



# BOB CASEY

FIGHTING for PENNSYLVANIA FAMILIES

## **No Robot Bosses Act of 2023**

*U.S. Senators Bob Casey (D-PA) and Brian Schatz (D-HI)*

As Artificial Intelligence (AI) technology continues to develop, algorithms and automated decision systems are spreading to more aspects of our daily lives at home and at work. Technologies like ChatGPT will have widespread economic impacts, including in the workplace. These technologies are emerging and not yet widely understood, yet some employers are already imposing them on workers without their input. In the pursuit of more effective and efficient operations, employers are adopting new technologies to aid decision-making and, in some instances, to automate decisions completely. Systems and software, not humans, are increasingly making decisions on whom to interview for a job, where and when employees should work, and who gets promoted, disciplined, or even fired from their job.

Imagine you are submitting a job application online to a prospective employer. The company's recruitment software, powered by machine learning algorithms, sees an employment gap in your resume and automatically rejects your application from further consideration. Perhaps you work in the service industry and your employer's automated scheduling software frequently adds or removes your work shifts with minimal notice—all for the sake of "service optimization." Or maybe you're a delivery driver and your employer's tracking algorithm determines you're not performing up to its standards—and then sends you an email to let you know you've been fired without any warning or opportunity to speak to a human being.

In 2023, these scenarios are no longer just imaginary. Today, algorithms and automated decision systems have vast implications for employment decisions, worker rights, and safety in the workplace. Without oversight and safeguards, these "robot bosses" increase the risks of discrimination, unfair disciplinary actions, and dangerous working conditions. It's time we protect working families from the dangers of employers misusing and abusing these technologies.

### **No Robot Bosses Act**

The No Robot Bosses Act of 2023 would add protections for job applicants and employees related to automated decision systems and would require employers to disclose when and how these systems are being used.

Specifically, this bill would:

- prohibit employers from relying exclusively on an automated decision system in making an employment-related decision;
- require pre-deployment and periodic testing and validation of automated decision systems for issues such as discrimination and biases before such systems are used in employment-related decisions;
- require employers to train individuals or entities on the proper operation of automated decision systems;
- mandate employers to provide independent, human oversight of automated decision system outputs before using the outputs to aid an employment-related decision;

- require timely disclosures from employers on the use of automated decision systems, the data inputs to and outputs from these systems, and employee rights related to the decisions aided by these systems; and
- establish the Technology and Worker Protection Division at the Department of Labor to regulate the use of automated decision systems in the workplace.