



Artificial Intelligence Hiring Technology and Disability Discrimination

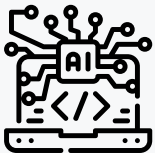
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Employers are increasingly using artificial intelligence (AI) technologies to make hiring decisions. These data driven tools, also referred to as predictive/algorithmic hiring or machine learning (ML), are used across the hiring pipeline to filter resumes, categorize applicants according to personality traits, and evaluate video interview performance.

Since these software tools are trained on historical data, they will likely reflect the industry's systemic biases, and there is a huge risk that employers will perpetuate discrimination against People with Disabilities by using these new technologies.



In the U.S., Disabled People face systemic inequality when it comes to hiring, with an employment rate around 37% compared to a 76% employment rate for people without disabilities.¹



Researchers have documented the ways that AI technologies make biased decisions and further discriminate against People with Disabilities.²



Many AI hiring companies claim their tools are bias free without any way for employers to validate their claims.



Job seekers are rarely told what data is collected and analyzed about them, limiting their ability to make an informed decision over whether they need a reasonable accommodation. These gaps exist despite legal protections like the Americans with Disabilities Act (ADA), and without proactive efforts to make hiring practices inclusive, AI technology risks depriving People with Disabilities from economic opportunities.

What can be done?

What can be done to protect People with Disabilities from hiring discrimination and to improve the safety and trustworthiness of employers looking to use emerging technologies such as AI.

- Convene a committee of experts, including Disabled People, from academia, industry, and government to discuss the risks of disability discrimination when Michigan employers use AI hiring tools and best practices for avoiding discriminatory processes.
- Establish auditing and reporting guidelines for employers using AI hiring tools in order to establish transparency, assisting both job seekers and government agencies in identifying potential sources of disability discrimination.
- Encourage employers to share explicit details on how job seekers can request a reasonable accommodation when a job pipeline uses algorithmic hiring tools.

What can you do?

Michigan lawmakers can lead other states and the nation in establishing cutting-edge policy that advances legal protections for People with Disabilities who are seeking employment.

Various employment agencies at the federal and state level, such as

- [Equal Employment Opportunity Commission \(EEOC\)](#)
- [Department of Justice \(DOJ\)](#)
- [Opportunities for Ohioans with Disabilities \(OOD\)](#)

provide recommendations for how employers can address disability discrimination risks.

Currently only the State of Illinois and New York City have passed legislation focused on protecting job seekers from the risks of AI hiring software by instituting auditing and reporting standards for employers.

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References

¹U.S. Census American Community Survey, 1-Year Estimates (2021)

²Guo et al., Toward Fairness in AI for People with Disabilities: A Research Roadmap (2019)

Contact us

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