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*AI for Fundamental Rights at Work: Is the EC's
Proposal on a European Approach to AI Up to It?*

ON DISCRIMINATION AND PRIVACY

promise:

increased efficiency, higher accuracy and speed



MAIN SOURCES OF BIASED OR DISCRIMINATORY OUTCOMES



quality of training data

system design

complex interactions

profiling:

automated processing of personal data based on which certain personal aspects relating to a natural person are evaluated, to analyse or predict a job applicant's assumed performance at work



abstract nature &
drawing of inferences

COM (2021) 206 FINAL

European Commission proposal of 21 April
2021 on a 'Regulation Laying Down
Harmonised Rules on Artificial Intelligence'

- » primary *aim*: proper functioning of internal market
- » harmonising rules on the *development, placing* on the Union market and the *use* of products and services making use of *AI technologies* or *stand-alone AI systems*

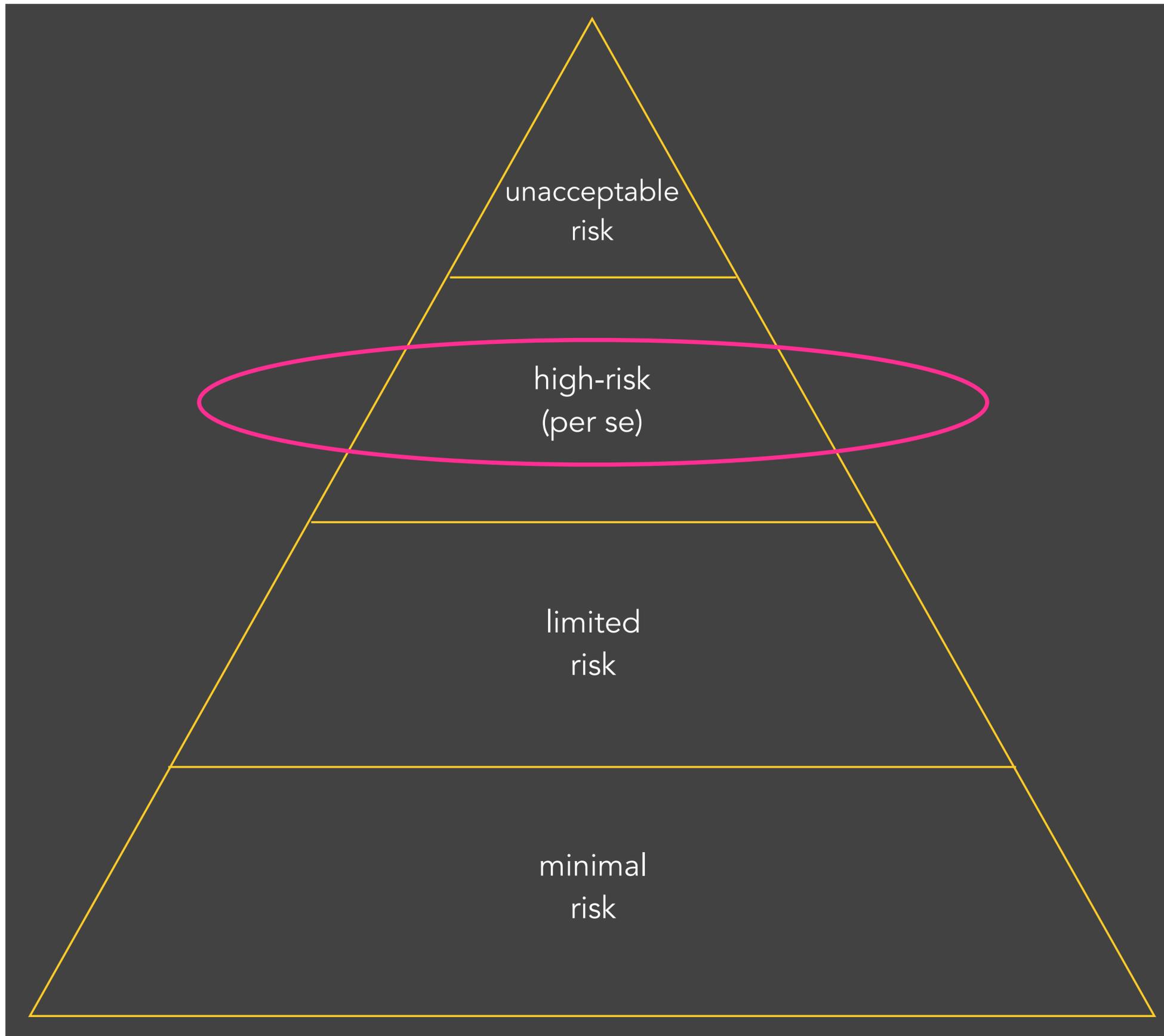
ART 3(1) PROPOSAL

System developed with one or more of the **techniques and approaches listed in Annex I** which can, for a given set of **human-defined objectives**, generate **outputs** such as content, **predictions, recommendations**, or **decisions** influencing the environments they interact with.

Techniques/approaches: eg, machine learning approaches, incl supervised, unsupervised and reinforcement learning, using a wide variety of methods incl deep learning (Annex I point (a)).

ANNEX III POINT 4

- (a) AI Systems that are intended to be used for **recruitment or selection** of natural persons: eg, advertising vacancies, screening or filtering applications, evaluating candidates in the course of interviews or tests;
- (b) AI intended to be used for making decisions on **promotion and termination of work-related contractual relationships**, for **task allocation** and for **monitoring and evaluating performance** and behaviour of persons in such relationships.



Art 5: prohibition of particular AI systems

*Art 6(2), with reference to Annex III:
AI systems allowed for as long as certain
requirements are met (NB: **employment**)*

*Art 52: for certain AI systems transparency
obligations apply (eg, chatbots)*

RISK CLASSIFICATION

REQUIREMENTS

provider, ie company developing recruiting system (Art 16):

- ▶ requirements set out in Art 8-15
- ▶ quality management system (Art 17)
- ▶ technical documentation
- ▶ conformity assessment with EU law (Art 19)
- ▶ automatically keeping logs
- ▶ registration (Art 51, 60)
- ▶ corrective actions if not in conformity with Art 8-15

user, ie any natural or legal person, public authority, agency or other body using an AI system under its authority (Art 29):

- ▶ use high-risk AI systems in accordance with provider's instructions, without prejudice with other obligations under EU and national law
- ▶ where user has control: ensure that input data is relevant in view of purpose of high-risk AI system
- ▶ monitor operation of system on basis of instructions
- ▶ keep the logs automatically generated
- ▶ use information provided under Art 13 to comply with obligation to carry out data protection impact assessment under Art 35 GDPR where there is a high-risk

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THANK YOU