13, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

If new roles are being created through the introduction of a new technology, it is likely that the technology will process employee or customer data. This will trigger data protection obligations, such as the need to publish a privacy policy to ensure transparency around how data is collected, processed and stored, unless any of the exceptions under Section 77 are met.

Considered?

Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions

Considered?

Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?

Notes:

2. High Discretion Augmentation

Technology helps workers to conduct work in ways which improve processes, their experience and, potentially, their productivity.

Practical Intersections: Role Redesign | Upskilling | Promotion | Training and Learning Provision

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Regulation 7, Information and Consultation of Employees Regulations 2004

The Regulation establishes the mechanism for a valid employee request to negotiate such an information and consultation agreement.

This only applies in organisations with 50 or more employees and will only be triggered if 2% of employees (minimum 15, maximum 2,500) request it in writing.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulation 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 13 and Section 19, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee’s relevant protected characteristic.

When augmenting roles, employers must evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?
Notes:

Section 149, Equality Act 2010

When augmenting roles public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Public bodies, or private companies delivering public services, should carry out an equality impact assessment as best practice to evidence 'due regard' when augmenting roles that could disproportionately impact protected groups.

Considered?

Notes:

Article 35, UK GDPR

High discretion augmentation will typically utilise innovative technology and, where it involves evaluation of worker performance or productivity, it will also engage evaluation or scoring, a combination that mandates a DPIA. There is no requirement to follow a set template, but one is [available as guidance](#).

Considered?

Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for new roles that are being created.

If the firm employs 5 or more people, findings must be recorded.

Considered?

Notes:

Regulation 4, Manual Handling Operations Regulations 1992

Where high discretion augmentation occurs in jobs requiring manual handling, employers are required to assess the tasks, loads, working environment and individual capability for all manual handling operations to be undertaken by employees.

Considered?

Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company's employees.

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Section 4, Employment Rights Act 1996

If there are changes to the particulars of employment, including the terms of conditions of work due to the augmentation of roles, employers must provide a written statement to employees detailing the changes.

Considered?

Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions

Considered?

Notes:

Article 13, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

If new roles are being created through the introduction of a new technology, it is likely that the technology will process employee or customer data. This will trigger data protection obligations, such as the need to publish a privacy policy to ensure transparency around how data is collected, processed and stored, unless any of the exceptions under Section 77 (1)(b) are met.

Considered?
Notes:

Article 22 A-D, UK GDPR as amended Section 80 Data (Use and Access) Act 2025

If the new technology which is augmenting roles will be capable of making decisions based solely on automated processing (without meaningful human involvement), and these decisions will have legal or similarly significant effects on an individual or individuals, then such decision making must comply with Article 22A-D GDPR, as amended by Section 80 Data (Use and Access) Act 2025, to be lawful.

Considered?
Notes:

Regulation 4, Working Time Regulations 1998

If augmented roles increase workload, responsibilities or decision-making requirements, it must be ensured that workers do not work more than 48 hours a week, unless they have opted out of the Working Time Regulations.

Considered?
Notes:

Regulation 10, Working Time Regulations 1998

Workers must have 11 hours of rest per day, a day off each week, a rest break if the working day is longer than six hours.

Considered?
Notes:

Section 39, Patents Act 1977

Employees using technology to create or improve outputs might generate intellectual property in the course of their employment. This will by default belong to the employer.

To avoid disputes, employers should set out the intellectual property ownership rules in employment contracts.

Considered?

Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?

Notes:

3. Low Discretion Augmentation

Technology is designed and deployed to reduce the required discretion and skills composition of work. Tasks which are core, high value or meaningful from the perspective of the worker are substituted.

Practical Intersections: Role redesign | Training and Learning | Pay
Terms and Conditions

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Regulation 7, Information and Consultation of Employees Regulations 2004

The Regulation permits for employees to request information and consultation about significant workplace decisions that affect them, such as contractual changes, changes to the business structure, restructuring.

The consultation obligation only applies in organisations with 50 or more employees and will only be triggered if 2% of employees (minimum 15, maximum 2,500) request it in writing.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulation 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Article 35, UK GDPR

If the introduction of new technology in the workplace augments work through monitoring, it is likely that it will constitute high-risk data processing. Generally, this means that employers must conduct a Data Protection Impact Assessment (DPIA) and seek the views of employees, or their representatives, on the intended processing.

Considered?
Notes:

Regulation 4A, The Safety Representatives and Safety Committees Regulations 1977

Where the employer recognises a trade union, employers must consult recognised safety representatives whenever they are making decisions that affect employees' health and safety, including where new technologies are being introduced which could affect workplace health and safety.

Employers must provide relevant information of the risks to safety representatives.

Considered?
Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 19 and Section 39, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee's relevant protected characteristic.

When using technology to augment roles, employers must evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?
Notes:

Section 149, Equality Act 2010

When augmenting roles public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Public bodies, or private companies delivering public services, should carry out an equality impact assessment as best practice to evidence "due regard" when augmenting roles that could disproportionately impact protected groups.

Considered?
Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for roles that are being augmented through the introduction of new technologies.

If the firm employs 5 or more people, the significant findings of the assessment and any group of employees identified by it as being especially at risk should be recorded.

Considered?
Notes:

Regulation 4, Manual Handling Operations Regulations 1992

Where low discretion augmentation occurs in jobs requiring manual handling, employers are required to assess the tasks, loads, working environment and individual capability for all manual handling operations to be undertaken by employees.

Considered?

Notes:

Article 35, UK GDPR

If the introduction of new technology will constitute high-risk data processing, employers should conduct a Data Protection Impact Assessment (DPIA). A DPIA should include identification of the need for a DPIA, description of the processing, consideration of consultation, assessment of necessity and proportionality, identification and assessment of risks, identification of measures to mitigate the risks and then sign off and record outcomes. There is no requirement to follow a set template, but one is available as guidance: [sample DPIA template](#).

Considered?

Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members as a whole. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company's employees.

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Section 4, Employment Rights Act 1996

If there are changes to the particulars of employment, including the terms of conditions of work due to the augmentation of roles, employers must provide a written statement to employees detailing the changes.

Employers should clarify if additional responsibilities impact pay, hours or job descriptions.

Considered?

Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions

Considered?
Notes:

Article 22A-D, UK GDPR and Section 80 Data (Use and Access) Act 2025

If automation results in decisions being made without meaningful human involvement (rather than individual human discretion), and these decisions have legal or similarly significant effects on an individual, then employers must ensure that systems and processes comply with legal standards for automated decision making. This includes the requirements of express consent, or that it is necessary for performing a contract, and informing employees about the decision if their personal information has been used. An organisation must also enable that person to: make representations about the decision, obtain human intervention about the decision and contest the decision.

Considered?
Notes:

Regulation 4, Manual Handling Operations Regulations 1992

Following a risk assessment, employers must take appropriate steps to reduce the risk of injury to employees arising out of manual handling.

Considered?
Notes:

Regulation 10, Working Time Regulations 1998

Workers must have 11 hours of rest per day, a day off each week, a rest break if the working day is longer than six hours.

Considered?
Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?

Notes:

4. Intensification

Technology is designed, developed or deployed to support increased density of tasks. This generates value by increasing the output and activity of humans.

Practical Intersections: Demand Control Balance | Working Hours |
Updates to Terms and Conditions

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Regulation 3(e), The Health and Safety (Consultation with Employees) Regulation 1996

Where employers plan to introduce new technologies into the workplace which could significantly impact health and safety, such as those that intensify work, they are required to consult with employees in the absence of a recognised trade union safety representative' (when Reg.4A of the 1977 regs applies, as below).

Considered?
Notes:

Regulation 4, The Health and Safety (Consultation with Employees) Regulation 1996

The consultation should be with the employees directly, or persons elected by the group of employees to represent the group.

Considered?
Notes:

Regulation 5, The Health and Safety (Consultation with Employees) Regulation 1996

Employers are required to make information available to employees to enable them to participate fully and effectively in the consultation.

Considered?
Notes:

Article 35(9), UK GDPR

If the introduction of new technology in the workplace results in intensification of work through monitoring, it is likely that it will constitute high-risk data processing. Generally, this means that employers should conduct a Data Protection Impact Assessment (DPIA) and seek the views of employees, or their representatives, on the intended processing.

Considered?
Notes:

Regulation 7, Information and Consultation of Employees Regulations 2004

The Regulation permits for employees or unions to request information and consultation about significant workplace decisions that affect them, such as contractual changes, changes to the business structure, restructuring.

The consultation obligation only applies in organisations with 50 or more employees and will only be triggered if a threshold of 2% of employees request it in writing, with a minimum of 15 employees.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulation 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement over about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Regulation 4A, The Safety Representatives and Safety Committees Regulations 1977

Where the employer recognises a Trade Union, employers must consult recognised safety representatives whenever they are making decisions that affect employees’ health and safety, including where new technologies are being introduced which could affect workplace health and safety.

Employers must provide relevant information of the risks to safety representatives.

Considered?
Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Sections 19 and Section 39, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee’s relevant protected characteristic.

When creating new roles, employers must evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?
Notes:

Section 149, Equality Act 2010

When intensifying roles public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Public bodies, or private companies delivering public services, should, as best practice, carry out an equality impact assessment when intensifying roles that could disproportionately impact protected groups.

Considered?

Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for roles that are being intensified through the introduction of new technologies that may increase cognitive or physical demands.

Considered?

Notes:

Regulation 4, Manual Handling Operations Regulations 1992

Where intensification occurs in jobs requiring manual handling, employers are required to assess the tasks, loads, working environment and individual capability for all manual handling operations to be undertaken by employees.

Considered?

Notes:

Article 35, UK GDPR

If the introduction of new technology will constitute high-risk data processing, employers must conduct a Data Protection Impact Assessment (DPIA). There is no requirement to follow a set template, but one is available as guidance: [sample DPIA template](#).

Considered?

Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company's employees.

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Article 13, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Where intensified roles involve performance monitoring data protection obligations will be triggered. Employers must inform employees at the time of data collection about the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77 (1)(b) are met.

Considered?
Notes:

Article 14, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Where employee personal data is obtained through technical sources (such as the tracking of productivity with sensors or software), employers must make sure workers are aware of how that data is being collected (the source), as well as the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77(2)(a) are met.

Considered?
Notes:

Articles 22A-D, UK GDPR

Where intensification systems automatically determine work allocation, pace targets or performance ratings that have consequences for the worker's employment or pay, i.e. have legal or similarly significant effects for individual/s, Articles 22A – D are likely engaged. Employers must ensure appropriate safeguards are in place when automated decisions are made, including human intervention and the ability to contest decisions.

Considered?
Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions.

Considered?
Notes:

Regulation 10, Working Time Regulations 1998

Employers should ensure that algorithmic systems allocate tasks in line with the requirement for workers to have 11 hours of rest per day, a day off each week and a rest break if the working day is longer than six hours.

Considered?
Notes:

Section 4, Employment Rights Act 1996

If there are changes to the particulars of employment, including the terms of conditions of work due to the intensification of roles, employers must provide a written statement to employees detailing the changes.

Employers should clarify if additional responsibilities impact pay, hours or job descriptions.

Considered?
Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?
Notes:

Regulation 6, The Management of Health and Safety at Work Regulations 1999

If the risk assessment under the same Regulations has identified that workers remain exposed to significant health risks even after controls have been put in place, health surveillance is required. Health surveillance is a scheme of repeated health checks which are used to identify ill health caused by work.

Considered?
Notes:

5. Matching

Information processing capabilities are harnessed to reduce frictions in pairing processes (worker to job, or task). Tasks are mediated differently across space, possibly involving some substitution and/or creation depending on position.

Practical Intersections: Outsourcing | TUPE | Shift Allocation | Promotion
Task Allocation

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Regulations 13–15, Transfer of Undertakings (Protection of Employment) Regulations 2006

Where matching or task allocation involves outsourcing, insourcing, or a service provision change that constitutes a relevant transfer, the transferor and transferee must inform and consult appropriate representatives of affected employees about the transfer and any measures envisaged.

Considered?
Notes:

Regulation 7, Information and Consultation of Employees Regulations 2004

The Regulation permits for employees or unions to request information and consultation about significant workplace decisions that affect them, such as contractual changes, changes to the business structure, restructuring.

The consultation obligation only applies in organisations with 50 or more employees and will only be triggered if 2% of employees (minimum 15, maximum 2,500) request it in writing. Requests must be made by employees.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulation 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Article 35, UK GDPR

If the introduction of matching technology in the workplace utilises sensors or monitoring, it is likely that it will constitute high-risk data processing. Generally, this means that employers must conduct a Data Protection Impact Assessment (DPIA) and seek the views of employees, or their representatives, on the intended processing.

Considered?

Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 19 and Section 39, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee's relevant protected characteristic. When introducing matching technology, employers must evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?

Notes:

Section 149, Equality Act 2010

When introducing matching technology public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Public bodies, or private companies delivering public services, should, as best practice, carry out an equality impact assessment when augmenting roles that could disproportionately impact protected groups.

Considered?

Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for roles that are being changed through the introduction of matching technologies.

If the firm employs 5 or more people, the significant findings of the assessment and any group of employees identified by it as being especially at risk should be recorded.

Considered?

Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members as a whole. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company's employees.

Where new roles are created, employers must provide written statements of employment terms in employment contracts.

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Article 13, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Matching systems often rely on personal data, and therefore their introduction will trigger data protection obligations. Employers must inform employees at the time of data collection about the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77 (1)(b) are met.

Considered?
Notes:

Article 14, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Where employee personal data is obtained through technical sources (such as workplace sensors that collect location data and behaviour monitoring devices), employers must make sure workers are aware of how that data is being collected (the source), as well as the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77(2)(a) are met.

Considered?
Notes:

Articles 22A-D, UK GDPR

If the matching technology will make solely algorithmic decisions, such decision making must comply with Articles 22A-D UK GDPR, as amended by Section 80 Data (Use and Access) Act 2025, to be lawful.

Considered?
Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions.

Considered?
Notes:

Regulation 10, Working Time Regulations 1998

Employers should ensure that algorithmic matching systems allocate tasks in line with the requirement for workers to have 11 hours of rest per day, a day off each week and a rest break if the working day is longer than six hours.

Considered?

Notes:

Section 4, Employment Rights Act 1996

If there are changes to the particulars of employment, including the terms of conditions of work due to the introduction of matching technology, employers must provide a written statement to employees detailing the changes.

Employers should clarify if additional responsibilities impact pay, hours or job descriptions.

Considered?

Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?

Notes:

6. Telepresence

Technology is designed and deployed to project perceptual, cognitive or psychomotor capabilities into a distant environment.

Practical Intersections: Terms and Conditions | Flexible Working

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Article 35, UK GDPR

Where telepresence includes extended managerial oversight and workforce monitoring through virtual supervision or activity tracking it is likely that it will constitute high-risk data processing. Generally, this means that employers must conduct a Data Protection Impact Assessment (DPIA) and seek the views of employees, or their representatives, on the intended processing.

Considered?
Notes:

Regulation 7, Information and Consultation of Employees Regulations 2004

The Regulation permits for employees or unions to request information and consultation about significant workplace decisions that affect them, such as a transition to hybrid or remote work or increased managerial oversight and monitoring.

The only applies in organisations with 50 or more employees and will only be triggered if 2% of employees (minimum 15, maximum 2,500) request it in writing.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulation 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 19 and Section 39, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee's relevant protected characteristic.

When introducing telepresence, employers must evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?

Notes:

Section 149, Equality Act 2010

When introducing telepresence public sector employers, or private sector employers delivering public services, must have due regard to the need to eliminate discrimination, advance equality and foster good relations in line with the Act.

Considered?

Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for roles that are being changed through the introduction of telepresence.

If the firm employs 5 or more people, the significant findings of the assessment and any group of employees identified by it as being especially at risk should be recorded.

Considered?

Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members as a whole. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company's employees.

Considered?

Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Section 1, Employment Rights Act 1996

Where new roles are created, employers must provide written statements of employment terms in employment contracts.

Considered?
Notes:

Article 13, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Systems used for telepresence are likely to process personal data, and therefore their introduction will trigger data protection obligations. Employers must inform employees at the time of data collection about the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77 (1)(b) are met.

Considered?
Notes:

Article 14, UK GDPR as amended by Section 77 Data (Use and Access) Act 2025

Where employee personal data is obtained through technical sources, such as through virtual supervision or activity tracking, employers must make sure workers are aware of how that data is being collected (the source), as well as the purpose of collection, the lawful basis, who will access the data and the retention period as well as their rights, unless any of the exceptions under Section 77(2)(a) are met.

Considered?
Notes:

Employment Rights Act 1996

Even where work is to be conducted remotely, employers must provide a statement of particulars specifying working hours and location, responsibility for maintaining or using employer-provided tools and provisions for cross-border working arrangements if workers may be based offshore.

Considered?
Notes:

Section 4, Employment Rights Act 1996

If there are changes to the particulars of employment, such as the location of work, employers must provide a written statement to employees detailing the changes.

Employers should clarify if responsibilities will change and whether it will impact pay, hours or job descriptions.

Considered?
Notes:

Section 80G, Employments Rights Act 1996

Employees may formally request flexible work arrangements, including remote setups, from 'day one' at work. Employees are able to make two flexible working requests every 12 months and employers must deal with the requests within two months.

Employers must consult with an employee before refusing a request and under the Employment Rights Act 2025 (expected to apply from 2027) employers will only be able to refuse where it is reasonable to do so on the existing specified statutory grounds.

Considered?

Notes:

Regulation 10, Working Time Regulations 1998

Employees should still be protected from excessive workloads and should have 11 hours of rest per day, a day off each week and a rest break if the working day is longer than six hours, even when working remotely.

Considered?

Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions.

Considered?

Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?

Notes:

7. Displacement

Technology is designed or deployed to conduct tasks previously conducted by people, in a way which reduces the demand for labour at the level of an entire job.

Practical Intersections: Redundancy

Stage 1 - Involve

Identifying individuals who may be impacted by the new system or tool

Section 188, Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)

Where an employer is proposing to make redundant 20 or more employees at one establishment within a period of 90 days or less, they must consult all the persons who are appropriate representatives of any of the employees who may be affected. (Note that under s.29 Employment Rights Act 2025 (expected in force 2027), an additional cross-establishment threshold will be introduced so that collective consultation obligations may be triggered by the total number of proposed redundancies across the employer's entire business.)

The consultation must cover ways of avoiding the dismissals, reducing the number of employees to be dismissed and ways of mitigating the consequences of the dismissals.

Considered?
Notes:

Regulations 13–15, Transfer of Undertakings (Protection of Employment) Regulations 2006

Where displacement involves outsourcing or a service provision change constituting a relevant transfer, the transferor and transferee must inform and consult appropriate representatives of affected employees.

Considered?
Notes:

Regulation 7, Information and Consultation of Employees Regulations 2004

Employees can trigger a consultation process when they believe they and/or others are at risk of displacement. This only applies in organisations with 50 or more employees and will only be triggered if 2% of employees (minimum 15, maximum 2,500) request it in writing.

If the threshold is met, the employer must start negotiations with employees to establish an information and consultation agreement.

Considered?
Notes:

Regulation 20, Information and Consultation of Employees Regulations 2004

What needs to be consulted about under the ICE Regulations depends on whether a negotiated agreement is reached, or the standard information and consultation provisions apply.

If the standard provisions apply, there are 3 categories of information with distinct obligations. Employers must “inform” about category (a) issues, “inform and consult” about category (b), and inform and consult with a view to reaching agreement about category (c). Developments in technology are likely to fall into category (a) but the question of present and future levels of employment, category (b).

Considered?
Notes:

Stage 2 - Assess

Undertake an ex-ante risk and impact analysis

Section 19 and Section 39, Equality Act 2010

Indirect discrimination may occur where an employer applies a provision, criterion or practice to an employee which is discriminatory in relation to an employee’s relevant protected characteristic.

When displacing entire roles through the introduction of new technologies, employers should evaluate whether workplace policies, requirements, or practices risk disadvantaging a protected group.

Considered?
Notes:

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Every employer is required to assess the risks to health and safety to employees whilst they are at work, including for those who remain in roles following displacement of other workers.

If the firm employs 5 or more people, the significant findings of the assessment and any group of employees identified by it as being especially at risk should be recorded.

Considered?
Notes:

Section 172, Companies Act 2006

Directors of a company are required to act in a way that they consider would be most likely to promote the success of the company for the benefit of its members as a whole. When making decisions, such as introducing new technologies into the workplace, they must consider (among other things) the likely consequences of any decision in the long term and the interests of the company’s employees.

Considered?
Notes:

Stage 3 - Act

Take appropriate action in response to the ex-ante risk analysis

Section 98, Employment Rights Act 1996

Employers must show that the reason for dismissal is either capability, conduct, redundancy, that retaining the employee would contravene the law, or some other substantial reason that is potentially fair. The decision to dismiss will be fair if it was made following a fair procedure, and is one that a reasonable employer could have made.

Considered?
Notes:

Article 22 A-D, UK GDPR as amended Section 80 Data (Use and Access) Act 2025

If decisions around displacement are made solely by automated systems (for example, an algorithmic performance review) organisations must provide the person whose personal information it has used with information about the decision; and enable the person to make representations about the decision, obtain human intervention about the decision, contest the decision.

Considered?
Notes:

Regulation 4, The Management of Health and Safety at Work Regulations 1999

Following a risk assessment, employers must implement preventative and protective measures in line with the Principles of Prevention in [Schedule 1](#). These include:

- Avoiding risks where possible.
- Evaluating risks that cannot be avoided.
- Combating risks at source.
- Adapting work to the individual
- Using collective protective measures before personal protective measures.
- Providing adequate training and instructions.

Considered?
Notes:

Stage 4 - Monitor

Continuous evaluation to ensure assessment and that appropriate action is ongoing and responsive

Regulation 3, The Management of Health and Safety at Work Regulations 1999

Employers should review assessments conducted for continued validity and where there have been subsequent significant changes in the workplace.

Considered?
Notes:

IFOW is an independent research and development institute dedicated to transforming working lives for the better, co-founded by former employment barrister Anna Thomas MBE, Nobel prize-winning economist Sir Christopher Pissarides, and technologist Naomi Climer CBE.

Our core team at Somerset House works with a growing network of strategic partners striving for systems change.

Our vision is a future in which everyone flourishes in work they shape.

Our mission is to understand together how to transform working lives for good.

Our belief is that creating and sustaining good work is the best way to achieve this mission and ensure that innovation and social good advance together.



Fair economy. Better world.

The Friends Provident Foundation is an independent charity that makes grants and uses its endowment towards a fair and sustainable economic system that serves people and planet. It connects, funds, supports and invests in new thinking to shape a future economy that works for all. Since 2004, it has pioneered the creation of fair economy for a better world.

Institute for the Future of Work
Somerset House
Strand
London
WC2R 1LA
ifow.org / [@ifow.org](https://twitter.com/ifow)

About our Toolkits

Our Toolkits present practical applications arising from IFOW's research team, research fellows, practitioners and partners, offering policymakers, firms and academics tools to operationalise the latest thinking in the Future of Work space.

If you would like to further information, please contact team@ifow.org

Citation

Leslie, M., Gilbert, A., Kelly-Leith, A., Atkinson, J., Davies, J.: *Towards Good Automation: What the Law Says - A Toolkit for Employers and Workers*, London: Institute for the Future of Work.
DOI: 10.5281/zenodo.18478010

Permission to share

This document is published under the Creative Commons Attribution Non Commercial No Derivatives 4.0 England and Wales Licence. This allows anyone to download, reuse, reprint, distribute, and/or copy IFOW publications without written permission subject to the conditions set out in the Creative Commons Licence.