

What is the EEOC's role in AI?



The Equal Employment Opportunity Commission enforces federal laws prohibiting employment discrimination.

While AI and other technology may offer benefits, there is potential to violate the laws against discrimination when used in employment decisions.

Federal laws prohibit employment discrimination on the basis of a protected characteristic: race, color, religion, sex (including gender; sexual orientation; and/or pregnancy, childbirth or related medical conditions), national origin, age (40 or older), disability, or genetic information. These laws apply to the use of AI and other new technologies in employment just as they apply to other employment practices.

Illegal employment discrimination can be intentional like programming a resume screener to reject certain people based on a protected characteristic. It is also illegal when a seemingly neutral employment practice has an unjustifiable disparate impact based on a protected characteristic.

What types of employment activities can involve AI or other automated technologies?

- Recruiting, screening, and hiring job applicants
- Monitoring employees' activities, performance and/or location
- Assessing employee productivity or setting wages
- Deciding whom to promote or fire



Examples of how AI use may violate employment discrimination laws

- Video interviewing software analyzes applicants' speech patterns to reach conclusions about their ability to solve problems and scores an applicant low when the applicant has different speech patterns due to a disability.
- Monitoring software includes facial recognition that is less accurate for darker skin tones, leading to Black employees being more likely to be terminated.

To learn more, visit these Additional EEOC Resources:

- [The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees](#)
- [Visual Disabilities in the Workplace and the Americans with Disabilities Act](#) (Questions 16 and 17)
- [Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964](#)
- [Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems](#)