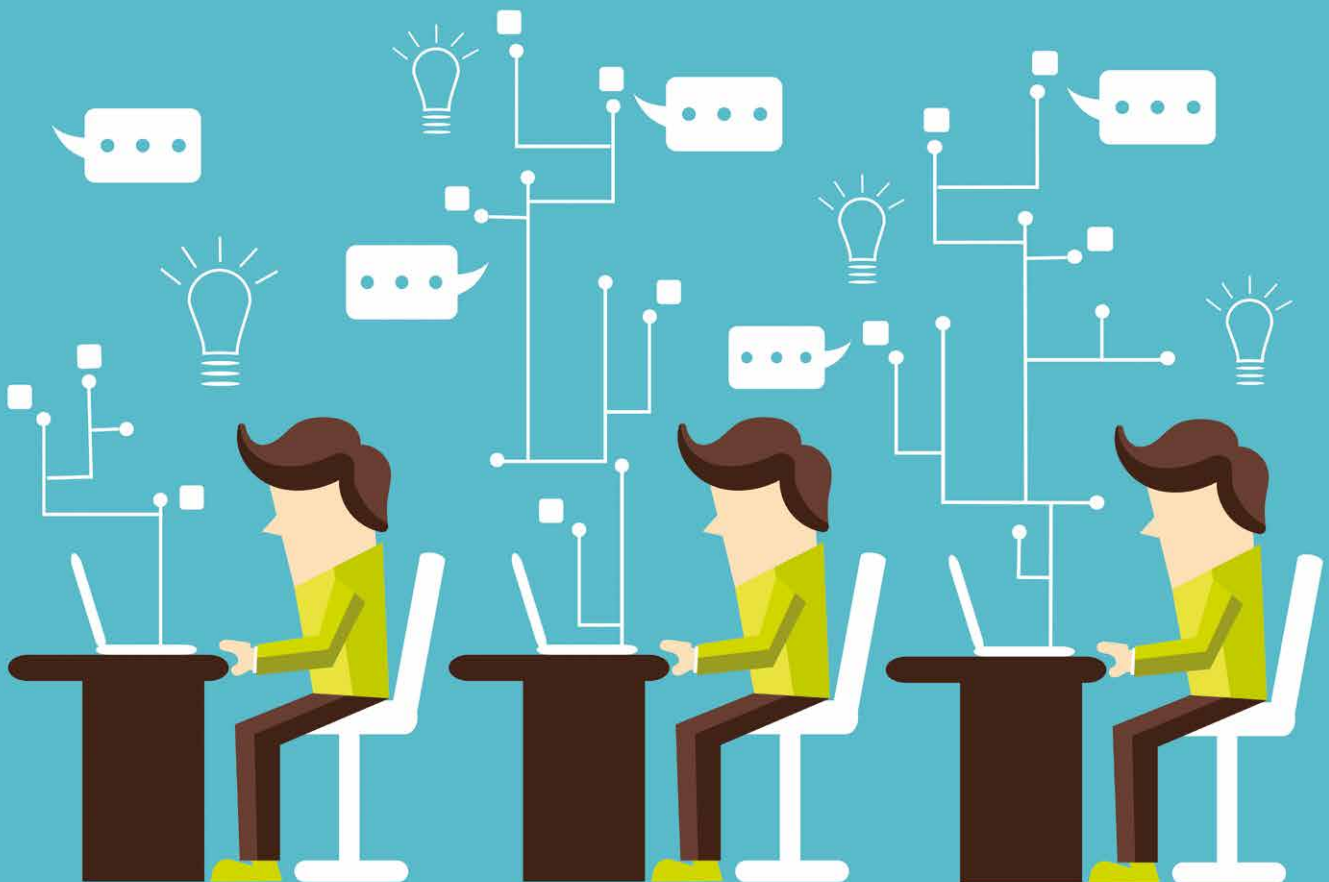


CODE OF (MIS)COMMUNICATION

IS THERE STILL ROOM FOR DIALOGUE IN THE AGE OF ALGORITHMS?

The *black box* is a metaphor for a system in which we know the input data and the final result, but the decision-making process taking place inside it remains unclear. In the case of the most advanced algorithms, even their creators are often unable to explain precisely why the system made a particular decision or generated a particular message, and a significant part of its operation is based on trial and error.



WORKING UNDER SUPERVISION

It's 8.15 a.m., notifications are piling up, the mailbox is overflowing, and the calendar is already promising a busy day. Someone asks for clarification on yesterday's task, someone else sends in a document at the last minute asking for a quick look. Stress sets in faster than we can take a second sip of the still hot coffee. And when we wish to go to another room, turn off the monitor for a moment, we realise that we are not alone in this daily rush. Behind the screen, there is a system, invisible but always present, which records, compares, and evaluates our work.

Today, workplace monitoring is nothing like a supervisor looking over our shoulder or a CCTV camera in the office. Increasingly often, it takes the form of algorithms and artificial intelligence systems that analyse efficiency, organise tasks, prepare schedules, and identify risks. The system is supposed to know more, see more, and act without unnecessary human emotions, and that is why, in theory, it should not make mistakes.

THE THIRD PARTICIPANT IN THE CONVERSATION

Algorithmic surveillance is silent and dispersed. It counts logins, measures the pace of task completion, analyses activity, and breaks productivity down into small indicators that form one big model of a human being. A third player appears in the classic employee-employer relationship – faceless, without any responsibility, and without the need to explain their decisions, because they aren't a person, just a tool and a set of statistics.

The problem arises when an employee receives a negative assessment: too slow, too long a break, below-average results. Who should they turn to? Who to complain that the cause was a technical error? Often, the dialogue ends with just one sentence: 'That's what the system shows'. The supervisor is not always able to answer why it works this way. It leads to increased anxiety, and the employee begins to adapt not to the work they are doing, but to the logic of indicators that no one has explained to them.

TRAPPED IN A BLACK BOX

The biggest challenge for communication is not automation itself, but its unclear nature. The employee is labelled below expectations and begins to guess what and how they have been assessed. In such an atmosphere, trying to find answers begins to look like an attempt to undermine authority rather than a normal part of communication. Trust in the results weakens, and uncertainty becomes the new standard.

Gradually, we become prisoners of patterns that we do not fully understand and are unable to effectively challenge. We may passively accept the results and begin to act defensively. We write more cautiously, more 'emptily'; instead of talking, we remain silent in order to avoid at all costs a mistake that the system will mercilessly catch.

LAW AS AN ATTEMPT TO RESTORE STANDARDS

For years, labour law has aimed to balance the relationship between employer and employee and create a framework for fair dialogue. However, contemporary challenges mean that classic labour law instruments may prove insufficient, and regulations enforcing transparency, information, and the possibility of challenging decisions made by or with the involvement of digital systems are becoming crucial.

The European Union is one of the most visible examples of such actions. Of particular importance are the 2016 regulations protecting personal data, better known by the acronym GDPR. On the one hand, they limit the possibility of making decisions without human involvement, and on the other, they strengthen the right to obtain relevant information about the rules for taking such decisions, to express opposition, and to ensure genuine human participation in the process. In 2024, the European Union also became the first region in the world to adopt regulations on artificial intelligence systems, imposing obligations in terms of transparency, human oversight, and proper design and documentation of systems to reduce the risk of black box operations. These regulations are further complemented by a 2002 directive that strengthens the voice of employees by requiring employers to inform and consult on important decisions in the workplace, and a 2019 directive emphasising the importance of transparency and predictability of working conditions. The common goal of these regulations is to prevent situations where key decisions are made without the knowledge and understanding of those affected.

However, even the best laws cannot replace everyday practices. The black box cannot be demystified just like that. Good communication begins with understanding the problem, translating into human language the instances as to where an algorithm acts in the process, what it measures, how the result is used, with whom it can be discussed, and how it can be appealed. In times of uncertainty, transparency should not be a luxury. It is a prerequisite for trust, for the feeling that decisions at work make sense and can be explained honestly. Without it, even the best technology turns into a brick wall instead of being a bridge to better communication.



Miłosz Barłóg, MA



Miłosz Barłóg, MA
Doctoral School
Faculty of Law and Administration
University of Silesia in Katowice
milosz.barlog@us.edu.pl