

Module	AI AND RECRUITMENT
Jurisdictions	GLOBAL

Module Application

Are staff in your organisation familiar with best practices regarding the utilisation of AI systems for recruitment purposes?

In utilising AI systems for recruitment purposes, has your organisation implemented systems to ensure data integrity, data privacy and protection, security of files and data, fairness and transparency, accountability, autonomy and sustainability?

Is your organisation familiar with the human rights implications associated with the use of AI systems for recruitment purposes?

Module Scope

The use of artificial intelligence (AI) systems is gaining increasing traction in the recruitment space, offering both promising efficiencies and insights but also unique ethical challenges and potential risks that demand careful consideration. From bias amplification to data privacy concerns, the implications of AI-driven hiring are frequently far-reaching. Organisations are best served to carefully understand these implications and adopt a holistic and cautious approach towards AI-powered recruitment, ensuring that they remain compliant with ever-evolving legal and regulatory requirements in this area.

Reviewed by the Australian Human Rights Commission (AHRC), the *AI AND RECRUITMENT* module sets out the key compliance considerations for organisations keen to achieve best practice in their use of AI systems for recruitment purposes. This module is designed for stakeholders of all industry organisations, from talent acquisition and human resources departments to the compliance oversight arms of those organisations, as well as firms and organisations specifically in the recruitment industry at both a compliance oversight and functional level.

The *AI AND RECRUITMENT* module draws on international instruments and guidance to assist organisations, including relevant European Union and United Nations guidelines, conventions and treaties on the protection of human rights. Key sources include the:

- European Commission Ethical Guidelines for Trustworthy AI
- European Convention on Human Rights
- European Union General Protection Regulation (GDPR)
- United Nations International Covenant on Civil and Political Rights (ICCPR)
- United Nations Universal Declaration of Human Rights
- UNESCO Recommendation on the Ethics of Artificial Intelligence

Understanding these key protections enables organisations to balance the benefits and efficiencies that AI brings with safeguards that protect individual rights, organisational integrity and broader societal interests.

Setting out what best practice entails in the recruitment context of handling personal information and selection of candidates for interview and hire, the *AI AND RECRUITMENT* module is structured according to a set of 4 core obligations and sub-obligations that an organisation must take into account in using AI systems for recruitment purposes, as follows:

- Privacy and data protection;
- Digital robustness and safety;
- Fairness and transparency of process; and
- Accountability, autonomy and sustainability.

The core legal and regulatory obligations are based on the following considerations:

- Fairness and transparency;
- Decision making
- Accountability;
- Stewardship;
- Direction; and
- Control.

An organisation must ensure that its staff are familiar with the legal obligations to which it is subject, as well as their individual legal responsibility. In particular, the *AI AND RECRUITMENT* module aims to equip the subscriber with the knowledge necessary to answer the following questions:

- What are our legal obligations?
- What is the source of those legal obligations?
- How may we ensure that we are complying with our legal obligations?
- What are the consequences of non-compliance?

The *AI AND RECRUITMENT* module recognises that the consequences of non-compliance are multifarious and can vary greatly, given the novel nature, wide applicability and unexplored aspects of AI systems. Beyond potential breach of state laws and resulting legal action and financial penalties, organisations may also be subject to reputational consequences such as erosion of public trust, let alone the costs associated with technical errors or damage.

At LexisNexis, we appreciate the importance of helping all staff understand their obligations, regardless of their level of legal or regulatory proficiency. The *AI AND RECRUITMENT* module is accordingly set out in non-technical language. It is structured in an easy-to-understand format that can be readily referred to and used by all staff, including not only regulatory requirements and consequences of breach, but also best practices recommendations for staff of all types and level of seniority.

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