



Federal (US) Laws against Discrimination



- **Title VII of the Civil Rights Act of 1964**: Makes it illegal to discriminate against someone on the basis of **race, color, religion, national origin or sex**. This law also protects employees against retaliation for going forward with a claim regarding discrimination in the workplace.
- **The Pregnancy Discrimination Act**: This amendment to Title VII expands the protections regarding “sex” to include prohibiting sex discrimination on the basis of pregnancy, childbirth and/or a medical condition related to pregnancy or childbirth.
- **The Equal Pay Act of 1963 (EPA)**: Prohibits sex-based wage discrimination between men and women who perform equal work in the same workplace.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**: Protects employees or future **employees who are 40 or older** from discrimination in the workplace.
- **Title I of the Americans with Disabilities Act of 1990 (ADA)**: Makes it illegal to discriminate against a qualified **person with a disability** from employment or during employment.



Recital 71 EU GDPR

(71) The data subject should have the right not to be subject to a decision, which may include a measure, evaluating personal aspects relating to him or her which is based solely on automated processing and which produces legal effects concerning him or her or similarly significantly affects him or her, such as automatic refusal of an online credit application or e-recruiting practices without any human intervention.

Such processing includes 'profiling' that consists of any form of automated processing of personal data evaluating the personal aspects relating to a natural person, in particular to analyse or predict aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements, where it produces legal effects concerning him or her or similarly significantly affects him or her.

However, decision-making based on such processing, including profiling, should be allowed where expressly authorised by Union or Member State law to which the controller is subject, including for fraud and tax-evasion monitoring and prevention purposes conducted in accordance with the regulations, standards and recommendations of Union institutions or national oversight bodies and to ensure the security and reliability of a service provided by the controller, or necessary for the entering or performance of a contract between the data subject and a controller, or when the data subject has given his or her explicit consent.

In any case, such processing should be subject to suitable safeguards, which should include specific information to the data subject and the right to obtain human intervention, to express his or her point of view, to obtain an explanation of the decision reached after such assessment and to challenge the decision.

Such measure should not concern a child.

In order to ensure fair and transparent processing in respect of the data subject, taking into account the specific circumstances and context in which the personal data are processed, the controller should use appropriate mathematical or statistical procedures for the profiling, implement technical and organisational measures appropriate to ensure, in particular, that factors which result in inaccuracies in personal data are corrected and the risk of errors is minimised, secure personal data in a manner that takes account of the potential risks involved for the interests and rights of the data subject, and **prevent**, inter alia, discriminatory effects on natural persons on the basis of racial or ethnic origin, political opinion, religion or beliefs, trade union membership, genetic or health status or sexual orientation, or **processing that results** in measures having such an effect.

Automated decision-making and profiling based on special categories of personal data should be allowed only under specific conditions.

Recently ...

- Potential legal requirement to show that hiring algorithms are unbiased.
- But what does this actually mean?



AI Hiring Tools Can Discriminate Based on Race and Gender. A New NYC Bill Would Fight That



Dr. Frida Polli, co-founder and CEO Pymetrics, talks about AI technology used to assess job skills during an interview with The Associated Press at the Pymetrics headquarters, Thursday, Nov. 18, 2021, in New York. Mary Altaffer—AP