

HR has an AI powered Disability Problem.

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Introduction

AI recruitment tools have become the first line of defence against high-volume online hiring. But unless the unintended consequences of AI-powered HR technology are urgently addressed, hundreds of millions worldwide face lifetimes of economic and societal exclusion.

Just Imagine:

- > You lose your dream job because your stammer caused you to go 15 seconds over the 3 minutes permitted for the video interview - and the algorithm automatically discards your application.
- > You have a facial disfigurement from an acid burn, but the AI tool doesn't recognise your face as real.
- > Your visual impairment makes eye contact tricky, but you can't find any way to request that the video assessment disregard the way your eyes 'dance'.
- > Your ADHD means you 'fidget' in front of your screen and the surveillance tech assumes you aren't working -or accuses you of cheating.
- > You have used a wheelchair since you were four, but the virtual reality test drops you walking into an ancient tomb to assess your problem-solving skills. You struggle to even imagine standing up (!), never mind doing so while solving complex puzzles.

- > You usually lip-read at interviews, but this robot interviewer is lipless.
- > And how will you know if your personality profile, produced by scanning everything you have ever put online, tells the recruiter you belong to a Parkinson's Disease self-help network?

***Is that why your application got nowhere?
And if you could take someone to court, who would it be?***

AI recruitment tools have become the first line of defence against high-volume online hiring. A recruiter's priority is to discard as many applicants as possible, as quickly and as cheaply as possible, to narrow down to the talent deemed worthy of consideration by human beings. And an increasingly controversial multi-billion dollar industry stands ready to help.

Yet it is the employer who ultimately determines the success or failure of such programmes, as only the employer can say: 'Yes I will hire you'.

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Brilliantly presented [research by BR](#), the German Public Broadcaster, reveals that a candidate's Behavioural Personality Profile, produced after a one-minute Retorio video interview, changed significantly depending on her appearance. She lost 10 points just by putting on glasses; she gained 20 points by putting on a head scarf. (Retorio claims German recruiters find head scarves appealing – so her scores went up).

And what if that camera were to spot your hearing aid, wheelchair, or arthritic hands? Would you score as more or less agreeable, neurotic, or conscientious? No one knows – and that's a problem.

[BR didn't test for 'disability indicators'.](#)

Neither has the developer, nor the German corporations that use it.

Thankfully, those influencing responsible AI have begun to address race and gender bias, but the world's 1.3 billion people with disabilities are still so excluded from this debate that no one has even noticed they aren't there. Unless the unintended consequences of AI-powered HR technology are urgently addressed, hundreds of millions of people worldwide face lifetimes of economic and societal exclusion.

Neither the AI creators nor their HR customers understand disability discrimination

Creators often claim they have removed human bias by dropping their AI tool into a standardised recruitment process that treats everyone the same. However, standard processes are by definition

inherently discriminatory – recruiters are obliged to make reasonable adjustments at every stage of the process if they want to employ disabled people fairly and on an equal basis. We treat people differently to treat them fairly. Imagine insisting Stephan Hawkins climb stairs to an interview just because every candidate is required to do so.

This is not just about the data which, let's face it, is always 'disability biased' – for biased data, while deeply problematic, is different from the concrete reality of associated discriminatory behaviours, policies, and procedures, such as refusing to adapt an automated talent acquisition process so that a job seeker with a disability can be accurately assessed. And refusing to factor into an AI powered assessment the need to assess the employer's willingness to make the adjustments which a suitable disabled candidate would need on the job. And as [recent research from NYU](#) has pointed out, too often the science shaping these assessments is not, in fact, valid for anyone.

What we have here is a 'market failure' – neither the HR buyers, nor their tech suppliers understand disability discrimination

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neither party seems to know how to design a recruitment process that is both barrier-free for people with similar access needs (e.g., accessible game controls) and flexible enough for individuals who need things to be done differently so they can demonstrate their potential (e.g., bypassing psychometric tests which are not validated for the presenting candidate's autism)

AI Creators are not legally obliged to prove their products are 'safe' for any disadvantaged job seekers.

But regulators are catching up. The U.S. Equal Employment Opportunity Commission (EEOC) [has published their first guidance](#) which, while still exploratory in nature, does indicate that AI-facilitated disability discrimination is now on its agenda. And the European Disability Forum is hoping that emerging [EU guidance](#) and standards regarding AI accountability will also protect the [human rights](#) of people with disabilities.

Interestingly, a leading HR tech developer, HireView, recently argued that it is the employer that should be held responsible if a candidate claims discrimination when HireView data was used to justify the decision not to hire them. It's not every day that a supplier sends such a 'Buyers Beware' alert to potential customers. Now if only every employer responded by requiring all their HR tech suppliers to prove they have taken the [necessary steps to mitigate potential harm](#) to disadvantaged job-seekers ...

But I guess before this is likely to happen - as a crucially important first step- we need to stop the unhelpful waffle about vaguely defined 'inclusion' and bring the conversation back to some 'Disability Equality Basics'. We need a much broader consensus that equality in the workplace is not possible...

- > when you can't ask for an interview to be extended because your speech patterns differ from the norm
- > when you aren't told how the employer plans to assess you and therefore cannot ask for the accommodations to that assessment that you require
- > when you can't complete the application form using a screen reader
- > when you have an intellectual disability and can do the job, but the automated system won't simplify the wording of the interview questions,
- > when the employer insists you take psychometric tests that have not been validated for Deaf people, who speak English as a second language.
- > when the American AI CV screening tool discards your application because it has never heard of [Loyola College](#), - or even more worrying, because it has.

We need to bring human reality into the worldview of those influencing the ethical and responsible AI debate – in the knowledge that the experience of disability is intrinsic to that reality.

And we need to require AI creators to develop tools which are designed explicitly to protect the world's 1.3 billion people with disabilities – and the millions of us who will become disabled in time – from the fast growing constellation of risks triggered by HR technology – AI developers and their HR customers need to seriously, seriously, up their game.

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<https://www.oecd.org/>

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