**Transcript: How to Make Artificial Intelligence Inclusive for Hiring and HR**

**Future of Work and Disability webinar originally recorded on December 1, 2020.**

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**Vera Roberts:** I’m Vera Roberts. I’m Project Manager at the Inclusive Design Research Centre. I want to welcome you to the third Future of Work and Disability webinar in the We Count Digging DEEPer series. We have captions available today. You may need to turn on the CC button to turn on the subtitles. So, the closed caption button.

I’d like to begin with our land acknowledgment. OCAD University acknowledges the ancestral and traditional territories of the Mississaugas of the Credit, the Haudenosaunee, the Anishinaabe, and the Huron-Wendat, who are the original owners and custodians of the land on which we stand and create. I’d also like to acknowledge that you are joining us today from many places, near and far, and acknowledge the traditional owners and caretakers of those lands.

Welcome. Today’s topic is making artificial intelligence inclusive for hiring and for human resources, or HR. Our agenda today will be presentations from our panelists and then we’ll have some discussions. Now when I say presentations, I mean an opportunity for them to share and talk about the lay of the land, so to speak, and their perspective on AI, inclusive aspects of AI within our topic area of hiring and HR.

We’ll have opportunities to take questions from the audience. Audience members, there is a way that you can ask questions using the question function. We recommend you use the question tool over the chat for your questions. There are many members here today who are part of our study group. Those members of the study group, you have the option to unmute and ask questions. I’m okay with a little bit of interruptitus to get your question in and ask when you like. I know that Shea and Rich, our guests today, are very skilled and, I think, will be able to pivot if you want to stop them in their tracks and ask them something or to do a deeper dive.

I’m going to ask that our two guests, Shea Tanis and Rich Donovan, take a moment and introduce themselves to us. They are long-time collaborators with the Inclusive Design Research Centre and have done some great work, and so I want to give them an opportunity to say hello and tell us a bit about what they’re doing these days. Shea, let’s start with you.

**Shea Tanis:** Sure. Well, thank you and thanks for having me join this group. What an exciting group to join, and the work that you’re doing is tremendously needed and exciting right now. I am a Co-Director at the Coleman Institute for Cognitive Disabilities at the University of Colorado, so faculty in our Department of Psychiatry, but our focus is really on advancing technology for folks with cognitive disabilities to be able to use and improve quality of life. So we start all the way from development, from inclusion, to research, to design, standards and policy.

Our current work, we’re doing a lot on what is called Technology First, here in the States, where we’re advancing technology options as the first line of options for states to fund and to use in providing supports and services for people with intellectual and developmental disabilities. That being said, however, the area of employment, certainly during the coronavirus pandemic, has really become an area of emphasis for us as many entities both in and outside the United States are looking at how to employ people with cognitive disabilities to diversify their workforce and what technology solutions they can use to support their employees.

We’ve been doing quite a bit of presenting and talking about technology solutions and how they can be used in employment outcomes for the entirety of the employment lifecycle, from discovery period all the way to career advancement. Excited to be here with you all today, and thanks for the opportunity.

**Vera:** Thank you, Shea. Rich, can you tell us a little bit about yourself and some of the work you’re doing these days?

**Rich Donovan:** Great to be here. It’s so good to see Shea. Shea, I think you were one of the speeches live before the pandemic, so it’s good to see you. It’s good to be here today.

I mean, we’ve done a company called Return on Disability Group, which has evolved over the years into insights in time, focused on helping my clients who are private sector, public sector, and to just figure out functional disability, how it impacts their experience as customers and employees.

We tried to talking to actual people with disabilities to figure out what they want. It’s not rocket science, but there’s a lot of process that goes into that so that we can convert those insights into the things that I drew there in the real world, which is always a challenge, especially when we deal with complex human organizations who genuinely don’t focus on disability, they focus on the change.

We can ask problems that we had to deconstruct and have fun with, and it keeps me going everyday. I guess my job here today is to be the realist. You kind of step back and say, how does this actually work in the real world, how do you mould theory into practice in ways that actually change organizations? That’s very difficult to do.

**Vera:** Excellent. I was thinking about this idea of you stepping in and trying to be the realist about how we take some of these theoretical ideas and implement them. I think that for our study group, that this is also an interesting challenge where we’re dealing with or we’re considering concepts around artificial intelligence, machine learning, datasets that are exclusive.

I’d like to ask both of you, because you know, Shea, I’m also thinking too when you’re talking about employment of persons with cognitive disabilities, the risks of automation, and yet also maybe the potential benefits of automation. So we have this tension between our utopian and dystopian potential outcomes. I’m wondering, have you seen much yet in terms of concern around how artificial intelligence is being utilized within hiring, within other aspects of employment? Is that changing how you’re approaching your work? And Rich, is that changing how you’re working with organizations to help them understand the value of diversity and disability? Anyone want to jump on it?

**Shea:** Sure. I’ll go ahead and jump on it. One of our major concerns, and you brought it up at the very beginning, in terms of cognitive disability, is this assumption and low expectations of what people can and cannot do. Automation comes in to play pretty heavily when we’re trying to also make accommodations, modifications for people.

Just as a little background, my theoretical and research has also been in the area of self-determination. Self-determination becomes really important when we start to talk about automation of things. There’s this assumption that if we automate, it will make everybody’s life easier. Where we caution folks around this area is the difference between personalization versus customization. What we advocate for is for people to have a choice as to what they want automated, rather than automatically assuming the items for automation.

Let me give an example here. We usually talk about people’s preferences being catalogued through artificial intelligence when they’re doing web searches. Now, that could be the personalization, but we want people to be able to make that choice as to whether or not they want a system to then automate certain things. That’s the struggle we come up with in trying to discuss where the importance is and allowing for self-determination, because if we automate everything, folks lose the opportunity to self-direct and be self-determined and build what are skills for future self-determination.

That’s a real big concern, and it has to be recognized. There has to be some recognition of people’s autonomy. When we look at the scale of cognitive disability, we talk about things like self-directed employment, self-directed planning, supported decision-making comes into play here as to who provides the support and what can be automated. I think it’s a big concern, and it’s one that we’re trying to highlight as an ethic base, looking at the ethics of AI and machine learning. Let me let Rich jump in too.

**Rich:** I think to jump on that point. I watch this show, I watch DTV quite a bit and it was a show on Einstein and Hawking, the theories of relativity and evolutions of those theories. They were talking about nuclear blobs and nuclear power, and both of those are tools. They can be used to create; they can be used to destroy. Most tools are like that. You can use tools to build itself or you can use tools to tear some down. The reality is, AI is a tool. I had to play with some formulas in developing one of the first AI tools to trade automatically. It basically did what you told it to do, it just did it really fast. The same principle can be used for HR functions. AI can be used to delay people with disabilities or it can be used to the disadvantage of people with disabilities.

I’ll give you a couple examples. You love to hear about AI recruiting tool to be very exclusionary. Well, that may not be the case. You can actually use AI to pick up on those signals that would say, this person obviously has a disability. That should be something that is a benefit to the company. The problem isn’t with the tool. Is this a developer, or is it a detractor for this candidate? That to me is human decisions. When you put garbage into a tool, you’re going to eat garbage out of a tool. When you put good quality policy to those tools, you get a better outcome.

Now, if the company like Microsoft or Google wants to hire more people with disabilities in order to define this quality, there’s a way to use AI to figure out who the people are and actively trying to get that. That would be a big benefit to AI. The problem is 95 percent of companies are not like Microsoft, so that tool won’t necessarily be used for “good” creative purposes.

The question now becomes, do you police the negative? How do you police the negative, because we know in disability, policing doesn’t work. Period. There’s no instance I’m aware of as a former regulator of policing working, so you need to figure out a way to focus more bulk on creative as opposed to destructive. At times, the real challenge here is getting the policy direction right, getting the creative side incentivized and getting that to the forefront in the future.

**Vera:** I love this idea of AI as a tool, and I think that you get at it, Rich, really well, when you talk about the fact that much of how it’s used for good or bad is a human decision. What do you think though about the challenge sometimes of even understanding when AI is in play? Maybe this is a policy problem. But as the human, I really struggle with this idea of this machine between me and a person. I’m wondering, when we don’t know what’s happening in the machine, the “black box” of AI, do you have thoughts on how we regulate something that we don’t really know what’s going on in there, in that black box? Have you had opportunity to encounter that in your work?

**Rich:** I use Android for recruiting. Android itself is a black box. So whether that’s a person you’re talking on the other side of the phone, whether that’s a cold call with the resumé, you really don’t have any human interaction unless you’re specifically targeted, which is where most companies today are heading anyway. I had to push back on the fact that AI will become this resource-screened everything. It’s not going to be any different than we have said. It just might be faster and quicker, right?

**Vera:** Right.

**Rich:** In that reality, there’s other ways to gain that system as well. If you can figure out what the bot is looking for, feed the bot what he wants. Those become all kinds of ways to really drive value here. Somebody just commented. I know it’s the AI on the translation isn’t very good with my employees. That’s real. I face that every day, every word, speech, and I know some interpreters are very good at figuring out what the hell I’m saying, and some aren’t. That’s not distinguishing between technology and reality either.

**Vera:** Yes. Rich, it’s a bit of an aside, but you’re right. It’s an AI-based system that people are commenting on, and I was curious to see how well it was going to do when it was presented with a different kind of voice. I was wondering if the human who is supposed to go back and fix things up would be able to do that using the system. So it’ll be interesting to look at this transcript afterward and see how that’s working. It is interesting. I love that you talked about this black box of recruiting. It’s not an AI thing. It’s the process. Shea, I bet you’ve experienced the black box of recruiting as well, haven’t you, in your work? Do you have some thoughts around how we address policy? What’s the way to regulate? Do we need to regulate?

**Shea:** I think the first thing we encourage HR systems to do is look outside of their pre-determined context of how they seek and how they interview potential employees. For folks with more significant cognitive disabilities, just getting online is a deal breaker. So if your applications are purely online, then you’ve already sectioned off an entire group of what are strong employees.

I think I had recently read that HR uses about three seconds per the first review of an application and then move them on. For many of the folks that we work with, that’s not going to cut the mustard, so we start to look at things like portfolio resumés, multimedia resumés. We really talk about where do you want to be employed and then we use non-traditional mechanisms for getting into HR. That’s unfortunate that we have to use non-traditional means to even allow people to be seen by an HR group. So we start to talk about, well, in your policy, do you allow for greater breadth of applications? Do you allow for people to apply by multiple means using more universal design principles? And encourage people to see what a multimedia portfolio looks like, rather than a traditional resumé.

When we talk about policy, we’re talking about broadening the avenue of technology utilization to really showcase an individual so that there ends up being a better match. Now, some of the concerns were seeing is there are companies that are coming up with skill and employment match. So they’ll set a pre-determined list of skills that are anticipated to be a match for whatever that job is. Many people use accommodations and modify the way they do things to come out with the same goal, so they may use different formats to serve the same purpose.

But if you already have an AI machine who’s pre-selecting skill sets without taking into consideration how people actually function in the job and complete the job in task, you may be weeding out again another cohort of really great employees who are using what more jobs and more employers are looking at broader customization and specialization of jobs. That’s also the techniques that are used to achieve the job skills. So we have this hyper-specialization area, and people using different applications, not being able to get into the door because of what are pre-determined skill sets, criteria and methods for application.

**Vera:** While you’ve been talking, and thank you for that, the chat has been very active. We have Sybil who was shocked by that three-second time frame that you were talking about.

**Shea:** Yes!

**Vera:** I think this would be a really great time to invite our participants to jump in with questions. I can see that you have one. There is one that I’ve been fed from the audience that I’ll start with. But then I’m going to suggest people could — is there a hand-raising tool in the webinar, Gloria?

**Gloria Bernal Gomez:** Yes, there is. There should be a raise hand, and if participants want to speak, they can just unmute themselves.

**Vera:** Yeah. So I think use whichever method you’re comfortable with. I’m okay where we’ve said, please, we’ll go with some interruptitus, jump in. But some people are not so happy just to do that, so raising a hand, we’ll make an effort to call on you. So I’m suggesting either method. There is a question that’s come up, and it’s actually asking about — and both of you may have some insights on this, this is a really great question. Do you have any data or have you come across data for the impact of automation on jobs for people with disability? So just wondering if you’ve seen anything or is this a data glud where we don’t have what we need?

**Shea:** This is Shea. We have some data on using automation in more sheltered employment settings where you’re doing kind of task-based setting up and how that can help with efficiencies. There’s some data on that, but in terms of really seeing different types of skills and different jobs, I think there’s a lack of data because a lot of people haven’t started using the automation yet. Rich, you might have some other data insights.

**Rich:** Yes. We cover about 1,500 companies every year. We research them. One of the things we’ve said exactly three years ago, which is, how many companies outsourced their application platform?

**Vera:** Okay.

**Rich:** Two-thirds of companies today outsource application platforms, the various other platforms like Workday, EDP, all of those typical large HR firms. And generally, these outsourced platforms are terrible for people with disabilities. They just, they don’t have a clue, right? And that is the technical part, they don’t have a clue, so they’re not accessible. For those with low vision it’s not accessible. Cognitively, they’re hard to navigate and throw up all kinds of barriers. If three-quarters of company designers are doing that basic thing of outsourcing the platforms, you can imagine what their own systems work like internally. This is the problem that we see at the fundamental, basic way to reach higher. They aren’t making this more inclusive, they’re making it less inclusive. So we have an issue with that.

The other issue we see quite a bit is this idea of total inflexibility when it comes to disability. This isn’t a customer issue, this is a regulatory issue. So rather looking at disability as a way to connect with candidates, why wouldn’t you look at this as a way to really make your offering unique to people with disabilities?

We were giving a seminar to Goldman Sachs last year, thirty-five recruiters, the best recruiters on Wall Street. They were asked a very simple question: “How many of you, if you were told your top candidate had a disability, how many of you would use that fact to connect with that candidate to make it easier to bring them to Goldman Sachs?” Not one hand went up. Then I asked the second question: “Now that you know what you’re doing with disability, how many of you would now use disability as a way to connect with the candidate?” Every hand went up. So this isn’t necessary a technology issue. This is maybe an issue about disability as an asset to a recruiter as opposed to a defensive mechanism so I don’t get sued.

**Vera:** I think returning to the human issue is such an important part of it. In fact, in part what the study group that’s here today is interested in and moving towards, is trying to sort of come up with approaches, recommendations to support inclusive policies around hiring and employment, particularly with regards to machine learning. So I guess we can’t get away from the social aspect, the social issue, the cultural issue that is behind our use of tools. So you say, two-thirds of companies are outsourcing hiring, so already you’re one step away from that company. And then they’re outsourcing it to organizations who are using tools that are difficult and not inclusive. So all of these challenges, and then, one of the key problems or issues, as you said, is that when they do that, they are not highlighting diversity as something that’s important to them.

**Rich:** If you look at diversity, it goes to demand, right? If your demand as a company to find the best we possibly can, and they’re using a general sentence, that the best talent is better than not diverse talent. The best talent isn’t a monolith, right? It’s got demand curves, it’s got different demands, different than most people. Yet we are not taking stock on what those demands are. We just say, “Oh, these are people with disabilities, let’s make a website accessible.” That’s garbage. You actually need to spend time talking to people with disabilities, specifically the ones you want to attract, and figure out what’s attractive to them. Right now, it’s the concept of inclusion and nobody can define inclusion. I have yet to find anybody who can actually define inclusion.

**Vera:** Right. These terms; they’re there in our ether. But I agree. It’s often perspective comes into how that’s defined. Now, I see that — I want to go back to our participants and co-learners. Cybele, I’m going to let you jump in. I can see you put quite a few comments in and maybe you’d like to share or ask a question.

**Cybele [AUDIENCE]:** Hi. Thanks so much, Vera. I have a question, and then what I think is the biggest barrier to it so that you can address it. So I’ve been thinking with the group a lot about this topic. One of the ways of looking at it is, do we need to move from a — how do we filter out in ways that are less problematic to actually one about how do we filter in? And what does that look like in terms of the systems that we create?

The barrier that — one of the barriers that I’ve seen in having these conversations outside this context with HR people has been that if they build jobs around people, rather than slotting people into jobs, which is what probably a more accessible approach would look like. They’re worried about labour supply chains, that if that person then leaves the job and they built a job around this person, now they’ve got this sort of unique gap that they can’t easily replace. So the question is about how do you shift from filtering out to filtering in? How do you deal with that concern about with HR around building a job around people, and then if they leave, what do you do?

**Rich:** I’ve tackled that this year. It depends on the job. It depends on the company. A lot of companies hire what we obviously call commodities. It’s relatively easy to change by these from job to job. Good companies hire athletes, so they look for people with this skill set that can be flexible. They can move around the company. They can move up, move down, move sideways. Those companies tend to outperform companies that hire for jobs.

Then you’ve got 1940s, 1950s mentality. I just started watching *Mad Men*, so I’m very familiar with it. Those companies are going out of business in the next twenty years if they don’t adjust. We have a trend here that says, you’re trying to find athletes that have more diverse skills as opposed to be more diverse. So that’s right in-line with what we’re trying to achieve here. It’s not necessarily that they’re movable, it’s about not looking for barriers. When you hire athletes and you have the mindset, it’s easier to get through that forest.

**Shea:** Yes, this is Shea. I couldn’t agree more. When you look at the trends in employment these days, most folks are looking at a lot of transferable skills. So how do we build those transferable skills into, first, our employee base, so this population starting from early education on, but I think there’s also a concern. I think there are some naturally occurring phenomena that are happening in our economy, our global economy, that allow for both this customization of jobs as well as having transferable skills.

When you start to talk about building a job for a person, that’s a lot of what we’ve done with customized and supportive employment for years. We’ve said, here’s the skill set or we do, like, job carving. Those are some of the techniques that have been used for supporting employment. But at the same time, that aligns with a lot of what we’re already seeing in the gig economy. We’re looking at that hyper specialization, being able to look at the skills, but it always begins with what is it that the employer needs, and then does it match what the employee wants.

Figuring out a better mechanism for doing that matching or allowing people to investigate those areas, I think could be very helpful, and COVID’s only exacerbated that. This ability for people to piecemeal different parts of jobs, and piecemeal different companies together, to have a full portfolio of activities and portfolio of engagement. But it takes a lot of effort to be able to initiate that. It takes a lot of effort to be able to seek that out. You have to be incredibly savvy at job searches, job investigation, job discovery and skilled demonstration. We need to figure out some better ways of making those pieces, which ends up being in the early discovery phase of employment, more accessible. We can talk about the barrier that starts right when there’s the application, but how do you find the application and find the people first to be able to do that matching of skill sets and what everybody wants and needs, and be able to demonstrate it.

**Rich:** The idea of opportunity as well is, once you get on the job, there’s a way to use AI to make people more productive, to figure out the tools and things that they could use to drive productivity way up, with robotics, automation, various tools that you can setup. You can use AI to find those “values” and to build them.

**Shea:** Yes, and, Rich, that brings up a really good point. Most of what we hear from HR is, “Yes, we’d love to do accommodations, modifications. We have no idea where to start. We don’t know what to choose.” Having employees coming in, we’re seeing more of what they’re calling the consumerization of the enterprise in jobs. That means employers are trying to be more flexible and let the employee direct.

Now with this work at home experiment we got, people are able to select easier than they were before some of the tools that they use to be more productive. And so using that consumerization to the advantage of the employee, being able to say, “Here are the automated tools, here are the tools, the AI tools that I am familiar with, and I would love to bring to this company” is another avenue than saying, “I’m coming in with a disability. I need you to give me this,” which they need to do, but it empowers individuals. We have not done anything, at least in our cognitive realm, about even sharing what AI is. Telling people how it impacts their job, how it impacts every day, how did they know to manage their own data, how do they self-direct, what should be automated and what should not? There’s a big gap there, where we haven’t addressed even just the basic knowledge of when AI is being used, how it’s being used.

**Rich:** We are already seeing, post-pandemic, the combination change dramatically. The work people are required at the office is different than what would be required at the home office and that’s a double-edged sword.

**Vera:** Yes. It’s interesting this whole concept of where for many people who wanted to work from home, it was an impossibility. All of a sudden, it’s exactly what’s expected, and there’s been a huge shift. There’s certainly benefits to that, but as always, potentially some risks as well. Did you want to unpack that a bit more Rich? The risks when you’re working from home?

**Rich:** The biggest risk that I see is, what happens when we go back to the office? Whatever that looks like. Somebody will come to my home, stays home. What happens to the sudden graduates? What happens to the informal authority structure? What happens to the silicon fabric of a team when they have two realities instead of one reality? Everybody’s part of it. The only reason why it would probably be acceptable though, is because everybody’s doing it.

**Vera:** Yes, we’re all doing it, right.

**Rich:** So what if that reality becomes the new reality? Nobody knows that. My best guess is it’s a hybrid. It’s very different than it was, much more home-based. Just because, why would you carry a $3 million real estate portfolio when you can carry $200 million real estate portfolio. Shareholders don’t allow you to waste the fifty-five-storey building, as it were, when all you need is common space for a third of that building. You’re going to see a shift now to a home-based portfolio. That’s going to be interesting, from an analytical point of view. How do we boost productivity? How do we accommodate difference? How do we harness difference to make people more directive? It may actually be a good thing because, frankly, most companies don’t do accommodation very well. They’ll be forced to reinvent the tool that they never invented in the first place.

**Vera:** Right. There’s a question on the chat, I see, and I thought about this a little when you were talking about working from home and boosting efficiencies and things like that. There is the idea around workplace surveillance. I think everybody has reason to be concerned about workplace surveillance on different levels, but is it more problematic, or potentially more problematic, for people with disabilities? That’s the question. Can either of you think of cases where this is a challenge? They bring up Microsoft Analytics as one of those tools. Although, I don’t know the split between what’s public and what’s private in the Microsoft Analytics base. But we all understand that this looking at what we’re doing, how long we’re in chat, how long we’re doing whatever, this is a surveillance and tracking and open to interpretation. Is this a particular risk for people with disabilities, and can you think of ways where it’s more problematic?

**Rich:** It’s like a nuclear bomb. It can be used to destroy or create. If I’m your CEO, it’s going to be used to create. Unfortunately, I can’t be the CEO of every company.

**Vera:** Right. We need you on every company.

**Rich:** The reality is about 95 percent of companies do this poorly. They would like to use it to screen out less productive people when they don’t apply a different lens to that productivity.

**Vera:** Right. Because how they measure productivity might not actually be an accurate or valid measure.

**Rich:** That’s right.

**Vera:** Jutta has joined us. I don’t know if you see that. Hello, Jutta.

**Jutta Treviranus:** Hi there. Apologies. I’m moving from one presentation to another. But I love the question. And Rich and Shea, thanks so much for being part of this. Certainly, this was part of the discussion in the other presentation that I just gave and the influence of how data is used, not for just optimization of work, so productivity, but also with respect to evaluation and assessment of work, promotion, the determination of disciplinary action, etc. The work surveillance data is used in all sorts of ways.

Of course, if you are someone that does your job differently, or if the way that you perform your work is not part of the original dataset, then you’re flagged for doing the work not in the way that it should be done, or not being optimally efficient, or doing something that is wrong is frequently happening already. Certainly, we’d been warned of or we have seen some places where there are HR issues that involve people with disabilities where their work performance is misinterpreted and is flagged as not following the most optimized route. Can you see any way in which this can be addressed?

**Rich:** Absolutely. Well, you cannot reuse those different use cases to improve productivity. That’s when it could become a value add as opposed to disciplinary tool. So seeking a difference is easier with other vision but you have to put them into that too. Shea, do you have some thoughts?

**Shea:** You know, I totally agree with you. I think the key will be flexibility in policies because, as you mentioned there, they can be used against folks who may have more efficient methods of performing the job, and without the knowledge base of at least the inquiry as to what is the — I think instead of getting red-flagged, you get green-flagged as to, are you doing something more efficient or what new technologies or applications are used to complete the job?

I think our challenge comes when there are very rigid standards of, you have to be at your desk from 8:00 a.m. to 2:00 p.m. Those rigid standards that are equated with productivity need to be challenged at every step. And figuring out greater ways to baulk at that system, to say these may be efficient in terms of how much time they spend, but how much time do you have? I think there was another kind of ridiculous statistic of how many people, I think it’s averaged, like — in the United States and I’ll say this comes from the U.S. — people spend four hours of their eight-hour workday doing iPhone or other activities. Now you may not see that in a log of time. So I can log in, I can game the system and I can show that I was logged in for this amount of time without actually being productive.

People have to define their own productivity approaches. It’s almost like coming up with an employment productivity plan, where you’re able to say, here are the strategies I use and here are my goals for productivity, as opposed to, here are the pre-determined outcomes for productivity. That has to be discussed as an employer and employee, and then also diversifying the tools. There may be Microsoft Analytics, but we use for our employees who are working off remote, they choose their own tool on how they want to report their time and efficiency. That’s a different approach. We allow them to look at the survey tools, use the ones that demonstrate that are a better match for them and then demonstrate their productivity in the time. So I think there’s ways of developing some policies that let it be more flexible and person-centred.

**Jutta:** And bottom-up. As you say, you use the tools, or the tools are available to you, to optimize your own performance. Then you decide what questions to answer at the next level. The opportunity to misinterpret data, especially if your data doesn’t match or isn’t similar to the majority, there’s lots of risks there. But if you can set up your own data to determine what targets you have, and then respond to questions regarding how to optimize your job or how to optimize the way that you perform your job, and contribute those to an employer without contributing the raw data would be a much better approach. I think it would also make the use of these sorts of data systems for optimization more acceptable to a lot of employees.

We’re working with the Self-Employed Women’s Association, who is a co-operative where they co-operatively wish to improve the productivity and performance. So we’re examining these sorts of things. How do you not give away your own power but still be able to use the tools to improve the way that you work and the way that you collectively work?

**Rich:** Let me be a realist for a second. It’s still about a relationship between an employee and the boss. So it’s got to be that back-and-forth understanding of getting the job done in a certain way and that they combine human engagement, especially with disability as part of that, making these AI tools just tools. That relationship still has to be there, and the understanding still has to be part of the conversation.

**Jutta:** Yes, unfortunately, a lot of AI is deployed to replace managers and to replace that type of supervision. Then what happens is the assumptions and presumptions are part of a black box, and there isn’t that boss-to-employee relationship that’s sustainable.

**Rich:** We don’t see that yet. That may be ten years off, but we don’t see that with our clients yet. It’s still very hand-to-hand combat conversation today. The question then becomes, if that does replace that hand-to-hand combat, how do you build it to be flexible and be understanding of difference?

**Jutta:** In large gig platforms as well, Rich, because certainly you see that in the gig platforms such as Uber and the delivery platforms, the Amazon fulfillment centres, a lot of the delivery systems, etc. There is an automated monitoring of employee performance and with very little negotiation regarding how you change the metrics that determine whether you’re being efficient or not.

**Rich:** In one slice of the economy, sure.

**Vera:** Ushnish, would you like to talk, to make your comment?

**Ushnish [Audience]:** I’m assuming you can hear me. Just a question on hiring using AI. We all know about the Amazon case. I’m wondering if there’s been any cases in the U.S. or Canada or Europe where people with disabilities have been able to successfully challenge the use of AI, or not even AI, the use of algorithms for hiring decisions. I haven’t heard of any in Canada.

**Jutta:** There is one if I can — not in Canada but in the U.S. — there’s a HireVue case still in process, a HireVue challenge. HireVue is the automated video interview system that analyzes the candidates based upon their video interview. There’s one that Eve Hill and her legal team are representing right now.

**Shea:** That’s the only one I’m aware of right now as well. But that doesn’t mean that there aren’t others.

**Vera:** I think you had a comment around measurement of keystones. Did you want to talk about that? Oh, keystrokes!

**Ushnish [Audience]:** The discussion we were having before on the use of AI for management. So not AI, but more automated or technology-based management like counting the number of keystrokes, that’s been around for decades, right? It’s just like a progression of that thinking or that philosophy that we see happening.

**Jutta:** AI automates, amplifies and accelerates those types of strategies. I think it behooves us to examine what we have been doing before we employ. AI has been called a power tool. I mean, we’ve been sawing wood for quite some time, but a power tool makes it more efficient, effective, whatever optimizes it, and the same thing with AI. So the strategies we’ve used before, we’re increasing the effect of that, both the risks and the potential opportunities.

**Vera:** Chris, you had a question about replacement of managers, and I wondered if you are satisfied. Did I respond appropriately to where you were going with that question, or would you like to talk to the panelists?

**Chris [Audience]:** I don’t really get your answer, but it’d be good if others had thoughts too.

**Vera:** Chris was wondering about how the concept of replacing managers, what that had to do with AI? I was indicating that I felt that you were talking about the oversight of productivity aspect. Is there other ways that I should be looking out for my job? That’s my part.

**Jutta:** Christ, so what’s happening is as we have more IoT or ways of measuring what people are doing, computer vision, etc., there’s a lot more data about how people are performing their job. So rather than having a person viewing and watching you and supervising you, there are many factory locations and, certainly, places where there are opportunities for surveilling. If you are doing your job at a computer, there is a web camera, the keyboard, all sorts of things that can be tracked. Those are being used as a means of supposedly more accurately determining whether you’re doing your job or who’s doing their job better than somebody else and how you’re performing.

That same technology is being used for things like, if you have to take a high-stakes test, there would be a proctor there that would be the computer instead of the person. In many ways, because artificial intelligence and technology can be more vigilant, can collect more data, it’s being used to replace some of the supervision that usually happens, of course. The determination of whether you are doing your job well is based upon data that the system has gathered on people that are average or typical, or I mean, as happens with all data systems. I’ll let Shea and Rich talk about this, sorry. You can tell I’m somewhat passionate about this.

**Shea:** This is Shea. We do place a lot of onus on the employee through a lot of this, but we do need to place them onus on the employer to start to self-disclose as a company. What are the tools that they’re using for employee recruitment, employee performance measures, etc. You know what the skill set of the job is, but you don’t know how you’re going to be evaluated prior to going into a job. If we’re using AI and we’re using these technologies, I think it’s something that we can start to require, request, talk to companies about starting to disclose what they use, because knowing a program, knowing how you may be evaluated can a big deciding factor.

If I know that I’m taking care of my children at home but I can perform these duties at night and you’re saying you’re going to use a time gap to evaluate, that may not be a good match for me. But you don’t usually find out that information until you’ve already taken on a job. You’ve gone through the hard work of applying, doing your interviews and then you get the bomb of this is what we’re going to use to monitor you, evaluate you, etc. I think there’s a means by which we can put some onus on companies and employers to start to talk about the tools that they use as well.

**Rich:** The reality is, it’s just another tool. How the tool affects demand is more important than whether the tool excludes in one or two instances. Because I’m convinced the tool is measuring the wrong thing, so the tool will go away. People just won’t work for that company. These things don’t happen on a case-by-case basis. They have it in a large market. Ideally we catch this stuff before it gets to the market, but if you’re degrading your workers’ experience, they’ll go work for another company. That’s how the market works, right? Eventually that stuff would get weeded out. It would be ideal if we can avoid that to begin with, but you’re going to get that stuff flagged that would eventually anyway.

**Vera:** Talking about the degradation of experience, there’s an alternate side of this that has been proposed in our chat. John, I don’t know if you want to talk about what you’ve suggested. Did you want to unmute and bring your point forward?

**John [Audience]:** Thanks. I’m in the group to support Chris because he is a man with an intellectual disability who is participating in this group. Until today, a lot of the things around hiring didn’t directly impact him in some ways because, although he works, he is not in the competitive general employment market. But he has jobs that are specialized, right, Chris? That’s where you can contribute. We’ve thought about this since we’ve been in this project that, how is Chris’s performance measured? It’s outside the typical measures of productivity that we’re talking about here that can be machine driven. Some of the things that they talk about in his employment are his contribution to the creativity and collective output of a team. We would love to find new solutions that support Chris to do his job better, but that is also making it what he actually is contributing, not what he’s not contributing.

**Shea:** This is Shea. One of the things that I think this new-age model, this new economy that is also brought to our attention is talking a lot more about the authenticity of a company and cultural capital. When we talk about cultural capital as well, it includes the disability community. You come with your own cultural capital. And also being able to have people understand that there’s a value in authenticity that you bring to the plate that no other people can bring to the plate.

I think it’s really important that cultural capital allows for our company to be diverse as well as authentic. The authenticity is what I feel is missing so much in these investments of inclusion. Talking about what that cultural capital is and being able to demonstrate that it has a market value is something Rich talks about it all the time.But now the terminology that we’re using is really a lot about diversity, and that’s important, but the capital that allows a company to grow has to be authentic, and that’s what the community brings. The only way to do that is to hire people, not have them as consultants, to actually hire them, and that’s a really important point to make about that. It may not be a tangible, but the cultural capital makes the company a better company and authentic. I know, Rich, you’ve got something to say here.

**Rich:** I would argue it’s very tangible. Just, we’re not measuring it properly. I get very frustrated about people who talk about culture. When you hear someone tell you about culture, it’s a holding spot where somebody doesn’t know the answer, right? There are factors equal in the culture that are very concrete, very tangible, incredibly measurable, but we tend to punt on the measurement of what those are. And I think, ultimately, what comes down to the value of those standards is, you’ve got to dive deep and understand them because they’re generally not standardized, which is why they’re so valuable. The catch-22 is people don’t understand them. They don’t want to study them because they don’t want to look foolish. But to understand them, you’ve actually got to look foolish first.

**Jutta:** We don’t have any good measurements for diversity or for a variability or all those intangibles, and you can’t automate that measurement either. I mean, the thought that you could create an AI system that detects that whole diverse spectrum of authenticity that you contribute is … that’s not going to happen very soon. So people are doing the easy stuff.

**Rich:** I disagree. I think you could have it, but it would take a very different kind of approach than what most companies are taking today. That’s the other problem we have, is we expect every company to do this. That’s not going to happen. There is going to be a very small subset that is going to see the value first, and they’re going to lead it quickly, as opposed to why the economy won’t take off. That won’t happen for another ten to twelve years until they’re committed to the value.

**Jutta:** Compellingly, the data economy or the AI systems to address this particular challenge would have all sorts of transfer benefits as well. Because if we create measures that address the spectrum of diversity, then there’s many other really critical challenges, especially pandemic-related, that we can then also address. So detecting the weak signals, interpreting outliers. All of those things are things that are weaknesses at the moment in terms of the data economy. If we crack that nut, and you have to in order to have more inclusive employment, then we address a whole bunch of other crises and issues that we’re facing as an economy, as a society at the moment.

**Rich:** Creation is easy. Getting the scale is hard. We can create something always, but getting people to adopt that is difficult. That’s the problem with scale. Adopting, moving organizations to take this as their own, that’s the difficulty.

**Jutta:** While also our notion of scaling is somewhat problematic because we think of scaling at the moment as formulaic replication of the same thing from one company to another, from one employee to another. And that’s not a very good way to scale. I think we need to rethink our notion of scaling. Scaling by virtue of differentiation so that you localize it, it becomes a one-size-fits-one notion of scaling as opposed to a formulaic replication.

**Rich:** That’s not how companies view scale. That’s how competition views scale. Companies view scale as being possible within their own four walls. Though scale has been “when will we transition” time, based on the infrastructure of that organization, I think your answer is right. The whole idea of what scale is, is not accurate in the world today.

**Vera:** I saw your question earlier, Maria. So I did see it and I didn’t have a chance yet to bring it up. I can read it for you, unless, are you able to? Is Maria able to unmute as well? Oh, no, that’s all right, Maria, I’m glad you brought your question forward.

**Gloria:** I can give you the opportunity to talk, Maria. You can go ahead and unmute yourself.

**Maria [Audience]:** Hi, this is a great panel. I’m learning a lot. I’m just trying to think about, what kind of actionable things that we could do at different companies that’s going to really have the biggest impact that you think. I just want to get people’s opinions. There’s a human component and there’s a tech component. Do you think the biggest impacts could be around bias and design training for humans that are using tools that are AI augmented? Or do you think you should focus efforts more towards training software or data scientists that are working on a technical side on algorithms that folks are using as the AI technology? Or do you think that going at it from a regulatory side and policy side, where you have rules basically that you’re giving the companies, what do you think is the most effective?

**Jutta:** Can I say something? I think one of the things we have to stop thinking about is what is the best, what is the most, what is the priority? Because, in fact, we need to do all of these. And I think there is — part of the issue with artificial intelligence and with our quantified measurements systems is that we’re still thinking this winner takes all, one size fits all, this is the priority, this is the best.

One of the things that we have figured out in inclusive design is that there isn’t really a single fix or solution and there isn’t a best because the best will mean that somebody, something will be compromised. Somebody will be compromised. So I would say all three, we need to have a multi-pronged variable spectrum approach, because this is a complex system that we’re talking about, employment, and especially employment of individuals with disabilities, is a complex adaptive system. So we can’t have a simplistic solution to a complex problem. We need to address it with the complexity that the problem is.

**Shea:** This is Shea. And I’m just going to pull from kind of some experiences that we’re seeing, because we also monitor the services and supports for folks with intellectual and developmental disabilities in the States. And as we’ve seen COVID roll out and what people have to do to transfer, what are supports and what they look like, and how do we do it in a safe environment?

The conclusion, at least for our policy statements now, is more there has to be hybrids. There has to be a component element that is some tech and some human. It’s not all tech, and what that proportion is, has to be determined by those individuals. And so thinking through what the hybrids look like, and it’s like that differentiation of learning, you’ve got to have these hybrid models to apply. But not say that it’s a definitive ratio of person to tech.

The same can go for AI development. There has to be a hybrid blending when folks are using AI for HR. So, yes, you can use it, but understanding what the biases are and then using a human approach potentially to compensate for that piece, it’s not an all or nothing, we’re going to go all AI, but having a blend within the process that allows for a hybrid. And I think when we think about efficiency, well yeah, it’s efficient for *X*, *Y*, and *Z*. But the hybrid models allows for some accountability and measure checking to ensure that we’re not weeding out and being able to identify where the bias is first, to double check those biases.

But anytime people say it’s all person, I get concerned, and anytime they say it’s all technology, I get concerned. So figuring out how to build those hybrids is going to be clear in each of those policy settings and whether it not be a definitive standard, but a process by which people go through to identify those. I’m more for a process determination, even though the companies will say, “We want our standards, we want to be able to check the boxes.” But I want the box to be a process by which they go through to be able to identify where those biases may come and where human competency needs to come in.

**Rich:** Well, I’ll give you two parallel types that we find in our research. One is the bulk of companies that reactivate automation and one is very few companies that actually do this well. Though the bulk of companies that reactivate automation, it will start off that they will get sued or they will get a piece of bad press, and they will react as a lawyer reacts. They will react to negative stimulus. They will spend two to three years putting things in place that they’re basically policy-driven and do not impact actual human beings, and waste a ton of shareholder value. Then they realize this isn’t working. Most of them stop and just go away. Some of them will go into phase two.

Phase two is what the good companies do, the Googles, the Apples, the TDs. They say, “Okay, we need to understand this customer, and we need somebody to lead this process internally.” So they talk to the users and they get a senior leader to hold people accountable. There’s always two critical pieces that are part of success. Failure has to hurt, and it has to be driven by the users. Now realize this is literally one in one hundred companies who do this. Roughly 20 percent of companies fall into the other category of “I’ve been sued, I need to cover my butt.” That’s the reality out there today. Whether the human being or technology solutions, most companies never get to that place. They don’t look at it from that perspective at all. This becomes a risk management problem. It either goes away or it falls into something that’s very different, very customer oriented, and driven by a senior leader who fires people who fail.

**Shea:** Rich, those are great points. There was one question in Maria’s which was more about regulations and policy. I think we have to also consider what levels of policy. So one area that certainly there’s been a lack of accountability for in the U.S., certainly is: How do you procure different types of tech? Now, understanding big companies are going to procure these technologies based on a number of requirements they have, but some of the procurement of these technologies that are intended for HR development, etc., those don’t even have a good accountability for accessibility at all either. We’re also not even at the stage where we can start to talk about, well, yeah, there may be these great tools out there, but have those even met the basic standards of accessibility? What do they do to improve on those aspects year after year after year? Because we talk about accessibility not as a single point in time but an evolution of being able to increase and make it better each time. I often see we have folks who are trying to get a technology to help with what is more efficiencies, and they don’t even know what the accessibility of those tools are. So there’s a piece missing there as well that can have some attention.

**Rich:** I will add on to that too, Shea. We are seeing now that the procurement systems demand accessibility. This is recently in the last six months. We’ve seen this for years. They competed and put this in procurement, but they never pushed it, right? It was just there. Now they’re actually starting to enforce it because the government’s starting to enforce it. The government procurement has a nice real trickle down to the big vendors, that then change their procurement system that cause other vendors to change their procurement system. The whole chain ends up changing their designs as well. That is powerful. That can actually drive change. The only piece I’ve seen in the last ten years that’s had real impact on demand.

**Jutta:** What I need to follow up with now is ways of actually evaluating whether the commitment to accessibility has been met. Also, some discouragement of people from the suppliers simply ticking the accessibility box without really knowing what in fact that means. Now that there’s an entrée of accessible procurement, or it becomes more of a trend, we need to follow with the necessary support systems to make it meaningful.

**Rich:** Yep, and scale.

**Vera:** Now, I really hate to say this because we have few more questions in the chat of interest. I saw a really great conversation between Sybil and Karin and lots of really wonderful things happening in the group there, but we’ve reached the end of our time slot. I’m hoping that many of the participants here are also part of the study group, and we’ll pick up some of these questions and we’ll look at them ourselves after.

But I want to say thank you, Rich, and thank you, Shea, for joining us today. Jutta, we’re thrilled you’re able to join the conversation. It’s been really, really excellent. So thank you for joining us and sharing your thoughts on the topic. And thank you to all of our co-panelists and learners out there and participants. I appreciate all of the really interesting points you had to raise through the chat and your questions. Thanks very much, everyone.