# Discrimination in Hiring

President Biden’s executive order on AI (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>) says that “the Secretary of Labor shall publish guidance for Federal contractors regarding nondiscrimination in hiring involving AI and other technology-based hiring systems.” Bias, though, can be hard to prove, especially because there are often valid subjective factors in hiring. (The laws and rules on this are complex (<https://www.justice.gov/crt/fcs/T6Manual7#M>). Generally speaking, if a protected class is hired at less than 80% of the rate of another class, discrimination may be assumed, but often, a deeper look at causative factors, such as biased tests, are required.) For example, it is legitimate to consider how well a job applicant will work with others on a team—but it is illegal to conclude that they will not because the current team members are racists or misogynists. In addition, in some fields and markets, there are far more applicants than there are open slots, meaning that even without improper discrimination, the large majority of applicants will be rejected. How should the system be designed to enable an unsuccessful applicant to contest the decision?

Questions to ponder:

* 1. Who might want to challenge a ruling?
  2. What personal knowledge might they already have?
  3. What might they need to acquire?

What has the government previously published about the AI model being used?