



Artificial Intelligence and Algorithmic Fairness Initiative

Navigating Employment Discrimination in AI and Automate...



In 2021, U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows launched an agency-wide initiative to ensure that the use of software, including artificial intelligence (AI), machine learning, and other emerging technologies used in hiring and other employment decisions comply with the federal civil rights laws that the EEOC enforces.

While AI systems may offer new opportunities for employers, they also have the potential to discriminate.

Through the initiative, the EEOC will examine more closely how existing and developing technologies fundamentally change the ways employment decisions are made. The initiative's goal is to guide employers, employees, job applicants, and vendors to ensure that these technologies are used fairly and consistently with federal equal employment opportunity laws.

As part of the initiative, the EEOC will:

- Issue technical assistance to provide guidance on algorithmic fairness and the use of AI in employment decisions;
- Identify promising practices;
- Hold listening sessions with key stakeholders about algorithmic tools and their employment ramifications; and
- Gather information about the adoption, design, and impact of hiring and other employment-related technologies.

Resources for Workers

- **https://www.eeoc.gov/sites/default/files/2024-04/20240429_Employment_Discrimination_and_AI_for_Workers.pdf**
- **[Wearables in the Workplace: Using Wearable Technologies Under Federal Employment Discrimination Laws](#)**

[\(<https://www.eeoc.gov/wearables-workplace-using-wearable-technologies-under-federal-employment-discrimination-laws>\)](https://www.eeoc.gov/wearables-workplace-using-wearable-technologies-under-federal-employment-discrimination-laws)

- **[Tips for Workers: The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence](https://www.eeoc.gov/tips-workers-americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence)**
(<https://www.eeoc.gov/tips-workers-americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>)
- **[ASL video: Use of Artificial Intelligence in Making Job Decisions for People with Disabilities](https://www.youtube.com/watch?v=uD2RwR_c9k)** (https://www.youtube.com/watch?v=uD2RwR_c9k)
- **[The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees](https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence)** (<https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>)

Resources for Employers/Developers

- **[What is the EEOC's role in AI?](https://www.eeoc.gov/sites/default/files/2024-04/20240429_What%20is%20the%20EEOCs%20role%20in%20AI.pdf)**
(https://www.eeoc.gov/sites/default/files/2024-04/20240429_What is the EEOCs role in AI.pdf)
- **[Wearables in the Workplace: Using Wearable Technologies Under Federal Employment Discrimination Laws](https://www.eeoc.gov/wearables-workplace-using-wearable-technologies-under-federal-employment-discrimination-laws)**
(<https://www.eeoc.gov/wearables-workplace-using-wearable-technologies-under-federal-employment-discrimination-laws>)
- **[Visual Disabilities and AI Decision-Making Tools](https://www.eeoc.gov/laws/guidance/visual-disabilities-workplace-and-americans-disabilities-act#q16)**
(<https://www.eeoc.gov/laws/guidance/visual-disabilities-workplace-and-americans-disabilities-act#q16>)
- **[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](https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial)**
(<https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial>)

- **The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees** (<https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>)

Statements

- **Joint Statement on Enforcement of Civil Rights, Fair Competition, Consumer Protection, and Equal Opportunity Laws in Automated Systems** (<https://www.eeoc.gov/joint-statement-enforcement-efforts-against-discrimination-and-bias-automated-systems>) [April 2023]
 - **Joint Statement on Enforcement [updated April 2024]** (<https://www.eeoc.gov/joint-statement-enforcement-civil-rights-fair-competition-consumer-protection-and-equal-opportunity>)
- **Statement of the Chair: Strengthening In-House Technological Expertise** (<https://www.eeoc.gov/us-government-agency-actions-strengthening-house-technological-expertise>)

Meetings and Listening Sessions

- **Navigating Employment Discrimination in AI and Automated Systems: A New Civil Rights Frontier** (<https://www.youtube.com/watch?v=rfMRLestj6s>) - video (January 31, 2023)
- **Decoded: Can Technology Advance Equitable Recruiting and Hiring?** (<https://www.youtube.com/watch?v=wkYMHdYBw4s>) - video (September 13, 2022).
- **Disability-Focused Listening Session** (<https://www.youtube.com/watch?v=LlqZCxKB05s>) - video (February 25, 2022).
- **Commission Meeting on Big Data in the Workplace** (<https://www.eeoc.gov/meetings/24068/transcript>) - transcript (October

13, 2016).