Staff Matters: Are there Risks to Using AI in Our Practice?

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Question: Our practice is starting to use new software for our hiring process. It's slick because it can go through resumes and screen out people who do not meet certain criteria. Are there any downsides to using this type of technology to automate our HR processes?

Answer: The use of Artificial Intelligence, or AI, is becoming more and more common. In many ways it makes our lives easier because it takes tedious processes, like screening resumes, and, with a few clicks of a button, does the work for us. ChatGPT is probably one of the most well-known tools that uses AI. Companies are starting to use tools like ChatGPT to write policies, processes, and even marketing materials.

While this new technology is extremely helpful, there is a limit to its effectiveness, and there are some areas where you should be more cautious. On Oct. 30, President Biden issued a new executive order focusing on two key areas relating to AI: vendor safety assessments and civil rights considerations. AI developers and vendors will now need to share bias and accuracy test results with the government to ensure the tools are safe before they hit the market. The implementation of this new process and oversight will take time, but it is hoped that it will create more trust and credibility in AI tools.

The Equal Employment Opportunity Commission is also focusing on AI, particularly in the area of recruitment and hiring. The EEOC's strategic enforcement plan underscores the importance of transparency and consent in AI use and that the responsibility for any bias that occurs is not with the AI vendors, but with employers.

Because there are laws against discrimination in hiring, you must ensure that all steps of your hiring process allow for equal consideration for all who apply, and that your hiring process does not reject candidates based on specific protected criteria such as age, race, gender, etc. This doesn't mean that you cannot use screening criteria such as education and experience requirements, but you must be sure that they are applied consistently and correctly. When you are using software to conduct the initial screening, you need to set it up accurately and doublecheck its work. For example, if you use AI software to screen resumes based on certain keywords or criteria, it may miss the context in which those words are used and incorrectly screen out applicants that should have stayed in the candidate pool. Also, you should also make sure candidates are notified that you are using AI and that they give their consent when applying. If they do not give their consent, you need to have another method you can use.

Another common way that companies are using AI is by implementing employee-monitoring software that tracks the amount of time employees are at their computer through keystrokes and other movements. This technology can help ensure that employees are "doing the work" you are asking them to do. However, it may feel a bit like "big brother," and therefore has drawbacks. You should notify employees that you are using AI in this way, explaining the rationale and how it is being used. You should also ensure that a person is checking the data that is retrieved from the software. For example, if the data shows that an employee is not working as much on their computer as you think necessary, do some in-person observation, talk with the employee, and look at the overall results of their work. Perhaps they are being more efficient, or maybe the software isn't collecting and analyzing their movements in the way you anticipated. You'd hate to make an inaccurate assessment and act on bad information — right?

Using AI in the workplace requires caution and intention. Engage in conversations with your office/practice managers and employees about the use of AI, and take time to test the processes, regularly checking for effectiveness and also biases. You should also add an AI policy to your employee handbook to not only share how the technology will be used by the practice, but to also guide how employees can (and cannot) use AI in their work. The main thing to remember is that while AI can make certain tasks easier, it cannot completely replace the human element. ●