

Guidance: The Intersection of Artificial Intelligence and Employment Law

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Employers have increasingly embraced artificial intelligence (“AI”) in the workplace, using the technology to maximize efficiency in nearly every aspect of the employment relationship including hiring, performance management, and discipline. The use of AI, however, comes with attendant risks.

Indeed, while one might assume that AI is an ideal tool to serve as a neutral decision-maker, this technology is not infallible. It has been repeatedly shown that algorithms underpinning these AI products are capable of inheriting conscious and unconscious biases of the people that write the code. These products can also adopt biases embedded in external training data the applications process once they are unleashed.

As such, there has been a surge in proposed legislative and regulatory responses to the use of such AI technology, both from federal, state and local governments within the United States, as well as from the international community. Moreover, many existing employment laws – such as Title VII of the Civil Rights Act of 1964 and the National Labor Relations Act – were enacted well before AI was involved in employment decision-making, and it remains to be seen how courts will apply these laws to this new technology.

In our latest publication, *Artificial Intelligence: Employment Law Risks and Considerations*, published in *Global Legal Insights – AI, Machine Learning & Big Data 2021*, we analyze these issues and explore the risks of using AI technologies in the employment context. Full access to our publication can be found [here](#).

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