

Employment Discrimination and AI for Workers

Federal employment discrimination laws protect you when AI systems are used to discriminate against you on the basis of your race, color, religion, sex (including gender, sexual orientation, and pregnancy), national origin, age (40 or older), disability, or genetic information. Even when the employer is using AI, the existing laws may require that the employer provide you a reasonable accommodation (change in the workplace) based on your disability; religion; and/or limitations related to pregnancy, childbirth, or related medical condition.

Examples of how you may see AI in the workplace and when you're trying to get a job:

Job Search (such as during recruiting, screening, or hiring)

- Providing you different job ads depending on your profile or actions online.
- Screening your resume for key words or experiences.
- Evaluating your recorded video interview.
- Encouraging you via chatbot to apply to positions.



Workplace Surveillance

- Monitoring how long it takes you to do a task.
- Tracking your location through wearable technology trackers, apps, or other devices.
- Evaluating your facial expression, voice, or other movements.
- Monitoring your email, keystrokes, or cursor activity.
- Analyzing customer surveys about your work.

Promotion or Pay Decisions

- Deciding or making recommendations on your training.
- Determining who gets pay raises and how much they are.

Layoffs or Termination Decisions

- Influencing or deciding who will be let go.



The Equal Employment Opportunity Commission (EEOC) enforces federal laws prohibiting employment discrimination. If you think you have faced discrimination due to an employer's use of AI or other automated technology, contact the EEOC at 1-800-669-4000, TTY at 1-800-669-6820, ASL Video Phone at 1-844-234-5122 or at the [EEOC Public Portal \(https://publicportal.eeoc.gov/Portal/Login.aspx\)](https://publicportal.eeoc.gov/Portal/Login.aspx).

Resources:

- [EEOC's AI and Algorithmic Fairness Initiative](https://www.eeoc.gov/ai)
<https://www.eeoc.gov/ai>
- [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>