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Perkins on Privacy

How AI and Automated Systems Use Can Lead to Discrimination in Hiring

Artificial Intelligence (AI) and automated systems can increase efficiency and help reduce human error. However, the National Institute of Standards and Technology (NIST), the White House, and the Equal Employment Opportunity Commission (EEOC) are warning companies that uncritical reliance on AI can have legal consequences, including potentially building in bias that can lead to claims of employment discrimination. Employers' reliance on these technologies to target job advertisements, recruit applicants, train employees, and make or assist in hiring decisions can lead to adverse employment actions. But, NIST explains, "[w]ith proper controls, AI systems can mitigate and manage inequitable outcomes." The NIST study does not focus on specific legal risks arising from use of this technology, but it is useful for evaluating whether the systems meet accepted scientific standards.

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