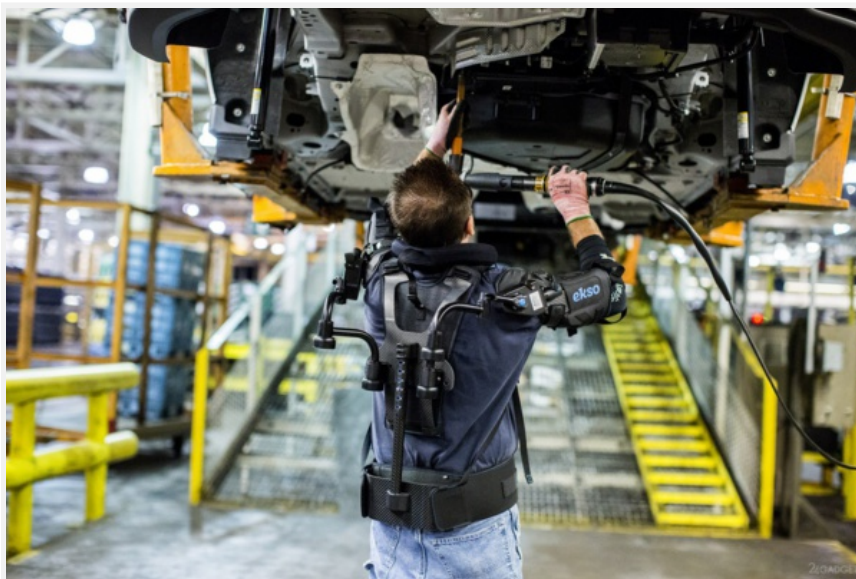




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The “Cyborgisation” of employment relationships: Are we closer to becoming “superworkers”?, by Daniel Cifuentes

These advances have brought us closer to the concept of “superworker”



Ford workers in Valencia using exoskeletons

There is no doubt that we live in a world where **technology has become an indispensable part of our lives**. There are many tasks in our daily lives that we are no longer able to carry out without the help of a “**smart**” device. Thus, the unstoppable technological development that we are experiencing in our day-to-day lives is causing us to consider many situations that would have seemed like science fiction only a few years ago as normal and ordinary.

The most extreme manifestation of such technological progress could be what is called “**biohacking**”. In very general and simple terms, biohacking could be defined as a **movement which aims to increase the physical and mental capacity of the human race**. In order to achieve this objective, biohackers use a wide range of techniques, including **genome sequencing, subcutaneous implantation of electrical devices** and even experiments on humans with physical trials. According to some, biohacking is, in essence, the art and science of giving humans superpowers.

Considering the above, as we debate the impact of the robotisation of the world of work and the risk that, in the future, **human work could be substituted by machines**, the question that occurs to us is the following: could biohacking transform the world of employment relationships as we understand it today? That is to say, could it be possible (or, even, could it be necessary) for a business owner, with the help of technological advancements, to create a kind of “superworker”

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that could compete with machines?

To date, we have witnessed what one might call a type of **"soft biohacking"**. Business owners currently provide employees with diverse and increasingly sophisticated external devices that facilitate the provision of their services. And there is no doubt that the use of all these "smart" devices has served to **increase the capacity and skills of employees**. These advances have brought us closer to the concept of "superworker", especially if we compare the services that a worker is capable of offering today with those offered by an employee before the "smart" era.

But could **employers go even further and try to implant "hard biohacking"** in their employees? Again, it seems that we are faced with a question pertaining more to science fiction than the working world. However, reality shows us that this is, in fact, not the case. Recently, news has circulated of companies that have started to implant **microchips in the hands** of their workers to speed up various access, identification and transaction processes. Given that installing technological components in workers' bodies is already being discussed, there is no doubt that we are facing a first manifestation (albeit light) of the use of biohacking in the working world.

Aside from ethical considerations which are beyond the scope of this article, from a strictly **legal perspective**, the implementation of biohacking practices in the work environment generates many complex questions. Therefore, it would be prudent to consider first of all whether business owners, by using their directive power and with the justification of organisational needs and improving productivity, could end up unilaterally imposing biohacking on their workers. On the other hand, and from the worker's perspective, one could question the validity of any consent given to the employer for the implantation of technological components in their body. In line with the above, one could also consider whether **this consent would be evaluated differently** if the introduction of the technological improvements which required such consent were, for example, necessary for the provision of services, or if the worker received a financial benefit in exchange, or if the improvements that were implemented benefit the worker in their private life as well as professionally, or even if they were necessary simply from a risk prevention standpoint.

Evidently, the protection that the current regulatory framework gives in terms of a worker's right to **privacy, intimacy and physical integrity** means that the answer to all of the above questions would be "no". However, what would happen if, instead of considering the above questions from the perspective that biohacking encroaches on the privacy and physical integrity of workers, we were to treat such measures as a way of empowering workers and developing their skills? Would the answer definitely be the same?

For this reason, and in the same way that the **European agencies are working on the development of a legislative framework to regulate the development and use of robotics and artificial intelligence in all social orders**, paying special attention and care to ethical and moral aspects, it would also be advisable to begin to work on a regulatory framework that anticipates and responds to questions and problems that could arise in the implementation of biohacking in the world of work in the (not-so-distant) future.

Daniel Cifuentes



Daniel Cifuentes has extensive professional experience in employment law and is considered to be one of the top lawyers in Spain in this practice area. In 2014 he joined Pérez-Llorca as partner of the Employment practice, after a number of years working at law firms.

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