Dark side of AI in HRM: Risks, Ethical Concerns and Imperative for Information

Submission to the House of Representatives Standing Committee on Employment, Education and Training – Inquiry into Digital Transformation of Workplaces

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1. Introduction

The Australian human resource management (HRM) landscaping is changing. Artificial Intelligence (AI), automated systems based on pre-programmed, or machine learnt rules for calculations and problem-solving, is knowingly and unknowingly becoming pervasive to HRM functions. A staggering 78% of Australian organisations are now leveraging AI in their HRM functions (AHRI, 2024), up by 16% from 2023 results (AHRI, 2023).

A real beauty bottler! AI for HRM is no longer a fantasy. It is practically shaping reality in the way we manage our most valuable ingredient of success – our people.

The most time consuming and arduous task is that of finding, selecting, and onboarding staff. AI is the bee's knees in shifting through large volumes of resumes, screening for candidates on pre-defined criteria and saving the HR manager hours of tedious work and human errors in selection due to fatigue, repetition, and bias creep. AHRI (2023) report on HR tech adoption suggest that nearly 67% of HR managers believe that using AI can significantly reduce bias in recruitment and selection. Pre-programmed AI chatbots can also help with screen interviews, basic CV checks, and scheduling related questions.

AI's influence can also extend beyond hiring and selection. Once recruited, AI can also streamline onboarding process through task-based and experience appropriate automated process.

Imagine being welcomed with a personalised message on your first day and a virtual assistant to help navigate the office lingo! AI can do that.

AI can also analyse employee performance data. Ideally this would mean organisational managers identify skills gaps and receive personalised training and mentoring recommendations, promoting a culture of continuous learning and on-the-job development. By extension, AI can also help to analyse employee sentiments, monitor social media, and detect potential disengagement issues, especially in this post-Covid, remote work and increasingly digitalised era.

Disengagement, even in an open and collaborative environment, is a real concern as employees attempt to find their preferred self at work (Bhimani et al., 2023).

AI can play a crucial role in employee engagement and retention, identifying early warnings of disengagement, under performance and lack of job satisfaction. Enough said.

Despite the undeniable benefits (Rodgers et al., 2023), AI in HR is not without its challenges (Fulop et al., 2023).

Bias, unfairness, lack of trust, privacy concerns, and mistreatment of vulnerable groups are all too common causes of concern for AI in HRM. Navigating the ethical labyrinth is a real challenge for digital transformation of work and HRM.

Biases present in the training data used to develop AI algorithms can be perpetuated, leading to discriminatory hiring practices. There have been reported cases in popular press of AI screening out qualified female candidates (e.g., case of Amazon), and numerous employee complaints of feeling like they are constantly watched by AI.

To ensure responsible and ethical implementation, controlled environments for testing and refining AI tools and robust governance frameworks are crucial. These frameworks should prioritize transparency, fairness, and accountability in all AI-powered HR decisions.

1.1. Purpose of the submission

The purpose of this submission to highlight the potential risks and influence of AI on fairness, freedom of expression and association, and right to protection of privacy and data in the context of HRM in organisational settings. Throughout this submission, various issues which arise from the use of AI in connection with HRM functions of recruitment, performance monitoring, training, and development and lay-off will be outlined further. We delve into the complex dimensions of these risks and ethical considerations, analysing academic research, organizational policies and offering practical implications for organizations and recommendations for policymaking.

2. Risks and Ethical Concerns

AI technologies hold massive promise for transforming numerous aspects of the workplace, from the reformation of operations to improving decision-making procedures Yet, along with the advantages, the prevalent adoption of AI in the workplace also brings about a host of risks and ethical concerns that organizations must tackle.

2.1. Algorithmic Bias and Discrimination

2.1.1. Examples of biased AI algorithms leading to discriminatory hiring and promotion decisions

Algorithmic bias, a phenomenon where AI systems designed to facilitate HR processes such as recruitment, selection and promotion extend and compound existing inequities and create new forms of discrimination (Kordzadeh & Ghasemaghaei, 2022; Panch et al., 2019). For instance, Amazon AI's recruitment tool which was used to review job applicants has been found to favour male resumes as 75 per cent of the firm's managerial positions were held by men, indicating serious gender bias (Hamilton, 2018). Similarly, Obermeyer et al. (2019) showed that racial bias exists in one of the algorithms used by the U.S. healthcare system which reduces the access to healthcare services needed by Black patients. Hunkenschroer and Luetge (2022) found serious ethical concerns around AI usage in recruitment and selection as algorithms could be biased due to scientific/technical limitations, such as biased training sets or algorithmic strategy. Amazon's AI-aided recruitment tool, which aimed to streamline the hiring process by screening resumes automatically exhibited gender bias, preferring resumes containing male candidates (Hamilton, 2018). The algorithm was trained on Amazon's past hiring data, which likely reflected historical biases in the tech industry towards men. This resulted in the AI system favoring resumes that contained keywords more commonly associated with men, such as "aggressive" and "dominant." This fundamental bias enabled gender disparities in the workforce, thwarting diversity and inclusivity efforts within the organization.

These instances exhibit how biased AI algorithms can lead to discriminatory outcomes.

2.1.2. Impact on diversity, equity, and inclusion in the workforce

The algorithmic bias can considerably weaken the diversity, equity, and inclusion initiatives within an organization (Katz et al., 2023; William et al., 2019). AI tools designed for hiring and promotion have been shown to discriminate against certain groups which leads to a less diverse workforce enabling systemic inequalities (Devillers et al., 2021; Köchling & Wehner, 2020). For instance, a study conducted with colleagues from Northeastern University and USC (Ali et al., 2019), found that targeted ads on Facebook for supermarket cashier positions were shown to 85% of the women audience while the taxi-based jobs went to 75% of the black audience. Hence indicating a quintessential case reproducing bias. Likewise, in August 2023, iTutor Group agreed to pay US$365,000 to settle a suit brought by the US Equal Employment Opportunity Commission (EEOC) which claimed that iTutor's AI-powered recruitment software automatically rejected female candidates over 55 years of age, and male candidates over 60 years of age. Over 200 qualified candidates were automatically rejected by AI. Research points to the fact that diverse teams outdo

homogenous teams by cultivating distinct perspectives and ideas that are significant for creativity and effective decision-making (Jansen & Searle, 2021; Stahl & Maznevski, 2021).

2.2. Privacy and Surveillance

2.2.1. Concerns regarding the collection and use of sensitive employee data for AI-driven decision-making

To function effectively, AI systems use employee-sensitive data such as health records, personal communications, and productivity metrics (Lund & Wang, 2023; Raparthi, 2020). However, the collection and usage of such data raise significant ethical concerns given that employees might not be fully aware of how the sensitive information is utilized and who has access to this information (Gerke et al., 2020; Hickok & Maslej, 2023). Mishandling of such data could also lead to compromising employee privacy which significantly impacts the trust within the organization. For instance. IBM faced scrutiny as its AI system could predict employee turnover with 95% accuracy, raising concerns regarding the ethical use of employee personal data.

2.2.2. Risks of privacy infringement and surveillance in AI-enabled workplace monitoring

AI-aided monitoring can result in intensified observation of employees, possibly invading their privacy rights. Constant watching of actions, communications, and performance metrics can create a perception of persistent surveillance, causing worry and diminished employee morale (Aloisi & Gramano, 2019; Fontes et al., 2022). For instance, Barclays have employed AI-driven monitoring systems that capture employee productivity which has led to serious concerns about excessive surveillance and in turn impact on employee well-being (Murphy, 2020).

2.3. Job Displacement and Inequality

2.3.1. Potential for automation to lead to job displacement and widening socio-economic disparities

AI usage and automation pose a substantial threat of job displacement, especially for jobs that involve repetitive or mundane tasks (Brougham & Haar, 2018; Soueidan & Shoghari, 2024; Tschang & Almirall, 2021). In 2020, there were reports of large tech companies using AI to automate performance reviews, which resulted in biased outcomes against certain employee groups. Workers who belong to manufacturing, retail, and customer service are especially vulnerable (Guha et al., 2021). Job displacement can intensify socioeconomic inequalities as workers find it difficult to find new opportunities thereby increasing unemployment (Acemoglu & Restrepo, 2020; Khogali & Mekid, 2023).

2.3.2. Challenges in re-skilling and supporting affected workers in transitioning to new roles

Reports of data entry and customer service jobs being phased out due to AI automation (e.g., chatbots and virtual assistants) have been documented in the media (Clark, 2023). Addressing the challenges of job displacement requires investment in re-skilling and up-skilling initiatives to help those whose work has been impacted due to AI and automation (Li, 2022; Sofia et al., 2023). Such programs encounter various challenges in terms of execution such as resources, training initiatives tied to market demands, and facilitating systems to help workers with the transition. European Commission has also emphasized lifelong learning to address the challenges brought by automation (European Commission, 2019). Without sufficient re-skilling attempts, displaced workforces may find it difficult to obtain employment, further expanding socio-economic gaps (Rangarajan & Rubasree, 2024).

2.4. Lack of Transparency and Accountability

2.4.1. Difficulty in understanding and challenging AI-driven decisions due to lack of transparency

AI methods often run as "black boxes," where decisions are made via complex algorithms that are difficult to understand by humans (Von Eschenbach, 2021). Such lack of transparency sets a crucial challenge for stakeholders and employees who may want to understand the decisions taken by AI complex algorithmic systems (Durán & Jongsma, 2021; Larsson & Heintz, 2020). Fairness and accountability become challenging when decisions regarding recruitment, selection and promotions are made via unclear algorithms (Wischmeyer, 2020). For instance, Google has been heavily criticized by users for the lack of transparency as

they have used AI algorithms for advertising which makes it difficult for end users to understand why certain ads come on their social media platforms (Lord, 2024).

2.4.2. Challenges in holding organizations accountable for biased or unfair AI practices

There have been considerable challenges in holding organizations accountable for the use of unfair AI systems largely due to the technical complexity of the systems (Cheng et al., 2021). Moreover, cybersecurity breaches pose privacy risks for employees. Several companies like Apple and Goldman Sachs have thus banned employees from using ChatGPT in the workplace. How data is collected, stored, and used to train AI models also remains an ethical concern, one ripe for responsible governance. Insufficient regulatory frameworks and standards could also explain the difficulty in ensuring that the practices are fair and transparent (Mensah, 2023).

Without clarity in guidelines, there will be biases in decision-making that ultimately undermine trust within the digitally enabled workplaces.

3. Imperative for Regulation

The AI revolution promises numerous innovative benefits for organizations and societies, but like other emerging technology, it poses a range of challenges that need to be addressed if positive AI-human relationships are to be fostered in the long run. The negative implications of AI systems on workers' employment experiences and wellbeing, as highlighted in this report, indicate the need for thoughtful and inclusive discussions on how trustworthy AI systems can be designed and implemented. This section provides an overview of key considerations for the ethical and responsible use of AI in Australian workplaces, particularly within the people management context.

3.1. Call for comprehensive legislation

A persistent call for AI regulation has led to the development of numerous AI ethics guidelines across the globe. These include the OECD AI principles, the World Economic Forum human-centric AI principles, the IEEE principles of Ethically Aligned Design for all types of autonomous and intelligent systems, the European High-Level Expert Group Guidelines (HLEG Guidelines), amongst others. However, reviews of these guidelines indicate that business compliance is fragmented (Hagendorff, 2020; Attard-Frost et al., 2023). According to Resseguier and Rodrigues (2020), one possible explanation for the ineffective implementation of AI ethics guidelines is that the latter are open to interpretation and manipulation by industry actors. As such, AI ethics is, by

itself, deficient in regulating behaviors and practices for the proper development and deployment of AI (Hagendorff, 2020; Greene et al, 2019). AI ethics guidelines are also said to be misused as a replacement for regulation (Resseguier & Rodrigues, 2020). The current limitations of AI ethics guidelines herald the need for AI to be regulated through robust laws, policies, and standards. Such regulatory framework needs to be established with fairness, accountability, and transparency as focal points in order to drive sustainable HRM practices. The following recommendations are offered to that effect:

3.1.1. Context-specific and risk-based approach to governing AI in HRM

Given that not all AI applications have the potential to inflict harm on workers, policymakers need to assess and mitigate risks associated to specific AI use. AI applications that are not likely to produce any negative impact may not necessarily warrant regulation (ITI, 2020). Furthermore, the implications of AI regulation on small and medium-sized enterprises (SMEs) – which make up the 99.8% of the Australian economy – should be considered. AI regulation should not be so excessively costly and prescriptive that it overtly increases the administrative burden on SMEs and stifles their agility and innovative capabilities. Importantly, instead of regulation stifling innovation, policy makers could establish taskforce and a regulatory sandbox mechanism, adopting a risk-based assessment approach, to test new AI-HRM tools before they are promoted and used in broader markets.

3.1.2. AI regulatory guidelines centred on principles of fairness

Clear ethical guidelines and standards for AI adoption in the workplace should be established. Importantly, these guidelines should address concerns about biased recruitment and unfair HRM decision-making practices. For example, one recommendation would be for organizations to set up employee voice mechanisms to enable workers to feedback instances of AI misuse. HR managers and practitioners should also consciously engage with a greater diversity of genders, ethnicities, and cultures when decisions about AI deployment are made by organizations.

3.1.3. AI regulatory guidelines centred on principles of accountability and transparency

In view of building employee and broader stakeholder trust in AI, guidelines should cater for comprehensive accountability and reporting mechanisms by organizations. Some oversight mechanisms include worker involvement in the testing and review of AI practices that impact their

jobs, the establishment of internal review boards and ethics bodies, and the creation of independent human review processes and authorities (Attard-Frost et al., 2023) to hold organizations accountable for the manner in which they embed AI into their HRM policies and practices. Such independent human review processes should be accessible and affordable to ensure that effective remedies (e.g., contesting and reversing AI decisions) are available not only to current and prior employees but also to job candidates who claim to have had their rights violated due to AI applications. This means that job candidates can engage their right to protection against discrimination in cases where employers use AI to automate parts of their employee recruitment processes. It is also means that applicants and workers should be duly informed in writing when AI is used in the course of recruitment procedures and other HR decisions. In addition, organizations should be required to communicate justifications and characteristics of AI-enabled HRM practices as part of their annual reporting processes. Whilst the level of mandated documentation and disclosure will need to be determined in consultation with stakeholders (see section 4.2), what is important to underline here is that documentation and disclosure of AI deployment and resulting impact on workers are central to ensuring organizational transparency in AI-driven workforce solutions.

3.1.4. Complementary role of AI regulation with existing laws and regulations

Being a horizontal technology, AI intervenes at multiple points of the employment cycle, for example, in areas such as data protection and privacy. Data collection by organizations spans both content data (e.g., employees' private details stored in HR Information Management Systems) and metadata (e.g., analytics about employees' online work habits). AI's ability to work and combine data is significant, thereby suggesting that workers' right to privacy and data protection are at stake. Within this context, policymakers need to evaluate existing laws and regulations (e.g., on data privacy and protection) which overlap with AI applications and identify gaps which need to be addressed. Policymakers should additionally clarify how existing employment and privacy laws apply to AI and how AI can be used in compliance with existing laws (ITI, 2020).

3.2. Call for collaboration and capability development

AI regulation and deployment in HRM contexts requires organizational and broader stakeholder involvement and commitment to be successful. The following measures are therefore desirable:

3.2.1. Need for industry cooperation and broader stakeholder collaboration

It is important to recognize the need for stakeholder cooperation and collaboration in the design and implementation of an AI regulatory framework in Australia. Some key stakeholders include federal and state governments, businesses, higher education institutions and researchers, AI-developers, unions, industry and HRM associations like the Australian HR Institute (AHRI) and the Small Business Association, and social partners (e.g., Culturally and Linguistically Diverse (CALD) community groups). Stakeholder collaboration is fundamental to create a fit-for-purpose AI framework, promote trust and explicability in AI, and facilitate the development of harmonized and contextualized regulatory frameworks across sectors and states.

3.2.2. Need for workforce and leadership development and respect for human rights

Policymakers should work with organizations and incentivize them to invest in formal and informal training and life-long learning and provide employees adequate re-skilling and up-skilling opportunities to workers impacted by AI deployment. One type of training may include teaching employees how to use digital tools and new technologies (e.g., chat bots) to enable them to stay in employment and potentially tackle digital exclusion (European Commission, 2020). At the same time, however, it is acknowledged that not all employees can be re-skilled and upskilled to adapt to changing market needs. Displaced workers should therefore be provided with additional resources and support when transitioning out of employment or the labour market altogether. In other words, a human-centric approach is needed to ensure that workers are treated with dignity and respect at all stages of the employment cycle.

Beyond immediate employee professional development to understand AI implications, policymakers need to undertake strategic workforce planning to provide the current and future workforce with the necessary literacy, numeracy, and digital skills as well as competences in science, technology, engineering, and mathematics (STEM) and cross-cutting soft skills, such as critical thinking, creativity, and entrepreneurship (European Commission, 2020). In doing so, special attention needs to be paid to the inclusion of disadvantaged groups. This is important as the lack of gender and racial diversity in the AI workforce has been said to be representative of the overall lack of diversity in the technology industry and STEM fields (Obama Administration, 2016). This diversity challenge is problematic as it does not all for the generation of AI-enabled HRM applications by and for diverse populations. According to Attard-Frost et al. (2023), specialized

education, training, and hiring programs are needed to increase diversity and reduce potential biases in the AI talent pool.

Moreover, organizations need to recognize the importance of having the right people with technical expertise to have a seat at the table when discussing AI applications and regulatory policies. Put differently, organizations need to make conscious efforts to diversify their board membership with room for those with scientific and analytical backgrounds in AI research and application.

4. Conclusion

The rise of AI in HR doesn't herald the end of the human touch. Instead, it signifies a shift towards a more collaborative future. AI will handle the mundane, freeing up HR professionals to focus on strategic initiatives, employee engagement, and fostering a positive work culture. As AI continues to evolve, so too will its role in HRM.

But one thing remains certain: AI is not a threat to HR professionals, but rather a powerful tool that can empower them to build a more efficient, effective, and future-proof HR function, provided we navigate the ethical considerations with care.

Government long-term investment in AI research and regulatory oversight encompassing sandbox mechanisms for HRM applications across sectors is needed to advance the understanding of the socio-economic implications of AI in the workplace and to develop AI technologies that prioritize human well-being and societal benefits.

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