

Using AI to recruit? You're legally responsible for the bot's bias, EEOC says

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David Barron was quoted in *Employee Benefit News* discussing how the EEOC recently warned employers that using algorithmic decision-making tools for hiring strategies could potentially violate existing civil rights laws. "What the EEOC is trying to make clear is that the anti-discrimination laws apply to adverse employment decisions whether it's made by a human being or a computer. It's not a defense to say that a human being didn't make the decision — the law applies broadly," said David. According to Zippia, 65% of recruiters use AI tools. "If there's some sort of AI system that is set up to either take over or assist with any of these hiring functions, the employer has a duty to make sure that that entire system can accommodate someone with a disability. It's hard to design tools that are flexible enough to satisfy that," he said.

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