

**BOSHI Panel Discussion – August 29, 2024**

**Creating an equitable  
future of work:  
Industry's preparation for an AI world.**

**[www.disabilityethicalai.org](http://www.disabilityethicalai.org)**

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INTERNATIONAL**

A recent study by Boston Consulting Group – reports that 25% of the workforce in large organisations describe themselves as having a disability and/or health condition – findings echoed by a survey of the National Health Service 1.5 million strong workforce which found 4% said yes, I have a disability - and 23% said they were managing long term health conditions.

Remember that the word disability carries such stigma – that we tend to see: “you have a disability - I have a health condition”.

### **My point:**

An ‘equitable’ future of work will be impossible so long as the unintended consequences of HR technology on the rights and life chances of disabled people worldwide - including those who do not self-identify - are not addressed.

For example – many people with facial disfigurements prefer to describe themselves as having a. facial difference – and the young man in the UK who tried recently to get a job delivering groceries for Deliveroo might be one of them.

Nonetheless – his story is an AI disability discrimination story – he went to apply- was required to take 3 photos of his face to submit with the application – only to find that his phone did not recognise his face – as a face... the technology refused to let him even apply – never mind ensure he was-on boarded, trained... promoted.

I am focused on the impact of workplace AI on people with disabilities – and on the many of us who will acquire their disabilities while in employment (1 in 3 50-64 and 80% disabilities not immediately apparent).

However – to remind us - systems that work for disabled people as extreme users - work better for everyone.

And if there is anything we have learned from even just the last industrial revolution – unless disability equality is explicitly addressed – people with disabilities will remain excluded... noting the third revolution has yet to deliver even accessible websites.

I stress to you persuade and job markets learning how to treat individuals on an equal basis, including those confronting disability specific barriers - must be a prerequisite to inclusion and equity – yet the language of inclusion increasingly makes it harder to persuade employer and society more widely that disability like race and gender should be managed in the first instance as an employment and human rights imperative. This matters.

I know of no jurisdiction providing entitlement to 'equitable' treatment;....your own EEOC is an Equal Employment Opportunity Commission – not an Equity Commission....this is in a world where inclusion is increasingly described vaguely and as a choice...The govt of Canada recently published an employment strategy that states in the first para that 'inclusion is a choice' – which I must admit as a Canadian I read as 'treating you properly is now optional'.

We see a classic 'market failure'- neither the buyers, nor their HR tech suppliers understand disability discrimination: neither party seems to know how to design a recruitment process that is both barrier-free for people with similar access needs (think-accessible game controls) and flexible/accommodating for individuals.

A leading HR tech developer, HireVue, recently argued publicly that it is the employer that will be liable if a candidate claims discrimination when HireView data was used to justify the decision not to hire. It's not every day that a supplier sends a 'Buyers Beware' alert to potential and existing customers. But how many of their customers and potential customers actually heard this message?

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 you.
- Your sight impairment makes eye contact tricky, but you can't find any way to request that the video assessment disregard the way your eyes move around.
- When you have an intellectual disability and can do the job, but the Robot Recruiter cannot simplify the questions in the interview.
- 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 usually lip-read at interviews, no problem, but this robot interviewer doesn't have any - lips....
- The CV screening tool discards your application because it has never heard of Loyola, the prestigious college for the Deaf – or more worryingly – because it has.
- 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 network? Is that why your application got nowhere? And if you could take someone to court, who would it be?

As our aim today is to open a discussion – may I launch my first 6 questions:

1. How would you persuade researchers investigating the impact of AI as deployed by the American judicial system, to regard as relevant – even important - the fact that at least 40% of the American prison population has disability?

[Prison Policy Initiative Research – Disability](#)

How would you persuade researchers exploring the impact of HR tech on gender equality to meaningfully take into account the fact that 1 in 5 women have disabilities?

2. Where is the research grounded in a deep understanding of the reality of 'procurement' – that a CEO and her Board could use to mitigate, if not eliminate, the risks generated by their deployment of 'AI powered HR Tech'.
3. How do we connect the buyers *directly* with research designed to help them to assess and mitigate the disability discrimination risks generated by HR Tech? And how can we ensure that the researchers are learning directly from the people who purchase and deploy these systems?
4. Who could help us to assess the potential impact were HR tech developers required as mandatory to list on the 'package' the groups of people, including those with various disabilities, who are potentially at risk, because they were overlooked in the development and risk assessment process... just as aspirin manufacturers must list potential harmful side effects on every box? (see attached).
5. How do we explain the failure of the American regulator to enforce Article 508 of the Rehab Act, which has required the federal government since 1998 to ensure its communications are accessible to the 1 in 4 American citizens who have disabilities? Even more importantly – how do we ensure future regulators meet their own obligations to regulate? The most robust of technical standards relating to ethical and responsible AI will have little if any impact if not meaningfully enforced.
6. And – why is it still so hard to get disability – and the fact that disability is intrinsic to the human condition - into the ethical and responsible AI debate?

Disability Ethical? AI



*Should AI  
recruitment tools be  
required to have a  
hazard alert?*

Find out more about disability and Artificial Intelligence at [www.disabilityethicalai.org](http://www.disabilityethicalai.org)



**DISABILITY ETHICAL? AI**

**IT'S TIME FOR REGULATORS  
TO SERIOUSLY UP THEIR  
GAME.**

**AI-POWERED DISABILITY DISCRIMINATION IN THE  
WORKPLACE IS A SERIOUS ETHICAL AND MARKET  
FAILURE.**



Susan Smith-Parker, CEO

