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WRT 205
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Annotation: Statement of Lydia X. Z. Brown Policy Counsel, Privacy & Data Project Center for Democracy & Technology (Brown, 2021).

This source is a transcript of Lydia X. Z. Brown's testimony before the California Fair Employment & Housing Council's public hearing on algorithms and bias. Brown (they/them/their) is an autistic disability rights activist, writer, and attorney who focuses on civil rights and civil liberties at the center of the digital revolution. Their testimony focuses on the ways algorithms are negatively impacting the lives and careers of workers, especially those from marginalized groups such as the disabled. She notes that any algorithm-driven hiring tools unfairly screen out disabled applicants, either individually or in groups, for reasons unrelated to the job. Resume screening, gamified assessments, video interviews using facial and voice recognition software, and personality tests all have flaws in their design that can lead to discrimination. For example, gamified assessments require applicants to take tests that look like video games to measure reaction time, attention span, and solving problems under pressure. People with bi-polar disorder may score low on optimism on personality tests, however, optimism is rarely a job-related trait. Disabled people may be unfairly flagged during these tests. The ADA bans inaccessible test formats without reasonable accommodations. ADA also bans pre-employment medical examinations. For these reasons, Brown argues that legislation is needed to clarify employers' obligations to accommodate people with disabilities and to increase enforcement actions. They also suggest reducing intellectual property protections that make it difficult to examine the technology to determine how decisions are made.

As a primary source, Brown's testimony is useful to me because it demonstrates how to successfully stimulate a public discussion around the use of AI for HR. Although Brown's testimony focuses on the impact of AI on disabled people, her argument applies to any individual or group that AI can intentionally or unintentionally flag as "different." One of my arguments is that it actually takes hard work to create any progress on diversity and inclusion initiatives. People need more exposure to people who are different than they are, not less, and technology may be limiting those opportunities. We continue to allow companies to go full steam ahead implementing technology to make bigger profits, but rarely look at the real toll on society. In my view, changing organizational culture is just one part of making larger changes in society, so the ripple effects can be huge and long-lasting. If AI relieves pressure on HR offices so they can devote more time to culture change, then the benefits outweigh the costs. Brown's suggestions are useful for promoting these ideas and for promoting more accountability from employers who use AI.

Brown, L. X. Z. (2021, April 30). *Statement of Lydia X. Z. Brown, Policy Counsel, Privacy & Data Project Center for Democracy & Technology: California Fair Employment & Housing Council Public Hearing on Algorithms & Bias*. Center for Democracy & Technology. https://cdt.org/wp-content/uploads/2021/04/California-Fair-Employment-Housing-Council-Public-Hearing-Lydia-X.-Z.-Brown-statement-30.Apr_.2021.pdf