

“MetaWork”

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A little over a year ago, the multinational corporation Accenture announced the creation of "The Nth Floor", a Metaverse work environment available to its 500,000 employees around the world. According to the company, The Nth Floor is intended to function as a true office, where workers can interact in virtual meetings and even catch up with colleagues in informal conversations.

Accenture's virtual workspace seems to be only the start of an irreversible trend: the migration of work to the Metaverse. Proof of the trend can be found in a study contracted by Lenovo last year, which revealed that 44% of the people surveyed would like to work in the new virtual environment.

In virtual offices, employees create their own avatars, which arrive at their virtual workplace, punch in, and proceed to their workstations, where they will interact with superiors, subordinates and colleagues. The legal subordination typical of employment relationships will also be present in the Metaverse, along with other common employment issues, such as working hours, overtime and breaks.

And while "Metaworking", employees may be exposed to merchandising in their virtual offices, which will likely lead them to purchase products for themselves and their avatars. Assuming that cryptocurrency will be used to make the purchases, could part of workers' salary be paid in virtual money?

Virtual workspaces make it easy employees from different countries and regions to work side-by-side, in the same environment, raising the question of what employment and labor legislation will apply in the Metaverse: The law of the place where the employee-avatars reside? The law of the country of their citizenship? Or will the parties be able to choose the law that will apply – which in itself is controversial, since it would allow the parties to elect the law of a country that is less protective of its workers.

Another issue – minor in comparison to the question above – is which, if any, collective bargaining agreement will apply in the Metaverse. Even without collective bargaining agreements, however, the Metaverse will not be immune to employment claims and labor disputes – including demonstrations, picket lines and strikes.

And how will disputes and claims be resolved? Which courts will have jurisdiction over employment and labor disputes originating in the Metaverse? Could they be resolved in the Metaverse itself, through virtual courts or other virtual forums?

Looking beyond employee-avatars, what measures, if any, will be taken to protect the health of the real person controlling the avatar, using virtual reality equipment for hours on end? Will new illnesses – such as those affecting the senses – become occupational diseases?

The answers that Brazilian employment law can offer are, for the present, incomplete at best. Under article 75-B of the Consolidation of Labor Laws ("CLT" – *Consolidação das Leis do Trabalho*, the Labor Code), technically Metawork would be a type of remote work, since the employee in the real world would perform the work "off the employer's premises, using computer and communication technologies."

The employee's avatar, however, would be working on the employer's "virtual" premises and, if we follow this logic a little further, we come to the question of which rules will govern matters such as how the time worked by employees is recorded: the remote work rules, under which employers are not required to keep records, or the general rules, under which employers do have to record the time worked by their employees.

As this brief article shows, there are many questions, touching on many different issues, and current labor and employment legislation does not offer many answers. At present there are no proposals to regulate work in the Metaverse before Brazil's Congress, and it is not surprising that "Metawork" is not a legislative priority in the current political and economic climate.

It seems likely, therefore, that once again the courts will take the lead in providing a response when the questions finally reach the judicial system. Until then, legal creativity will be needed to deal with the "Meta-employment" vacuum in the Metaverse.

>>> This article is part of the e-book "*Metawork: Reflections on Law in the Metaverse*".

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