

CHIRO

2022

S · U · M · M · I · T

CONCURRENT SESSION 4:

Workplace Technology, HR Strategy, and the Talent Crunch

WEDNESDAY, JUNE 1



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RISKS AND POLICY OUTLOOK

Wirecutter

Employers can see everything you write in email as well as in Slack, Google Workplace, and Microsoft Teams

The Washington Post

Democracy Dies in Darkness

Keystroke tracking, screenshots, and facial recognition: The boss may be watching long after the pandemic ends

What workers should know about corporate surveillance software as companies consider permanent remote work policies

COMPUTERWORLD UNITED STATES ▾

NEWS ANALYSIS

The rise of digital bosses: They can hire you — and fire you

SCIENTIFIC AMERICAN

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Your Boss Wants to Spy on Your Inner Feelings

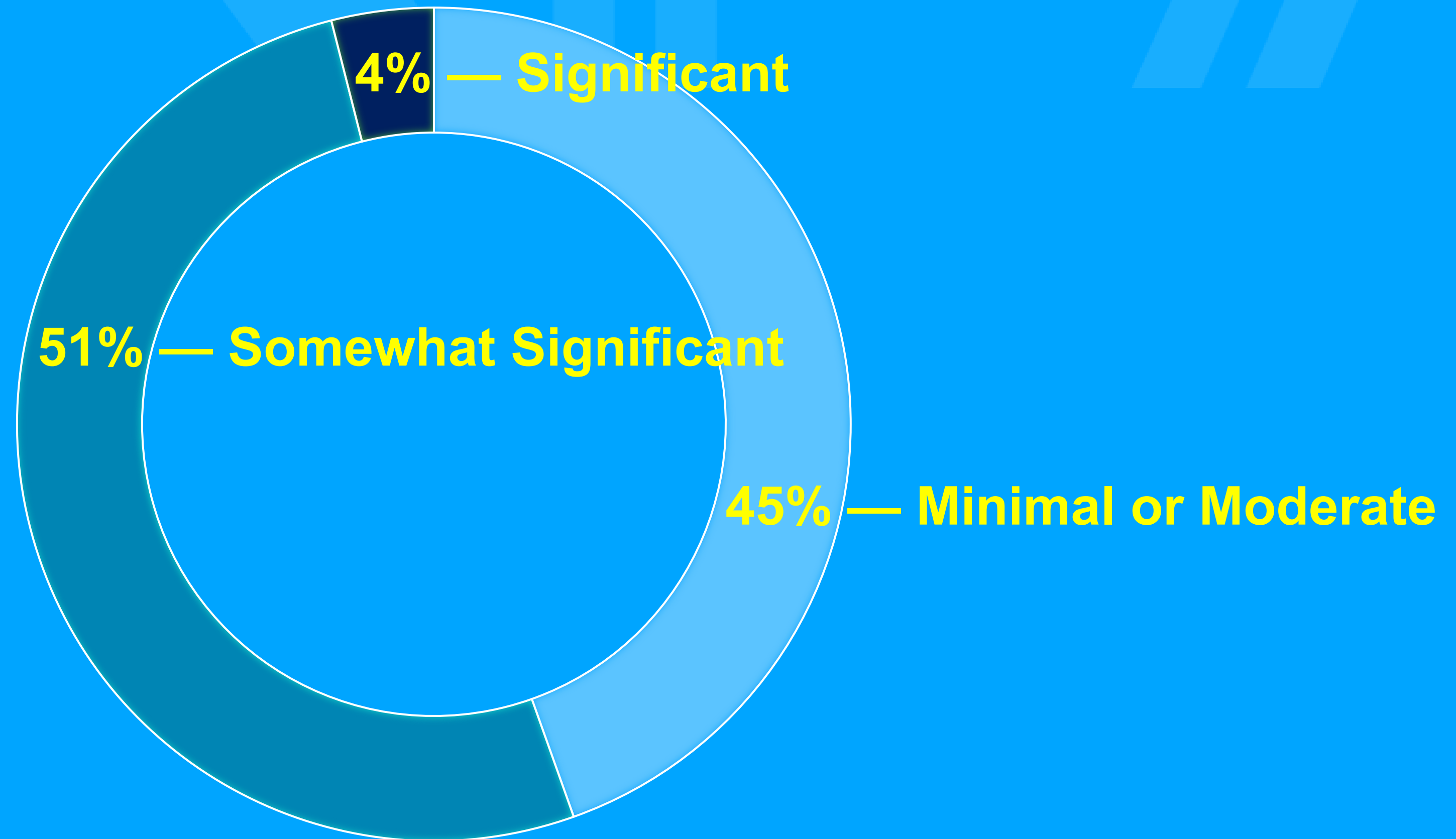
Tech companies now use AI to analyze your feelings in job interviews and public spaces. But the software seems prone to racial, cultural and gender bias

Forbes

CAREERS

Emerging Technology: How It Could Lead To More Employment Discrimination

C-Suite Views on AI Risk



Source: Baker McKenzie, March 2022

At the “Next Frontier for the Labor Movement”



AFL-CIO President
Liz Shuler



Apple Unionizing Effort Leader
Jay Hedgspeth

- “Artificial intelligence is the next frontier for the labor movement... at Amazon, algorithms used to manage workers was one of the biggest factors of that organizing campaign.”
- Cited increasingly metrics-driven culture that has left employees feeling disconnected from their work.
“Everything that happens in an Apple Store is metrics driven these days... Everything is geared toward getting those numbers as high as possible”

Source: Bloomberg Law, May 2022

All-of-Government Approach on HR Tech & AI

- **Elisa Jillson, FTC Counsel:** “Hold yourself accountable [on AI bias] – or be ready for the FTC to do it for you.”
- **EEOC Chair Charlotte Burrows:** “We cannot let these tools become a high-tech path to discrimination.”
- **Kristen Clark, DOJ Assistant Attorney General for Civil Rights:** “There is no doubt the use of AI is compounding the longstanding discrimination that job seekers with disabilities face.”
- **OFCCP Director Jenny Yang:** “It is important to ensure that selection procedures that rely on technology are designed to promote equity rather than reinforce bias.”

Policy Areas of Focus

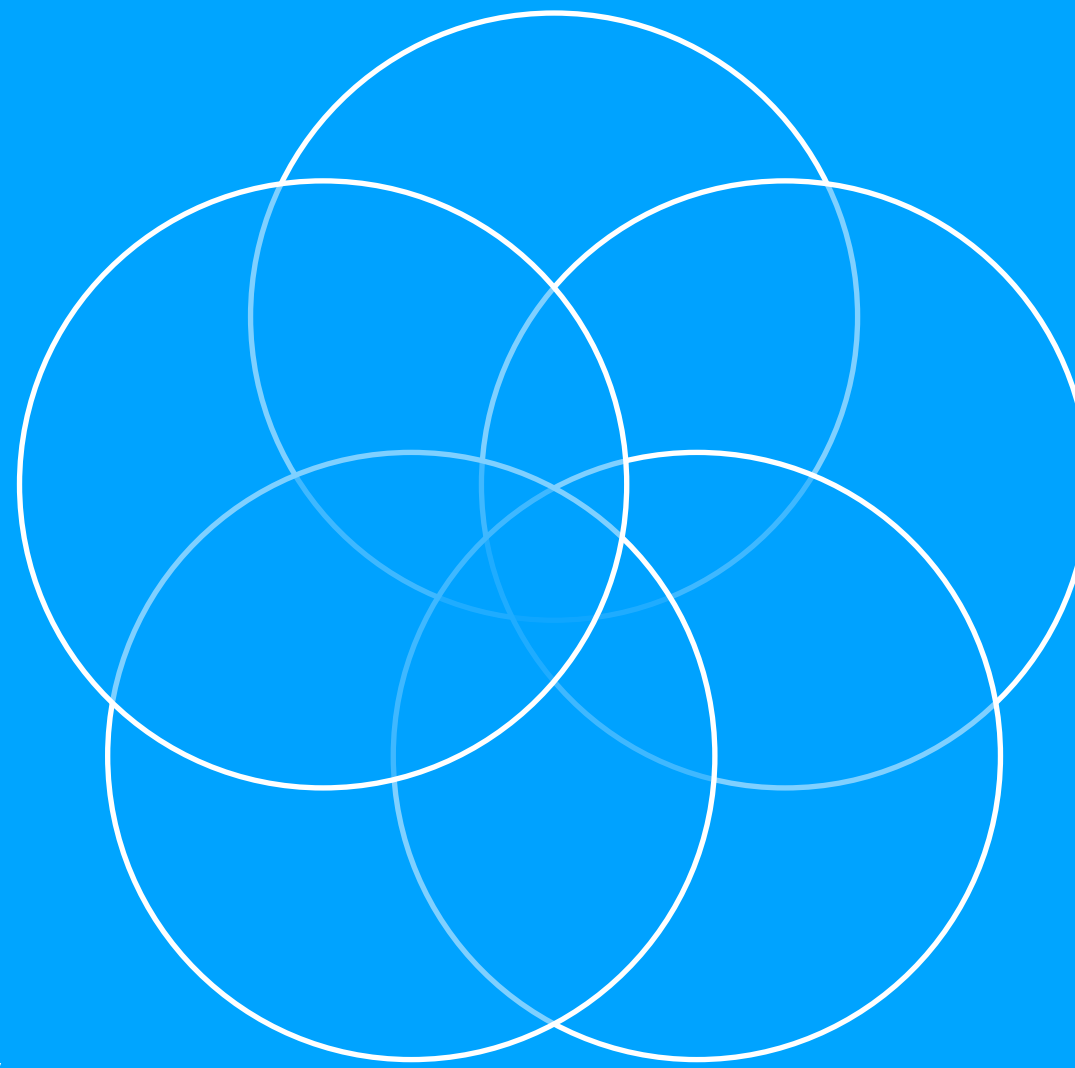
Discrimination

Worker Wellbeing

Data Privacy

Worker Autonomy

Data Security



Policies That Would Impact Even Responsible HR Tech Use

- Overly broad bans on HR technologies.....NYC Int. 1894, CA AB 1651
- Requirements to disclose, "correct," and/or delete *any personal data* held on employee upon employee's request.....CCPA, CA AB-1651
- Third party audits.....S. 3572, NYC Int. 1894, CA AB-1651
- Reporting requirements.....S. 3572, COPRA, BIPA, IAVIA, CA AB 1651, NYC Int. 1894
- Enforcement by private right of action.....BIPA, COPRA, CA AB 1651

Action Expected This Year

- Further guidance from EEOC on AI
- California “comprehensive worker privacy legislation” (AB 1651)
- Additional state data privacy legislation
 - 8 states considering bills – MI, OH, PA, NY, NJ, MA, RI, NC, LA
- Looking ahead
 - Federal comprehensive consumer data privacy law
 - AI legislation impacting the workplace (S.3572)

CHRO Concerns: Poll Results

- What risks associated with the use of HR technologies are you most concerned about?
 - 42%** - Bias in recruiting, interviewing, hiring, and/or managing workers
 - 23%** - Increased legal scrutiny and government regulation
 - 15%** - Negative impact on corporate culture
 - 9%** - Losing out on needed talent
 - 9%** - Not sure
 - 1%** - Shareholder proposals on AI governance
 - 1%** - Reputational damage