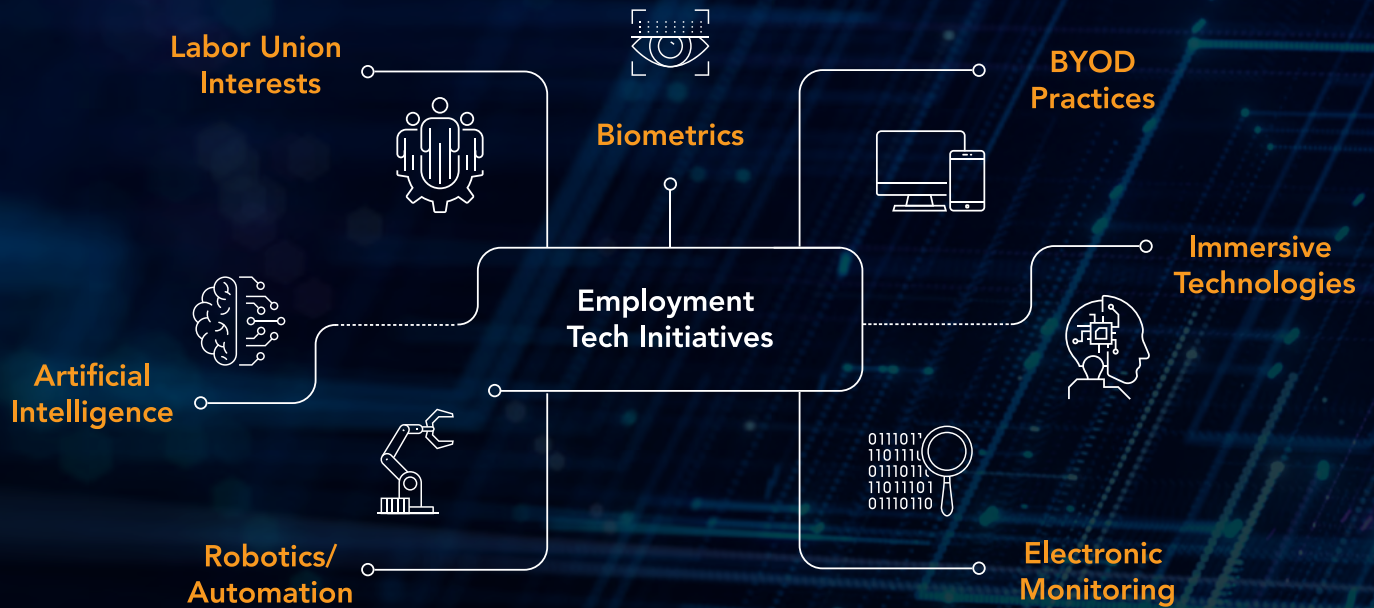


Labor and Employment Emerging Technology



The influence of emerging technologies on the global workforce is accelerating.

Immersive technologies, biometrics, artificial intelligence, robotics, and process automation, among other innovations, present challenges for employers to implement these powerful new tools fairly and effectively. They also present novel risks regarding compliance with US and international employment, labor, civil rights, and privacy laws.

Hunton's Labor and Employment Emerging Technology Team advises some of the world's largest employers about effective onboarding of these tools while ensuring compliance with applicable laws and legislative trends.

Learn more about our practice

Labor and Employment Emerging Technology

Services and Support



Immersive Technologies (Virtual/Augmented Reality Tools)

Employers are turning to virtual and augmented reality tools to enhance complex technical training and job simulation, improve virtual meetings and collaboration, enhance wellness and streamline hiring, to name just a few. These immersive technologies create new risks regarding employee privacy, monitoring, and age-based and ability-based discrimination. Choosing the correct vendor for these technologies and navigating known and potential compliance risks is essential.



Artificial Intelligence (Assistive and Agentic)

AI shows promise in enhancing efficiency in Human Resources and recruiting functions, operations, writing and marketing, data analytics and virtually all forms of internal work product and business planning. But the risks regarding discrimination, AI hallucination and employee displacement emerged quickly, resulting in rapid legislation initiatives demanding limitations, notifications and validation. The increasing use of agentic AI (delegating functions and transactions to AI to perform unsupervised) creates new questions about assigning fault and commercial liability when transactions go awry.



Biometrics

Employers are collecting employee biometric data for security, wellness and monitoring purposes, increasing risks of privacy violations and class action litigation



BYOD Practices

Bring Your Own Device policies require special attention to privacy and monitoring risks as well as growing allegations of wage theft over the shared costs of hardware and connectivity.



Robotics/Automation

Employee safety and OSHA complaints have skyrocketed over the increased use of robotics and automation. The “cobotics” trend (where a human employee works side-by side with robotic technologies) adds risks about disability and age discrimination. Integrating AI with robotics and automation creates intersecting risks from complementary technologies.



Electronic Monitoring (Productivity, Wellness, Location)

As remote and hybrid work arrangements evolve, employers seek new ways to ensure employees are working productively and safely during business hours. Wearables, keystroke monitoring and video surveillance, among other tools, have become the target of claim of privacy violations, bias and discrimination in interpretation of output.



Labor Union Interests

Labor unions have substantially opposed workplace automation and efficiency technologies since the early 1900s, alleging they violate the rights of workers protected under the National Labor Relations Act (NLRA). These subjects are increasingly prioritized by unions in collective bargaining exercises, claims of Unfair Labor Practices, and as rallying themes for organizing workers to vote for union representation at a worksite.

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