

Andrew Gordon Discusses the EEOC's Plan to Enforce Federal Nondiscrimination Laws on Artificial Intelligence Tools

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Hinshaw partner Andrew Gordon discussed in *SHRM Magazine* the U.S. Equal Employment Opportunity Commission's (EEOC) recently released draft of its new Strategic Enforcement Plan (SEP), outlining its priorities in tackling workplace discrimination over the next four years. The SEP indicates that the EEOC plans to enforce federal nondiscrimination laws on artificial intelligence (AI) tools that result in discrimination.

Gordon stated, "The EEOC is signaling in its draft SEP that it intends to enforce federal nondiscrimination laws equally, whether the discrimination takes place through traditional recruiting or through the use of modern and automated tools."

The use of AI in the workplace has become increasingly common to support human resources activities, including recruiting and hiring. Despite its efficiency, Gordon notes, "[AI software] may run afoul of nondiscrimination laws if the systems—either intentionally or unintentionally—reject candidates based on protected characteristics like age or gender."

"Artificial Intelligence Takes Center Stage at EEOC" was published by *SHRM Magazine* on January 18, 2023.

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