



LaborNet No. 1407

“Imagine if you could be at the office without the commute”. Working in the metaverse. The ability to teleport places with people and interact around shared projects and virtual space. How the world will be transformed by the metaverse.

Dear All,

Big corporations are already conducting selection and job interviews in a parallel universe.

New ways of working are emerging and how they will be regulated under the law will definitely be a turning point in the new world of work. Mark Zuckerberg proposes a change in the way employees and companies relate in what he calls the "Infinite Office".

Virtual meetings will be held in the metaverse.

Asian companies, like Samsung and Hyundai, use AR (augmented reality) to engage job applicants throughout the interviewing and hiring process. It is estimated that nearly 1 million jobs use VR (Virtual Reality) at various stages of the recruitment cycle.

Corporate dynamics have already undergone major changes due to video conferencing and online collaboration tools since the onset of the pandemic. Cervecería y Maltería Quilmes, a brewing company in Argentina, uses virtual

reality for new hires so that they get to know the company's facilities and experience what it feels like to work in the production plant.

As companies digitize all processes, DHL also uses virtual reality to train employees during onboarding. Hilton hotel chain uses Oculus for Business to train its employees in customer service skills.

Meta, Microsoft and Facebook are shaping the future of work. Corporations apply metaverse technology at different stages of employment contracts.

Faced with this new work paradigm, and with the comfort it brings, spaces that simulate offices, remote work and online interaction will become more complex, with endless possibilities for the performance of employment contracts in the metaverse.

In his statement, Meta's CEO described how he envisions work in the metaverse: *"It's time for everyone's favorite: Work. Over the last year and a half, a lot of us who work in offices have gone remote. (...) Imagine being at the office without a commute, you would still have that sense of presence shared physical space, those chance and interactions that make your day, all accessible from anywhere. Now, imagine that you have your perfect work setup and you can actually do more than you could in your regular work setup. And on top of all that you can keep wearing your favorite sweatpants. Imagine a space where you can tune out distractions and focus on the task at hand. And when you're ready to share what you've been working on, you can present it as if you're right there with the team. (...) I'm genuinely optimistic about work in the metaverse. We know from the last couple of years that a lot of people can effectively work from anywhere, but hybrid is going to be a lot more complex when some people are together and others are still remote. So giving everyone the tools to be present no matter where they are, whether it's a hologram sitting next to you in a physical meeting or in a discussion taking place in the metaverse, that's going to be a game changer. I think this could be very positive for our society and economy. Giving people access to jobs and more places, no matter where they live, will be a big deal for spread opportunity to more people. (...) I think working in the metaverse is going to feel like a huge step forward. And these dynamics, like the ability to teleport places with people and interact around shared projects and virtual space, they're going to be valuable and a lot of other categories of experiences too. (...)".*

- The word "metaverse" is a portmanteau of the Greek prefix "meta" (meaning beyond) and "universe", and is understood to be a universe that is beyond the one we currently know.
- The metaverse is understood as a new ecosystem in progress that will connect the multitude of applications and services that form part of it. The main characteristic of the metaverse is that access to these virtual environments is a completely immersive experience, where we can interact,

work, study, play, buy and sell goods and services, among other everyday activities.

- In the metaverse, employees and employers can interact and access different processes, including selection and training, hiring, and visualizing products or services, through a more immersive and 3D experience.
- It is said to be a post-reality universe, a perpetual and persistent multi-user environment that merges physical reality with digital virtuality. It is based on the convergence of technologies, such as virtual reality (VR) and augmented reality (AR), which allow multi-sensory interactions with virtual environments, digital objects and people. The metaverse is an interconnected network of immersive and social environments on persistent multi-user platforms.
- It has also been said that metaverses are environments where humans, as programmable avatars, interact with each other and software agents, in a three-dimensional virtual space that uses the metaphor of the real world but without necessarily having its limitations.
- Recruitment in the metaverse: Human beings are behind the creation of virtual reality as well as avatar interaction. The relationships they build are just common situations (meetings, negotiations, etc.) and should be regulated.
- Recently job fairs were held in a metaverse space known as “Garbero Town”. Corporate training will be increasingly common in this environment.
- Before implementing it, employers must determine who will control the metaverse, that is, who will make sure that in this virtual reality people’s rights are protected, so that in this three-dimensional world there is legal security with clear rules in the world of labor law. Human Resources must develop new work policies to ensure healthy practices in the metaverse and the role of Leaders will be key to ensure that the possibilities of the metaverse are constructive and do not lead to employee burnout.

The Council of the European Union issued a paper called Metaverse - Virtual World, Real Challenges on March 9, 2022 addressing the challenges of virtual reality and its impact on the areas of intellectual property rights, litigation and taxation, both in the civil and criminal law. One of the conclusions reached was that the Law must serve us and our fundamental rights must be protected and cannot be waived. Regulation in the metaverse must observe these values, although they may seem insufficient in the face of technological progress.

The European Union has already made progress on regulatory frameworks for digital platforms and “AI” regulations, which impact these types of environments.

Intellectual Property is one of the great topics of discussion, the rights over the content created on those platforms, as well as fundamental rights under labor, civil and commercial law since technology impacts all branches of Law.

The Courts shall intervene whenever conflicts arise, settling matters by application of all regulations in force, including the National Constitution and International Treaties of Human Rights. Is there a rule of law in digital environments? Both the real and the virtual world should be regulated? As Rudolf Von Ihering once said, "... there is no right to waive rights..." Will rights be created in those virtual spaces?

As a result, everything in the metaverse is subject to law, including a breach of contract or a violation of the general duty to do no harm. How will the metaverse be regulated? Which court should have jurisdiction? According to our Highest Court, to resolve competition issues involving social media, emails or other digital means, it is the Federal Justice who has jurisdiction to hear these matters (Judgments 339:1579, among others by the Supreme Court of Justice of Argentina).

The Metaverse Standards Forum was launched in June 2022, bringing together more than 1,800 organizations to make the metaverse more interoperable and accessible. The Forum is committed to promoting open standards, collaboration and best practices to pave the way for an open, inclusive and accessible metaverse, covering other layers, such as identity management, digital assets ownership, intellectual property, privacy and security, with regulatory sandboxes and clear criteria to promote innovation and mitigate risks.

As to employees' virtual identity, technological tools will be necessary to ensure avatars' authenticity and individuality.

As to employment law and applicable law, although the legislation in each country varies, one place to start with is the principles of International Labor Law. Will it become a sound and global source of law? Will it allow us to participate in a safe environment in the first stages of the metaverse?

In addition to international law, employment law principles, such as workers' protection, inalienable rights, nondiscrimination, progressive realization, would they apply?

The Employment Contract Act is already imperfect in this era of VR and new work arrangements that are becoming reality.

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