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Artificial Intelligence in Human Resources

The use of the Artificial Intelligence is spreading like wildfire, and rapidly conquering spaces in the name of efficiency. Efficiency, optimization, saving in costs, objectivity, minimization of human factor to minimize risks, standardization of routine works, even creativity, are some of the elements mentioned for the defenders of the Artificial Intelligence. But all this long list of benefits shouldn't hide the threats and the risks innate to this tool.

Human Resources Management is one of the areas where many companies started to apply this technology. Enterprises like Google, IBM or Microsoft are using AI-tools for recruiting and even to complete performance evaluations processes. On the contrary, other companies like Amazon stopped temporally to use the AI-tools in Human Resources when they realized that the decisions made by the AI were undeniable impacted by bias[1].

Bias is precisely, one of the main risks that the use of AI implies. AI applications are trained and learn from data provided by the designers/architects of those applications. This means that the application will reproduce the underrepresentation and the discrimination that already exists in the original data that feed the application, if the algorithms used to transform these data into decisions are not correctly adjusted.

And this is one of the big issues with bias: discrimination in the decision-making process is only recognized after the decision has been taken, so you can just react to the problem when it is already there.

When we talk about bias, we should think about something broader than the usual discrimination referred to gender, ethnic, disabilities, age, sexual orientation, etc.... It is also about jeopardize diversity in many other aspects. For example, there are studies that flags emergent bias like the ones that appears when an algorithm designed in societies

[1] Amazon tested in 2018 a decision-making algorithm for hiring personnel, but they decided to discontinue it because they realized that the female applicants were in a situation of clear disadvantage. Köchling, A., Wehner, M.C.: Discriminated by an algorithm: a systematic review of discrimination and fairness by algorithmic decision-making in the context of HR recruitment and HR development. Bus. Res. (2020). https://link.springer.com/article/10.1007/s40685-020-00134-w

with a cultural context that reward individualistic and competitive behavior are used in environments that promotes cooperative efforts[2].

Second main risk of the use of AI is the one related to the ***personal dignity and privacy of personal information.*** We all agree that extra care should be taken when potentially invasive assessment techniques are used with staff members, as personality test, for example, or intensive background checks. In this sense, AI could be considered an invasive technique.

The right to privacy and dignity is connected with anti-discrimination regulations, and with the right to equality, protecting for example, the applicants from their rejection on the basis of a non-work-related characteristic as age, gender, ethnicity, even medical conditions. Also, data privacy means that personal information shouldn't be shared with external companies without express consent from the individuals, and that they shouldn't be used for a different purpose than the one originally provides for. The respect to the confidentiality of sensitive operational data should be subject to appropriate safeguards. We must remind that all AI applications are created and, in many cases, even managed by private companies that will have access to personal data. And these data could be used for different purposes including feeding the application for different products.

What is the situation in UN?
At this moment, there are two UN Offices than publicly inform they are using AI in recruitment processes.

First one is **UN VOLUNTEERS**. According to their public information, UNV launched in 2021 the AI-powered Unified Volunteering Platform[3] described to be faster and able to reduce operational cost. The purpose of the AI-Platform is matching candidates with possible donors/vendors. UNV explained that the organization added human control to detect AI bias or erroneous assumptions.

The other UN Agency is UNHCR. **UNHCR**[4] has developed a system called ARiN (Artificial Intelligence in Talent Management) that it is being used to pre-screen candidate's applications. Since 2019, UNHCR has been using artificial intelligence in recruitment, automatizing the extensive screening exercises. The results are validated by UNHCR personnel, and no decisions are made based on application of automated algorithms alone.
Other controls implemented for these offices include removing all gender-identifying data, hiding photos or ensuring that short-listed and final candidate selection remains in the hands of humans. Also, candidates are informed that an AI is being used during the recruitment process, and in the case of UNHCR they give details of which data are collected, who can access that, and how will be processed. [5]

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[2] FRIEDMAN, Batya; NISSENBAUM, Helen: Bias in computer systems. 1996. Bias in computer systems (acm.org)
[3]Utilizing artificial intelligence for equitable and efficient volunteer selection. October 2020. https://www.unv.org/Success-stories/utilizing-artificial-intelligence-equitable-and-efficient-volunteer-selection
[4] Executive Committee of the High Commissioner's Programme. Standing Committee 76th Meeting. Human resources, including staff welfare. 28 August 2019. https://www.unhcr.org/sites/default/files/legacy-pdf/5d81f9636.pdf
[5]UNHCR, Privacy Notice for Job Applicants https://www.unhcr.org/sites/default/files/legacy-pdf/63ea48674.pdf

Legal protection

Governments and institutions are beginning to work on legislative controls of the use of AI in Human Resources. We can see first attempts in local regulations in USA (Illinois[6] and NY[7]) and also, in a provisional agreement, in early December 2023, between the European Parliament and the Council on the EU Artificial Intelligence Act[8]. On this act, EU considers high-risk AI systems amongst others, systems deployed in the areas of "employment, worker management and access to self-employment". These high-risk AI systems should have an extra level of protection and control.

In the UN, apart from broadcasting messages with general guidelines addressed to the staff about the use of the AI and some applications like ChatGPT, it has been stablished an Inter-Agency Working Group on Artificial Intelligence under the High-Level Committee on Programmes (HLCP). The result has been the publication on 20 September 2022 of a list of Principles for the Ethical Use of Artificial Intelligence in the United Nations System[9].

These general principles advocate for a use of the AI justified, appropriate in the context and that should not exceed what is necessary and proportionate to achieve legitimate aims that are in accordance with each United Nations system organization's mandates. Also, it reiterates the idea that the *"individuals should be meaningfully informed when a decision which may or will impact their rights, fundamental freedoms, entitlements, services or benefits, is informed by or made based on AI algorithms and have access to the reasons for a decision and the logic involved."*

In the meantime, we have elaborated a list with elements of control that we should keep in mind in case our organization decide to use the AI in any HR process.

- Staff members, or candidates in the case of recruitment, should be informed that an AI tool is being used for their screening/evaluation. They should be informed on which data are going to be collected, who will be able to access them, and how they will be processed.

- Staff members, or candidates in the case of recruitment, should give their informed consent to the use of their data for the specified purpose they provide them. Any use beyond the framework of the specific consent should be prohibited.
- Bias is not limited to gender. Some organizations include no-gender language or no pictures policy on the data shared with the AI-tools[10], but there are also

[6] Artificial Intelligence Video Interview Act. 820 ILCS42
https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=4015&ChapterID=68

[7] New York approved a law on Automated employment decision tools on July 2023
https://rules.cityofnewyork.us/wp-content/uploads/2023/04/DCWP-NOA-for-Use-of-Automated-Employment-Decisionmaking-Tools-2.pdf

[8] https://www.europarl.europa.eu/news/en/press-room/20231206IPR15699/artificial-intelligence-act-deal-on-comprehensive-rules-for-trustworthy-ai. Preliminary text of Artificial intelligence act could be consulted here (June 2023)
https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI(2021)698792_EN.pdf

[9] https://unsceb.org/sites/default/files/2022-09/Principles%20for%20the%20Ethical%20Use%20of%20AI%20in%20the%20UN%20System_1.pdf

[10] UNV mentions that they remove all gender-identifying data and apply gender-neutral language on the platform. They don't mention to other possible element of bias in their public information on AI tool.
https://www.unv.org/Success-stories/utilizing-artificial-intelligence-equitable-and-efficient-volunteer-selection

other factors that are sensitive to bias and to discrimination like age, race, nationality, even the place where you studied could be subjected to bias.

- Reporting will be vital to identify possible bias, that's why it should be mandatory to effectively verify the elimination of bias in the decision-making process. Data collected should be independently analyzed and audited to confirm that no discrimination is interfering in any stage of the process.[11] These audits will be also interesting for contesting decisions made using AI.

- There are data that due to their characteristics, should be covered by an extra protective action, like private data on political, religious, philosophical beliefs, sexual orientation, race or even medical conditions. Also, certain activities should be banned in order to protect the fundamental rights of the personnel.

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[11] In the act of Illinois for example, it is mentioned that in the case of employers relying solely upon and artificial intelligence analysis, they must collect and report demographic data, and report to the Department of Commerce and Economic Opportunity annually. They will then analyzed if there is any kind of racial bias. New York also include a provision to ensure that a bias audit was done before using the tool.