

ALGORITHMIC AUTHORITY AND THE CRISIS OF LABOUR GOVERNANCE: A
CONSTITUTIONAL FRAMEWORK FOR AI-MEDIATED EMPLOYMENT IN NIGERIA*

Abstract

Artificial intelligence is reshaping employment relations in Nigeria through algorithmic systems that increasingly influence recruitment, performance management, workplace surveillance, promotion, and dismissal. This article examines whether the delegation of managerial authority to algorithmic systems is compatible with the constitutional guarantees of dignity, equality, privacy, fair hearing, and the right to work under the Constitution of the Federal Republic of Nigeria 1999 (as amended). The study adopts a doctrinal legal methodology, with data collected from constitutions, statutes, judicial decisions, policy documents, and relevant academic literature, supported by comparative and interdisciplinary analysis. It finds that algorithmic management creates a constitutional accountability deficit because automated systems cannot bear legal responsibility for employment decisions affecting workers' rights. The article further demonstrates the inadequacy of existing Nigerian labour law and the limitations of the National Artificial Intelligence Strategy (2025–2029) as a labour governance instrument. It recommends an integrated constitutional framework founded on three interrelated doctrines: non-delegable managerial accountability, technological competence and epistemic responsibility, and workforce reskilling as a constitutional obligation. It concludes that algorithmic innovation must remain subject to meaningful human oversight and constitutional accountability to protect labour rights while promoting responsible technological development.

Keywords: artificial intelligence; algorithmic management; constitutional labour rights; labour governance; Nigeria.

1. Introduction

Artificial Intelligence (AI)-enabled managerial control is no longer a speculative future but a present reality in Nigerian workplaces. Algorithmic systems routinely screen job candidates, evaluate employee performance, and recommend dismissals.¹ These systems typically operate with limited transparency and evade meaningful judicial scrutiny. In doing so, they erode the accountability that labour law has traditionally imposed on human managerial power.² The central question is therefore urgent: can algorithmic authority be reconciled with the rule of law in the workplace? To give analytical precision to this inquiry, the article addresses the following research question: To what extent does the delegation of managerial decision-making to algorithmic systems constitute an unconstitutional transfer of employment governance authority under Nigerian constitutional law, and what legal framework should govern the deployment of AI in the workplace to ensure compliance with constitutional guarantees of dignity, equality, fair hearing, and the right to work? Recent policy documents issued by the Federal Ministry of Communications, Innovation and Digital Economy, the National Centre for Artificial Intelligence and Robotics, and the World Bank indicate increasing AI adoption across Nigeria's financial services, telecommunications, digital platforms, and public administration.³ These developments form part of the country's broader digital transformation agenda. The National Artificial Intelligence Strategy (2025–2029) identifies AI as a strategic driver of productivity, innovation, financial inclusion, digital public services, and economic competitiveness, while the National Information Technology Development Agency (through the National Centre for Artificial Intelligence and Robotics) continues to promote AI research, adoption, and ecosystem development.⁴

Nigerian financial institutions increasingly deploy AI for credit assessment, fraud detection, recruitment screening, and workforce analytics. These applications demonstrate that algorithmic governance is no longer confined to experimental innovation. Rather, computational decision-making has become embedded within routine organisational administration. The constitutional implications therefore arise before comprehensive legislation has emerged, creating a period during which technological capability expands more rapidly than legal accountability. Although these technologies enhance efficiency and reduce costs, they heighten risks of opaque

*By Osondu ODE, LL.M (Lagos), LL.B (ABKL), BL; Lecturer, Faculty of Law Federal University Otuoke, Bayelsa State, Nigeria, Email: osondujnr@gmail.com; oode@fuotuke.edu.ng; Tel: +2348032596951, +2349026452029; and

*Godric Tam DEINDUOMO, LL.B (RSU), LL.M (RSU), PhD (Imo State University), BL; Lecturer, Faculty of Law Federal University Otuoke, Bayelsa State, Nigeria, Email: deinduomo@gmail.com, Tel: +2348037760240.

¹ A Aloisi and V De Stefano, *Your Boss Is an Algorithm: Artificial Intelligence, Platform Work and Labour* (Hart Publishing 2022).

² United Nations Educational, Scientific and Cultural Organization (UNESCO), *Recommendation on the Ethics of Artificial Intelligence* (UNESCO 2021).

³ National Bureau of Statistics, *Nigerian Labour Force Survey 2023* (National Bureau of Statistics 2023).

⁴ Federal Ministry of Communications, Innovation and Digital Economy, *National Artificial Intelligence Strategy (2025–2029)* (Government of the Federal Republic of Nigeria 2025); National Information Technology Development Agency, *National Centre for Artificial Intelligence and Robotics* <https://ncair.nitda.gov.ng> accessed 29 July 2026.

employment decisions, workplace surveillance, and algorithmically mediated evaluations.⁵ These developments demonstrate that the constitutional concerns raised in this article already carry practical significance, underscoring the urgency of legal safeguards before algorithmic governance becomes entrenched across sectors.

The National Artificial Intelligence Strategy (2025–2029) sets ambitious targets for workforce development and technological competitiveness. Yet these commitments remain largely aspirational. They depend on executive discretion rather than enforceable legal obligations and impose no sanctions for non-compliance. Crucially, the Strategy is silent on critical issues such as algorithmic recruitment, automated dismissal, and workplace surveillance. Strategic ambition, however commendable, cannot substitute for the absence of robust legal structures.⁶ This gap between policy rhetoric and legal reality exposes a deeper constitutional crisis. Computational workplace control increasingly transfers powers once exercised by accountable human decision-makers to algorithmic systems that lack legal personality, fiduciary duties, and institutional oversight. Such transfers sever the chain of accountability upon which constitutional labour protections depend. Algorithmic management therefore constitutes an unconstitutional delegation of employment governance authority.

Existing scholarship has largely overlooked this constitutional dimension. Much of the literature examines AI governance through narrower frames of data protection, digital skills, or technological innovation.⁷ While these perspectives are valuable, they are insufficient. They fail to address the core juridical question: who bears legal responsibility when an algorithm terminates employment or disciplines a worker? This article confronts that question directly by developing a constitutional theory of algorithmic workplace governance that treats automated managerial authority as a constitutional problem requiring rights-based solutions.

This study first articulates a doctrine of non-delegable supervisory responsibility, under which algorithmic employment decisions are constitutionally invalid unless attributable to identifiable human actors. Second, it reconceptualises vocational reskilling as a legal duty derived from the right to work. Third, it proposes an integrated institutional framework that coordinates existing regulatory bodies rather than creating new ones. These contributions are doctrinally anchored in Nigerian public law and informed by comparative developments in the European Union, United Kingdom, and United States. They offer a contextually grounded alternative to both laissez-faire approaches and wholesale legal transplantation.

This article adopts a doctrinal legal research methodology supported by comparative and interdisciplinary analysis. It examines the Constitution of the Federal Republic of Nigeria 1999 (as amended), labour and data protection legislation, judicial decisions, and relevant international and regional legal instruments, as well as secondary sources comprising scholarly literature, policy documents, and institutional reports. Comparative references to selected foreign jurisdictions and emerging international regulatory frameworks are incorporated to evaluate the adequacy of Nigeria's legal response to algorithmic management and to identify principles capable of strengthening constitutional labour governance in the age of AI.

2. Theoretical Foundations: Algorithmic Authority and Labour Governance

Existing theories illuminate important aspects of AI regulation but fall short of providing a coherent constitutional account of delegating core employment decisions to autonomous algorithmic systems.⁸ Most treat technological governance primarily as a regulatory or technical challenge rather than a fundamental redistribution of public and private power. This article integrates insights from several traditions while addressing their limitations through an explicitly constitutional lens. Technological determinism posits that automation will inevitably reshape employment relations.⁹ This perspective usefully highlights structural change but errs in treating law as a merely reactive force. Law does not merely respond to technology; it shapes the conditions under which technological power acquires social and legal legitimacy.¹⁰ A purely deterministic view therefore underestimates the normative and institutional role of legal doctrine.

⁵ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021).

⁶ K W Abbott and D Snidal, 'Hard and Soft Law in International Governance' (2000) 54(3) *International Organization* 421.

⁷ V De Stefano, 'Negotiating the Algorithm: Automation, Artificial Intelligence and Labour Protection' (2019) 41(1) *Comparative Labor Law & Policy Journal* 15; S Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (PublicAffairs 2019).

⁸ P V Moore, *The Quantified Self in Precarity: Work, Technology and What Counts* (Routledge 2018).

⁹ E Brynjolfsson and A McAfee, *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies* (W W Norton 2014).

¹⁰ L Lessig, *Code: Version 2.0* (Basic Books 2006).

The human rights-based approach offers a stronger normative foundation; it evaluates AI deployment against constitutional guarantees of dignity, equality, and privacy.¹¹ However, its interpretive strategy remains largely defensive; identifying violations after they occur, while providing limited guidance on the proactive legal duties required to prevent algorithmic harm in employment relations.

Labour Process Theory provides valuable insight into how AI restructures managerial control; it demonstrates that computational systems transfer supervisory authority from human managers to algorithmic processes.¹² Yet this framework, developed before the rise of machine-learning systems, does not adequately explain why such transfers constitute legally impermissible delegations of constitutional responsibility.¹³ It identifies power shifts but does not fully engage the accountability deficit they create.

Responsive Regulation Theory supplies the institutional architecture necessary to operationalise these principles.¹⁴ It rejects false binaries between market self-regulation and rigid statutory control, advocating instead for adaptive institutions capable of escalating intervention in response to demonstrated risk. This approach is particularly suited to AI governance because digital systems evolve faster than conventional legislation. A responsive framework enables proportionate regulatory adaptation without constant legislative amendment. Within this model, the National Industrial Court (NICN) occupies a pivotal role because of its specialised jurisdiction under the Third Alteration to the 1999 Constitution.¹⁵

The constitutional theory advanced here distinguishes between direct algorithmic harm and structural algorithmic harm. It addresses both through duties of explainability, human oversight, and workforce impact assessments. This dual focus is essential because individual remedies alone cannot redress systemic labour market disruption. Ultimately, the theory is not merely protective but transformative; it seeks to reshape the legal architecture of employment to accommodate algorithmic tools while preserving the supremacy of constitutional values over unaccountable computational power.

The constitutional challenges of algorithmic management cannot be fully grasped through legal analysis alone. Management scholarship shows how AI reshapes organisational governance, managerial discretion, and strategic human resource practices.¹⁶ Information systems research emphasises transparency, explainability, and trustworthy AI architectures in decision-making.¹⁷ Industrial psychology highlights how opaque algorithmic evaluations can erode employee trust, organisational commitment, procedural justice, and well-being.¹⁸ Although these interdisciplinary perspectives illuminate the organisational and technological dimensions of algorithmic management, they remain largely descriptive and functional in orientation. They do not adequately address the constitutional implications of delegating managerial authority to AI systems or develop a normative legal framework for ensuring accountability, human oversight, and the protection of fundamental labour rights.

Algorithmic management fundamentally redistributes organisational authority rather than merely improving administrative efficiency. Supervisory discretion gradually migrates from line managers towards data-driven optimisation systems whose recommendations increasingly acquire presumptive legitimacy. Human managers consequently become institutional validators of algorithmic outputs rather than autonomous decision-makers. This transformation alters internal governance structures because managerial accountability becomes fragmented between software developers, platform vendors, human resource departments, and organisational executives. Existing corporate governance mechanisms remain poorly equipped to allocate responsibility across this dispersed decision-making architecture.

Strategic human resource management traditionally regards performance evaluation as a mechanism for aligning organisational objectives with employee development. Algorithmic performance management alters this relationship by privileging behavioural quantification over contextual judgment. Productivity becomes increasingly defined through measurable digital indicators, while qualitative dimensions such as mentoring, creativity, institutional citizenship, and collaborative leadership receive diminished recognition. Efficiency therefore expands at the potential cost of organisational learning and long-term innovation.

¹¹ UNESCO Recommendation on the Ethics of Artificial Intelligence (2021); United Nations Guiding Principles on Business and Human Rights (2011).

¹² H Braverman, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century* (Monthly Review Press 1974).

¹³ H Collins, K D Ewing and A McColgan, *Labour Law* (2nd edn, Cambridge University Press 2019).

¹⁴ I Ayres and J Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford University Press 1992).

¹⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 254C.

¹⁶ H Aguinis, *Performance Management* (4th edn, Chicago Business Press 2019).

¹⁷ K C Laudon and J P Laudon, *Management Information Systems: Managing the Digital Firm* (17th edn, Pearson 2022).

¹⁸ J M Stanton, 'Reactions to Employee Performance Monitoring: Framework, Review, and Research Directions' (2000) 13(1) *Human Performance* 85.

Organisational behaviour studies further indicate that excessive automation may weaken employee participation and collaborative cultures.¹⁹ Integrating these perspectives reinforces the article's central thesis: effective regulation of algorithmic employment demands an interdisciplinary framework in which legal accountability complements technological reliability, organisational effectiveness, and human-centred management.

This article advances a constitutional theory of algorithmic workplace governance that addresses these shortcomings. The theory rests on three interlocking propositions. First, employment is not merely contractual; it constitutes a rights-based domain governed by constitutional guarantees of dignity, equality, and fair labour standards. Second, managerial power derives its legitimacy from legal accountability.²⁰ Employers exercise disciplinary authority only because the law conditions and constrains its exercise. Automated decision-making systems cannot satisfy these conditions; they lack legal personality, cannot provide reasoned explanations, and are immune to contempt proceedings or other conventional accountability mechanisms.²¹ Third, the transfer of managerial authority to machine-learning systems constitutes an unconstitutional delegation because it severs the chain of legal accountability upon which constitutional labour protections depend.

3. The Inadequacy of Nigerian Labour Law for Algorithmic Management

The Labour Act 2004 rests on industrial-era assumptions that render it increasingly incapable of regulating algorithmic forms of managerial authority.²² Its normative framework assumes human managers, physical workplaces, and relatively stable, linear employment relationships. It does not contemplate algorithmic recruitment, automated performance evaluation, or computational disciplinary recommendations. This legislative silence is not mere obsolescence; it creates a structural failure to uphold constitutional guarantees under technologically transformed conditions. Where law fails to regulate emerging exercises of power, rights that are formally guaranteed become practically unenforceable.²³

The constitutional right to fair hearing under section 36 of the 1999 Constitution presupposes intelligible and reviewable decision-making. Algorithmic opacity undermines this foundation. When workers face dismissal, they possess the right to know the case against them, to respond, and to seek independent review. AI-driven systems frequently frustrate these rights because the proprietary nature of commercial algorithms obscures data inputs, weighting methodologies, and predictive assumptions.²⁴ Algorithmic decisions whose reasoning cannot be reconstructed inherently fail this standard.²⁵ This is not a theoretical defect but a practical barrier to justice. Workers cannot effectively challenge decisions they do not understand. Employers cannot fully explain outcomes without disclosing proprietary code. Courts lack the technical expertise to scrutinise black-box systems. The combined effect renders the right to fair hearing illusory in algorithmic workplaces. The Supreme Court's decision in *Sahara Energy Resources Ltd v Oyebola* confirms that Nigerian labour jurisprudence has moved beyond rigid contractual formalism towards fairness-based adjudication informed by international labour standards.²⁶ This evolution supports extending judicial scrutiny to algorithmic employment decisions whose opacity may conceal arbitrary or discriminatory practices.

Organisational justice depends not only upon accurate outcomes but also upon employees' perception that workplace decisions emerge through fair procedures. Algorithmic management complicates procedural justice because employees frequently experience computational decisions as inaccessible and non-negotiable. Reduced opportunities for explanation weaken organisational legitimacy irrespective of whether the underlying algorithm produces statistically accurate outcomes. Consequently, transparency assumes both constitutional and organisational significance.

Section 37 of the Constitution, which protects privacy and family life, faces similar challenges. AI-enabled surveillance tools continuously monitor digital communications, productivity metrics, and behavioural patterns.²⁷ The Labour Act contains no provisions regulating the scope or purposes of such monitoring, nor does it require disclosure to workers. While the Nigeria Data Protection Act 2023 addresses general data processing, it is ill-

¹⁹ S P Robbins and T A Judge, *Organizational Behavior* (19th edn, Pearson 2023).

²⁰ A Bogg and M Freedland, *The Contract of Employment* (Oxford University Press 2013).

²¹ F Pasquale, *The Black Box Society: The Secret Algorithms that Control Money and Information* (Harvard University Press 2015).

²² Labour Act, Cap L1, Laws of the Federation of Nigeria (LFN) 2004.

²³ R Alexy, *A Theory of Constitutional Rights* (J Rivers tr, reprint, Oxford University Press 2010).

²⁴ Pasquale, *The Black Box Society*, (n 22) 134.

²⁵ L Edwards and M Veale, 'Slave to the Algorithm? Why a "Right to Explanation" is Probably Not the Remedy You Are Looking For' (2017) 16 *Duke Law & Technology Review* 18.

²⁶ *Sahara Energy Resources Ltd v Oyebola* (2020) LPELR-51806(CA).

²⁷ CFRN 1999 (as amended), s 37.

suited to the structural power imbalance inherent in employment relationships.²⁸ It fails to prohibit continuous biometric monitoring, mandate proportionality assessments, or provide employment-specific remedies. The constitutional guarantee of privacy therefore demands more than generic data protection rules.

The Federal High Court's reasoning in *Digital Rights Lawyers Initiative v National Identity Management Commission* demonstrates that digital innovation remains subject to constitutional limitations where personal information and fundamental rights are implicated.²⁹ The same constitutional reasoning applies where algorithmic management relies upon continuous workplace surveillance and automated employee profiling.

Section 42's prohibition of discrimination on grounds of ethnic origin, sex, religion, or place of origin raises parallel concerns.³⁰ Traditional discrimination doctrine centres on intentional misconduct and requires proof of motive. Algorithmic systems, by contrast, often generate systemic inequality through statistical reproduction of historical biases embedded in training data. Recruitment algorithms trained on male-dominated datasets, or performance systems calibrated to culturally specific norms, can systematically disadvantage women, rural workers, or ethnic minorities without deliberate intent. Nigerian anti-discrimination law is therefore structurally inadequate for addressing the most common forms of algorithmic harm.

Finally, the Labour Act's provisions on termination and redundancy are silent on algorithmic displacement. While the Act requires notice and severance in redundancy cases, it imposes no obligations for consultation, alternative employment, or retraining.³¹ The NICN's progressive jurisprudence in *Ebere Onyekachi Aloysius v. Diamond Bank Plc* (2015) reflects a shift from strict contractual formalism towards substantive fairness by holding that employers must not rely solely on contractual provisions where termination would produce unjust or inequitable outcomes.³² Although the case did not concern algorithmic management, its emphasis on fairness and judicial scrutiny provides a persuasive doctrinal foundation for requiring employers to justify AI-assisted dismissals through meaningful human oversight, transparency, and demonstrable procedural fairness rather than mere contractual compliance.

In sum, the Labour Act's industrial-era foundations leave Nigerian labour law dangerously unprepared for algorithmic management.

4. The National Artificial Intelligence Strategy as Labour Governance: A Critical Evaluation

Nigeria is undergoing rapid digital transformation that accelerates workplace automation. The National Artificial Intelligence Strategy (NAIS) (2025–2029) positions AI as a driver of economic diversification, innovation, and workforce development.³³ The initiatives in digital public infrastructure, fintech, and e-government increase reliance on automated systems.³⁴ The country's dynamic technology ecosystem, expanding telecommunications sector, and globally recognised fintech industry have driven adoption of AI tools for recruitment, customer service, predictive analytics, fraud detection, and workforce management.³⁵ Consequently, the lack of a comprehensive legal framework for algorithmic accountability widens the gap between technological progress and constitutional protections for workers' rights.³⁶ The Strategy represents a significant policy commitment to technological competitiveness and human capital development. It rightly identifies gender inclusion and youth employment as strategic priorities. Nevertheless, the Strategy remains fundamentally inadequate as a framework for labour governance. It treats labour market outcomes primarily as policy objectives rather than enforceable legal entitlements. This distinction is constitutionally decisive; policy aspirations can be disregarded but legal obligations cannot. A clear example is the Strategy's approach to workforce transition training. While it proposes extensive reskilling initiatives, it imposes no binding obligations on employers, creates no enforceable entitlements for displaced workers, and establishes no effective monitoring or compliance mechanisms. Reskilling therefore remains a voluntary corporate initiative rather than a legal duty. This is jurisprudentially deficient. The constitutional right to work implies a corresponding obligation to facilitate workforce transition when technological change eliminates existing employment. The state bears an affirmative duty to prevent structural

²⁸ Nigeria Data Protection Act, 2023.

²⁹ *Incorporated Trustees of Digital Rights Lawyers Initiative v National Identity Management Commission* (2021) LPELR-55623(CA).

³⁰ CFRN 1999 (as amended), s 42.

³¹ ILO, *World Employment and Social Outlook 2021*, (n 6) 113.

³² *Ebere Onyekachi Aloysius v Diamond Bank Plc* (2015) 58 NLLR (Pt 199) 92 (NIC).

³³ Federal Ministry of Communications, *National Artificial Intelligence Strategy*, (n 4) 34.

³⁴ NITDA, *National Centre for Artificial Intelligence and Robotics* (n 4).

³⁵ World Bank, *Nigeria Development Update: Building Momentum for Inclusive Growth* (World Bank 2024).

³⁶ International Labour Organization, *World Employment and Social Outlook: Trends 2024* (ILO 2024).

exclusion. By substituting policy rhetoric for legal architecture, the NAIS fails to meet this constitutional imperative.³⁷

The Strategy's gender commitments suffer from similar weaknesses. It sets targets such as 50% female participation in AI programmes but specifies no sanctions for non-compliance, requires no gender impact assessments for AI deployment, and mandates no algorithmic audits to detect discriminatory outcomes.³⁸ These omissions reflect a broader governance failure: the Strategy was developed within a technology policy framework rather than a labour rights framework. Consequently, it treats inclusion as a promotional objective rather than a constitutional requirement.

Algorithmic discrimination rarely originates from explicit programming choices. It commonly emerges through statistical optimisation that reproduces historical inequalities embedded within training data.³⁹ Consequently, discrimination becomes structurally decentralised rather than individually intentional. This transformation challenges orthodox anti-discrimination doctrine, which traditionally searches for identifiable discriminatory motives. The constitutional difficulty therefore lies not in proving malicious intent but in regulating statistically generated inequality whose causal mechanisms remain partially opaque. More fundamentally, the strategy adopts a formally egalitarian conception of equality that overlooks intersectional disadvantages arising from gender, geography, and socioeconomic status.⁴⁰ Young women from rural communities, for instance, often lack access to digital infrastructure, quality education, and formal financial services. Algorithmic systems trained predominantly on urban, male-dominated data risk systematically excluding them. Generic inclusion targets do not address these structural inequalities; they promise formal equality while masking substantive disadvantage.

Comparative developments expose the normative and institutional underdevelopment of NAIS. Mature AI regulatory regimes increasingly reject voluntary ethical principles in favour of enforceable legal duties that subject algorithmic decision-making to public accountability. The European Union's Artificial Intelligence Act exemplifies this shift by adopting a risk-based regulatory model that classifies employment-related AI systems as high-risk and subjects them to mandatory obligations, including risk management, data governance, technical documentation, transparency, human oversight, accuracy, robustness, and post-market monitoring.⁴¹

Significantly, compliance is not discretionary but legally enforceable through regulatory supervision and substantial financial sanctions. The Act therefore recognises that algorithmic accountability cannot depend solely on corporate goodwill but requires binding legal obligations capable of preventing rights violations before they occur. Although arising in criminal justice, *Loomis v Wisconsin* illustrates broader constitutional concerns associated with algorithmic decision-making.⁴² The Court acknowledged that proprietary algorithms may influence legally significant decisions while limiting meaningful scrutiny of their internal reasoning. Similar concerns arise where opaque employment algorithms determine recruitment, promotion, or dismissal without providing workers an adequate opportunity to challenge the underlying rationale.

The United Kingdom has adopted a more decentralised but increasingly accountability-oriented approach. Rather than relying upon a single comprehensive statute, professional regulators such as the Solicitors Regulation Authority require legal practitioners deploying AI tools to retain ultimate responsibility for professional judgment, confidentiality, competence, and the accuracy of AI-assisted outputs.⁴³ This reflects an important constitutional principle: technological assistance does not diminish human legal responsibility. Decision-making authority may be technologically supported, but accountability remains indivisibly vested in identifiable human actors. In *Uber BV v Aslam*, the UK Supreme Court emphasised that contractual labels cannot conceal the reality of algorithmic managerial control.⁴⁴ Uber exercised significant authority through digital systems governing remuneration, performance evaluation, and access to work. The decision demonstrates that algorithmic technologies do not diminish employer responsibility but may instead intensify judicial scrutiny of managerial power.

³⁷ ILO, *World Employment and Social Outlook 2021*, (n 6) 113.

³⁸ International Labour Organization, *Global Employment Trends for Women 2023* (ILO 2023).

³⁹ M Raghavan, S Barocas, J Kleinberg and K Levy, 'Mitigating Bias in Algorithmic Hiring: Evaluating Claims and Practices' in *Proceedings of the 2020 ACM Conference on Fairness, Accountability, and Transparency* (Association for Computing Machinery 2020) 469.

⁴⁰ K Crenshaw, 'Demarginalizing the Intersection of Race and Sex' (1989) *University of Chicago Legal Forum* 139.

⁴¹ European Union, *Regulation (EU) 2024/1689 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act)* [2024] OJ L.

⁴² *Loomis v Wisconsin* 881 NW 2d 749 (Wis 2016).

⁴³ Solicitors Regulation Authority, *Guidance on the Use of Artificial Intelligence in Law Firms* (Solicitors Regulation Authority 2023).

⁴⁴ *Uber BV v Aslam* [2021] UKSC 5.

The American Bar Association has adopted a similar position by clarifying that lawyers remain professionally responsible for verifying AI-generated work, protecting client confidentiality, and exercising independent legal judgment notwithstanding the use of automated technologies.⁴⁵ These developments reject any suggestion that responsibility may be transferred to algorithmic systems simply because they generate or recommend decisions.

The assessments examine issues such as fairness, transparency, explainability, human oversight, and the potential effects on affected individuals before deployment occurs. Although these instruments employ differing legal techniques, they share a common regulatory philosophy that algorithmic decision-making should remain continuously reviewable by identifiable and legally human institutions rather than operate as autonomous black-box systems. Collectively, these comparative models reveal that contemporary AI governance has evolved beyond aspirational ethics towards enforceable systems of institutional accountability. Their common denominator is not technological uniformity but the legal insistence that automated decision-making affecting rights and livelihoods must remain transparent, contestable, and attributable to identifiable human decision-makers. By contrast, the NAIS contains no mandatory algorithmic impact assessment requirements. There is no statutory duty of human oversight, independent audit obligations, enforceable transparency standards, and effective remedies for workers adversely affected by algorithmic decisions. Its reliance on policy guidance rather than legally binding obligations therefore leaves employers with broad discretion while offering workers few enforceable protections against opaque automated decision-making.

The constitutional significance of this divergence is profound. Comparative experience demonstrates that algorithmic governance is increasingly understood as a question of institutional accountability rather than technological innovation alone. The NAIS, however, continues to frame AI primarily as an instrument of economic competitiveness and digital transformation, overlooking the constitutional implications of delegating employment-related authority to opaque computational systems. Consequently, it fails to address the central legal question raised by algorithmic management: who bears constitutional responsibility when an automated system recruits, disciplines, evaluates, or dismisses a worker? This omission ultimately undermines the practical effectiveness of constitutional guarantees of dignity, equality, fair hearing, and the rule of law in Nigeria's rapidly evolving digital workplace.

The NAIS contains none of these mechanisms. It functions as a strategy document rather than a regulatory instrument. This distinction matters: strategies inspire, but only enforceable rules protect rights. The Strategy also fails to address the constitutional non-delegation problem. It does not require that algorithmic employment decisions remain subject to substantive human scrutiny, that disciplinary actions be attributable to identifiable human decision-makers, or that workers be informed when algorithms influence outcomes. Such omissions undermine guarantees of fair hearing and effective remedy.⁴⁶

The central weakness of the NAIS is therefore not insufficient ambition but a misunderstanding of the problem. AI governance in the employment context is not primarily a question of technological competitiveness; it is a question of constitutional accountability. Policy ambition without corresponding legal enforceability risks becoming constitutional fiction.⁴⁷ The Strategy contains important policy foundations, but these require enforceable legal obligations before they can effectively protect constitutional labour rights.

5. Towards An Integrated Constitutional Framework for Algorithmic Labour Governance

This section proposes an integrated constitutional framework to regulate algorithmic employment practices in Nigeria. The framework comprises three substantive constitutional doctrines implemented through a supporting institutional architecture. It does not require wholesale legislative overhaul but rather purposive judicial interpretation and incremental institutional adaptation. This approach respects the separation of powers while enabling responsive legal development within Nigeria's existing constitutional and regulatory architecture.

The Doctrine of Non-Delegable Managerial Accountability

Managerial authority in the employment relationship must remain non-delegable to algorithmic systems.⁴⁸ This principle derives from the constitutional allocation of public power under Sections 4, 5, and 6 of the 1999 Constitution, which vests authority in identifiable and legally human institutions.⁴⁹ The same logic applies to private power where fundamental rights are implicated. Employment decisions affecting livelihood, dignity, and equality must therefore be attributable to identifiable human decision-makers who can explain, justify, and defend

⁴⁵ American Bar Association, *Formal Opinion 512: Generative Artificial Intelligence Tools* (2024).

⁴⁶ Pasquale, *The Black Box Society*, (n 22) 134.

⁴⁷ L L Fuller, *The Morality of Law* (Rev edn, Yale University Press 1969).

⁴⁸ M Bovens, 'Analysing and Assessing Accountability: A Conceptual Framework' (2007) 13(4) *European Law Journal* 447.

⁴⁹ CFRN 1999 (as amended), ss 4, 5 and 6.

them. Automated systems lack legal personality, fiduciary obligations, and the capacity for genuine accountability.⁵⁰ Any delegation of final decision-making authority to such systems is constitutionally invalid. Employers may legitimately use AI to assist human judgment, but the ultimate decision must remain human and reviewable. This distinction between algorithmic assistance and algorithmic authority is legally decisive: it preserves technological efficiency while safeguarding constitutional accountability.⁵¹ Explainable AI should not be understood as a complete solution to algorithmic accountability. Most explainability techniques generate approximations of computational reasoning rather than reproducing the model's actual internal logic. Consequently, legal accountability cannot depend exclusively upon technological explainability. Human responsibility must remain the primary constitutional safeguard because legal liability ultimately attaches to persons rather than computational artefacts.

The Duty of Technological Competence and Epistemic Responsibility

Employers deploying algorithmic systems bear a positive duty of technological competence rooted in the constitutional guarantee of fair labour standards. Mere familiarity with AI tools is insufficient. Employers must possess sufficient expertise to evaluate whether algorithmic outputs meet standards of procedural fairness, substantive equality, and legitimate business purpose.⁵² This duty includes several concrete obligations: verifying algorithmic outputs against objective criteria, maintaining explainable decision systems, and documenting that decisions are not the product of statistical bias. The duty of epistemic responsibility further requires employers to ensure that training data reflects the diversity of the Nigerian workforce and that systems are regularly audited for disparate impact. Failure to meet these standards risks institutionalising historical discrimination under the guise of technological neutrality.

Reskilling as a Constitutional Obligation

Workforce reskilling must be reconceptualised as a legal obligation arising from the constitutional right to work under Section 34, rather than a discretionary policy objective.⁵³ Where technological change materially displaces workers, both the state and employers have corresponding duties to facilitate transition. This obligation is proportionate: it depends on the scale of displacement, available alternative employment, and the employer's capacity. Employers should be required to conduct workforce impact assessments before deploying systems likely to cause significant job losses. These assessments should identify affected workers and propose mitigation measures, including retraining, redeployment, and transition support.⁵⁴ The NICN should exercise supervisory jurisdiction to ensure proportionality and prevent abuse, consistent with its jurisprudence on substantive fairness in termination cases.⁵⁵ This obligation must extend beyond formal employment to the informal sector, which constitutes a substantial portion of the Nigerian workforce and is particularly vulnerable to algorithmic displacement. The state, for its part, must ensure that reskilling programmes are accessible, affordable, and aligned with evolving labour market needs.

Institutional Architecture and Comparative Lessons

Effective implementation requires coordinated use of existing institutions rather than the creation of new bureaucratic structures. Contemporary machine-learning systems differ fundamentally from traditional rule-based software because they generate probabilistic outputs through iterative optimisation rather than predetermined logical instructions. Their operation therefore produces epistemic opacity rather than mere informational secrecy. Even where source code is disclosed, neither employers nor courts can easily reconstruct the causal pathway leading to a particular employment decision. The legal difficulty is therefore not simply the protection of proprietary software but the emergence of decision-making processes that exceed ordinary standards of judicial review. Explainability consequently becomes a constitutional requirement rather than merely a desirable feature of technological design. This distinction exposes the inadequacy of conventional labour law. Traditional procedural fairness assumes that decision-makers can articulate reasons capable of judicial evaluation. Machine-learning models frequently produce statistically reliable outputs without generating legally intelligible reasons. The constitutional crisis therefore arises not because AI replaces human judgment, but because it transforms explanation itself into a technically contingent exercise.

The NICN is best placed to develop initial jurisprudence on algorithmic accountability, explainability, and displacement, drawing on its specialised expertise in labour matters. The NICN has increasingly recognised that managerial prerogative is not immune from constitutional scrutiny. In *Ebere Onyekachi Aloysius v Diamond Bank*

⁵⁰ Regulation (EU) 2024/1689, (n 42) art 6.

⁵¹ Pasquale, *The Black Box Society*, (n 22) 134.

⁵² American Bar Association, *Formal Opinion 512*, (n 46) para 12.

⁵³ CFRN 1999 (as amended), s 34.

⁵⁴ World Bank, *Digital Progress and Trends Report 2025*, 84.

⁵⁵ *Ebere Onyekachi Aloysius v. Diamond Bank Plc* (n 33).

Plc, the Court rejected the traditional common-law position that employers may terminate employment for any reason or no reason, holding instead that termination must satisfy standards of fairness and justice.⁵⁶ This jurisprudential shift provides a constitutional foundation for requiring employers to justify AI-assisted employment decisions through meaningful human oversight rather than opaque algorithmic outputs. Coordination among the Nigeria Data Protection Commission, National Information Technology Development Agency (NITDA), and Federal Ministry of Labour and Employment can provide standard-setting and oversight without jurisdictional conflict.

Effective implementation requires a graduated regulatory architecture rather than exclusive reliance upon litigation. Employers deploying high-risk algorithmic systems should undertake mandatory Algorithmic Impact Assessments before implementation. These assessments should evaluate foreseeable effects upon privacy, equality, procedural fairness, workforce displacement, and organisational governance. Their findings should become reviewable evidence before the NICN whenever algorithmic employment decisions are challenged. Independent technical audits should complement judicial review rather than replace it. Courts determine legality. Technical auditors evaluate computational reliability. Separating these institutional functions preserves constitutional adjudication while recognising the specialised expertise required to assess machine-learning systems. Comparative experience offers valuable but context-specific lessons. The European Union's risk-based approach, and the United Kingdom's professional guidance model. Nigeria should adapt relevant principles without wholesale transplantation. What public law demands is institutional coherence grounded in Nigerian constitutional traditions. Nigeria should draw selectively from these experiences while prioritising its constitutional traditions and labour market realities. The framework must also incorporate participatory mechanisms. Workers should be consulted prior to the deployment of automated decision-making tools, granted access to independent technical expertise, and protected from retaliation when challenging algorithmic decisions.⁵⁷ These elements are essential to constitutional democracy in the workplace.

6. Conclusion

This article has examined the constitutional implications of algorithmic management within Nigeria's evolving employment landscape. It has demonstrated that the increasing delegation of recruitment, performance evaluation, disciplinary control, workplace surveillance, and dismissal decisions to AI systems exposes fundamental deficiencies in the existing legal framework. The Labour Act 2004 was enacted for an industrial workplace in which managerial authority was exercised by identifiable human actors and therefore provides little guidance for regulating opaque algorithmic decision-making. Likewise, although the National Artificial Intelligence Strategy (2025–2029) represents an important policy initiative, it remains an aspirational governance framework that lacks enforceable legal obligations capable of safeguarding constitutional labour rights. The article has argued that these deficiencies are fundamentally constitutional rather than merely technological. Where algorithmic systems exercise significant influence over employment decisions without meaningful human oversight, legal accountability becomes fragmented and constitutional guarantees of dignity, equality, privacy, fair hearing, and the right to work are weakened. Existing constitutional principles therefore require purposive interpretation to ensure that technological innovation does not undermine the rule of law in employment relationships. To address this challenge, the article has developed an integrated constitutional framework for algorithmic labour governance anchored on three mutually reinforcing doctrines: non-delegable managerial accountability, technological competence and epistemic responsibility, and workforce reskilling as a constitutional obligation. Rather than advocating wholesale legislative transplantation from foreign jurisdictions, the framework demonstrates how Nigerian constitutional principles, supported by comparative experience, can provide a coherent basis for regulating AI-mediated employment while preserving institutional accountability and responsible innovation. Ultimately, the legitimacy of Nigeria's digital transformation will depend not simply on the adoption of AI but on whether constitutional institutions retain effective control over the exercise of managerial power. Algorithmic systems may support managerial decision-making, but they cannot replace the legal responsibility that constitutional democracy demands. The future of labour governance in Nigeria therefore lies not in resisting technological innovation but in ensuring that innovation remains consistently subordinate to constitutional accountability, human dignity, and the rule of law.

⁵⁶ *Ebere Onyekachi Aloysius v. Diamond Bank Plc* (n 33).

⁵⁷ Bovens, 'Analysing and Assessing Accountability', (n 49) 454.