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The Role of Artificial Intelligence in Recruitment: Addressing Bias and Discrimination

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ABSTRACT

Discrimination in the workplace is a cause for concern. It includes unjust treatment based on a person's race, colour, religion, sex, pregnancy, gender identity, sexual orientation, national origin, disability, and age, among others. In the workplace, discrimination may occur among colleagues and job applicants. Discrimination can also be evident during the recruitment process. Companies continually seek ways to enhance recruitment and select the most suitable candidates for specific jobs. Consequently, it has been observed that the use of Artificial Intelligence (AI) in the employment process has surged in recent years. In the workplace, AI plays a crucial role in automating Human Resources activities such as recruiting, qualification screening, and applicant experience monitoring. This automated technique helps organisations quickly identify the top applicants from a pool of profiles. Yet this recruiting approach has been criticised mainly for perpetrating discrimination. This paper examines the antidiscrimination standards established by the International Labour Organisation to assess the contribution that these standards have made towards reducing inequality and AI-induced discrimination in the workplace. The paper will also focus on the progress of African countries in addressing AI-induced workplace challenges. Against this backdrop, recommendations will be made to address AI discrimination in the workplace.

Keywords: Inequality, Discrimination, Decruitment, Bias, Artificial Intelligence

1. INTRODUCTION

Artificial Intelligence (AI) can process and analyse large volumes of data and perform complex comparisons with remarkable speed and accuracy, making it particularly advantageous for large companies that deal with extensive and varied datasets (Yu, 2020). For instance, in recruitment, AI algorithms can swiftly sift through thousands of resumes to identify the most qualified candidates based on predefined criteria, thereby significantly reducing the time and effort required for the initial screening process. This capability allows HR departments to focus more on strategic tasks and detailed candidate evaluations.

However, it is submitted that this efficiency comes with potential drawbacks, particularly in terms of bias and discrimination. Although AI can streamline recruitment processes, it can also inadvertently perpetuate existing biases if the data on which it is trained reflects discriminatory patterns. This concern aligns with the long-standing commitment of the International Labour Organisation (ILO) to combating workplace discrimination through its comprehensive legislative frameworks. The ILO's Conventions, Recommendations, and Declarations provide critical tools in this effort, aiming to ensure equitable treatment in employment. Such discrimination impairs equality of opportunity and treatment in employment or occupation. It is, therefore, essential to address biases and ensure that technological advancements benefit everyone equitably (Yu, 2020).

The ILO's Discrimination (Employment and Occupation) Convention No. 111 of 1958 (C11) defines discrimination as any distinction, exclusion, or preference based on characteristics such as race, colour, sex, religion, political opinion, national extraction, or social origin (C111). This definition underscores the importance of vigilance in recruitment, ensuring that such technologies are used ethically and do not reinforce prejudiced practices.

The main question, therefore, is: How effective is the ILO in establishing anti-discrimination standards to mitigate the discriminatory impacts of AI-driven recruitment processes in the workplace?

This paper seeks to answer the questions with a specific focus on ILO regulations and the impact of AI on recruitment. The specific objectives of the paper are to

- Identify, analyse, and evaluate the forms of workplace discrimination exacerbated by AI-driven recruitment processes;
- Examine the role of AI algorithms in contributing to discriminatory practices during recruitment and employment;
- Develop strategies that mitigate the discriminatory impact of AI in the workplace and explore how AI can be leveraged to promote equality and prevent discrimination in the recruitment process.

2. METHODOLOGY

This paper employs a multifaceted methodology that combines qualitative and quantitative approaches, incorporating elements of historical analysis, legal analysis, case studies, critical evaluation, regulatory analysis, literature review, and comparative analysis. This multifaceted approach enables a comprehensive examination of the evolution, implementation, and impact of ILO regulations and conventions on combating workplace discrimination, with a particular focus on the role of AI in recruitment practices. The methodology incorporates various data sources, including historical documents, legal texts, case studies, documented examples, regulatory frameworks, academic articles, reports, and publications. By employing a diverse range of methodologies and data sources, the study aims to provide a comprehensive understanding of the subject matter. The paper proposes recommendations to enhance the ILO's regulatory framework for ensuring the ethical use of AI in recruitment.

3. CONCEPTUAL ANALYSIS AND LITERATURE REVIEW ILO'S PROGRESSIVE STANCE ON WORKPLACE DISCRIMINATION

3.1 Declaration of Philadelphia of 1944

It is vital to note that the 1919 Constitution of the ILO, particularly its preamble, did not address the issue of discrimination. This omission is significant because it reflects the historical context and priorities of the time, which did not explicitly emphasise combating discrimination. However, a pivotal shift occurred with the Declaration of Philadelphia in 1944, the first significant declaration to directly confront discrimination. This Declaration was ground-breaking, as it proclaimed the right of every human being to seek happiness "regardless of race, creed, or gender" (ILO, 1944).

The Declaration of Philadelphia is crucial not only because it articulates the fundamental goals of the ILO but also because it explicitly assigns the organisation the responsibility of eliminating discrimination and promoting equality in the workplace. This mandate significantly expanded the scope and mission of the ILO, reinforcing its commitment to social justice and human rights (ILO, 1944). The Declaration emphasised the importance of inclusive labour standards and practices, thereby laying the foundation for future initiatives aimed at ensuring equal opportunities and treatment for all workers, regardless of their background (ILO, 1944). This transformative approach paved the way for subsequent international labour standards and conventions that continue to influence labour policies and practices worldwide, highlighting the ILO's enduring role in advocating for workplace equality and fighting discrimination.

3.2 Convention Concerning Equal Remuneration for Men and Women Workers for Work of 1951 No.100 (C100)

The Convention Concerning Equal Remuneration for Men and Women Workers for Work of 1951 examined one of the most severe consequences of discrimination: unequal pay between men and women. C100, also known as the Equal Remuneration Convention, seeks to eliminate this specific kind of discrimination by confirming the fundamental premise that every worker, regardless of gender, has the right to equal remuneration for labour of equal worth "without sex discrimination" (ILO, 1951). The Convention defines remuneration broadly, encompassing the ordinary, essential, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or kind, by the employer to the worker and arising out of the worker's employment (ILO, 19581). Despite its vast scope, C100 addresses only one facet of workplace discrimination—remuneration—and focuses solely on one motive for it: the worker's gender (ILO, 1951). The Convention requires that all member states implement measures to ensure that men and women receive equal pay for work of equal value, recognising that such measures are essential to promoting gender equality and social justice in the workplace (ILO,1951).

3.3 Discrimination (Employment and Occupation) Convention of 1958 No.111. (C 111)

The International Labour Conference's resolution to propose a general tool to fight workplace discrimination significantly enhanced the ILO's involvement in formulating antidiscrimination laws following the approval of the Equal Remuneration Convention. This initiative led to the creation of the Discrimination (Employment and Occupation) Convention of 1958, commonly referred to as C111. Through its potentially universal coverage of various types of discrimination, C111 stands out as one of the ILO's most significant anti-discrimination measures. Article 1 of C111 defines discrimination as "any differentiation, exclusion, or preference established based on race, colour, sex, religion, political opinion, national extraction, or social origin, with the effect of nullifying or weakening equality of opportunity or treatment in employment or profession" (ILO, 1958). This broad definition ensures that the Convention addresses a wide range of discriminatory practices, making it a comprehensive tool for promoting workplace equality. The most crucial provisions of C111 are found in Articles 2 and 3, which delineate each member state's responsibilities in eliminating workplace discrimination and promoting equal treatment. Article 2 requires member states to declare and pursue a national policy designed to promote equality of opportunity and treatment, as well as to eliminate any discrimination in respect of employment and occupation (ILO, 1958). Article 3 obliges member states to enact laws and regulations to implement this policy, ensure its application, and take steps to educate and inform employers and workers about these laws and policies (ILO, 1958). To achieve this purpose, each affiliated country must adopt a distinct national policy tailored to its specific context, ensuring the effective implementation of measures to combat discrimination. This obligation includes creating and enforcing legislation, establishing mechanisms for addressing complaints and disputes, and promoting awareness and education about discrimination and equal treatment in the workplace. By requiring these actions, C111 aims to create a work environment where all individuals have equal opportunities and are treated fairly, regardless of their background or personal characteristics.

3.4 Declaration on Fundamental Principles and Rights at Work of 1998

The Declaration on Fundamental Principles and Rights at Work of 1998 demonstrates that antidiscrimination regulations are fundamental to ensuring decent working conditions for all employees (ILO, 1998). By integrating "core labour standards" into international labour law, the Declaration marked a significant milestone in the global effort to promote fair and equitable labour practices (ILO, 1998). The Declaration emphasised that all workers, regardless of their background, deserve dignified working conditions, highlighting equality in the workplace as a critical issue in international labour law. Discrimination in employment and occupation not only undermines individual dignity and economic stability but also perpetuates broader social inequalities. The Declaration calls for concerted action to tackle discrimination, urging countries to implement robust antidiscrimination measures as a key part of their labour policies (Article 2). It sends a clear message that workplace equality is a fundamental requirement for realising decent work for all, stressing that without addressing discrimination, efforts to improve working conditions and ensure fair treatment will be inherently flawed (Article 3). The core labour standards articulated in the Declaration include freedom of association and the right to collective bargaining (Article 4), ensuring that workers and employers can freely form and join organisations of their choosing; the elimination of forced and child labour (Article 5), prohibiting all forms of forced or compulsory labour and ensuring the effective abolition of child labour; and the eradication of employment discrimination (Article 6), promoting equality of opportunity and treatment in employment and occupation, regardless of race, colour, sex, religion, political

opinion, national extraction, or social origin.

3.5 Resolution Concerning Inequalities in the World of Work of 2021

The 2021 Resolution Concerning Inequalities in the World of Work aims to address workplace inequalities, promoting social justice and reducing inequities. It emphasises the need for cooperation at national, regional, and local levels. Article 22 of the Resolution highlights the importance of international solidarity and collaboration for effectively addressing inequality. Article 23 requires adherence to the Employment Policy Convention of 1964 and the Employment Policy (Supplementary Provisions) Recommendation of 1984, which advocate for active employment promotion policies. These two policies aim to provide work for all who seek it, ensure the productivity of work, and uphold freedom of employment choice, ensuring that opportunities are based on qualifications and skills rather than discrimination. The Recommendation further emphasises that full, productive, and freely chosen employment should be the focus of economic and social policies to realise the right to work. This approach promotes non-discrimination, gender equality, diversity, and inclusion in the workplace (ILO, 2021).

As this paper addresses AI-induced discrimination in recruitment, it is essential to provide an overview of AI and the concept of algorithms.

4. ARTIFICIAL INTELLIGENCE

The *Oxford Dictionary* defines AI as both the theory behind and the practice of developing computer systems that are capable of performing tasks that would typically require human intelligence (Oxford University Press, dictionary). These tasks include visual perception, speech recognition, decision-making, and language translation (Poole, Mackworth, & Goebel, 2017). Artificial Intelligence encompasses a diverse range of computational methods and related procedures that enhance the capabilities of computers to perform tasks that require intelligence, such as pattern recognition, language processing, and computer vision. Artificial Intelligence involves making machines behave in ways that are similar to humans' behaviour in terms of their intellect (Borgesius, 2018). Artificial Intelligence is used in many aspects of life and provides several benefits because it brings efficiency. Although market forces drive AI innovation and adoption curves, AI bias and other flaws erode its credibility (Loza de Siles, 2021, p. 518).

4.1 The Role of Algorithms

An algorithm is defined as a set of rules that must be followed to solve a particular problem (Oxford University Press dictionary). It can also be defined as a set of instructions or directions for carrying out a specific task (Miasato & Silva, 2019).

Machine learning algorithms are used to find patterns in data. An algorithm enables the machine to learn from data and gradually enhance its decision-making abilities. This AI technology powers services such as YouTube, Spotify, Facebook, Netflix, and many others. The purpose of these sites is to collect vast quantities of data on customers to forecast what they may desire next (Marlowe, 2022).

Algorithms have introduced an unprecedented ability in the analysis and processing of data at speeds that have never been seen before. However, people worry that if AI is used in recruitment and the information fed into the AI system is biased, the outcome will also be biased and discriminatory. As a result, if not correctly implemented, algorithms risk contributing to the development of bias and the widening of inequality in the workplace (Miasato & Silva, 2019). The use of AI in recruitment is discussed below.

4.2 AI in Hiring Practices and Potential Bias and Discrimination

Although the ILO and its member states attempt to enforce laws that combat discrimination, the technical complexity, innumeracy, opacity, and a range of other issues related to AI and its applications render those laws almost unenforceable. Companies utilise software algorithms to support their recruitment process. These algorithms describe the ideal applicant for the organisation, complete with the abilities and traits necessary to fill the advertised opening. Because everything is done through the analysis of Curricula Vitae (CVs) stored in the database and existing resumes on online platforms, the purpose behind these procedures, in addition to the possibility of analysing a large volume of applicants, is also to complete this process much faster and at lower

costs. This process is possible because everything is done in one place. As a result, the cheap cost, agility, and high number of candidates who may be analysed are three of the many benefits that AI provides (Miasato & Silva, 2019).

The software also enables job seekers to record their responses to specific interview questions and then upload those responses to a database, which the company's recruiters use to examine the applicants' answers. The platform can also employ speech recognition software, face recognition software, and a rating algorithm to determine which candidates should be pursued. However, the use of algorithms and AI may result in discrimination and unequal access to job opportunities if this use is not accompanied by accountability and responsibility (Raub, 2018).

According to recent research findings, algorithms, like humans, are capable of discrimination. For instance, the quality of the data that AI algorithms assess and learn from determines the overall effectiveness of their performance. If the data is defective in any way, including being unrepresentative, biased, or otherwise incorrect, the algorithm will yield results that reflect these issues (Hirsch, 2020). This outcome is hazardous in the context of employment, as it has the potential to perpetuate the same systematic patterns of discrimination that people often exhibit. These biased judgments about employment can institutionalise procedures that have a differential effect on specific groups of people, hence perpetuating the already common discriminatory challenges that society is now facing (Kim, 2017).

Although AI algorithms perpetuate bias, employers continue to utilise AI in the hiring process. Notably, if this trend continues, businesses must recognise the risks associated with its use and take action to mitigate the known risks (Lloyd, 2019). The discussion below focuses on examples of AI bias.

4.3 Examples of AI bias

Amazon's recruiting tool is a prime illustration of the risks associated with AI-induced bias in recruitment. The algorithm used by Amazon was trained on resumes submitted to the company over a ten-year period, which came predominantly from male applicants. As a result, the AI system developed a preference for male candidates, disadvantaging female applicants by downgrading resumes that included words associated with women, such as "women's" (e.g., "women's chess club captain"). This inherent bias in the training data led to discriminatory outcomes, prompting Amazon to discontinue its AI recruiting tool in 2018 (Dastin, 2018).

Similarly, in 2020, LinkedIn faced criticism when a study revealed that its AI-powered job recommendation system was biased in favour of male candidates. The algorithm consistently recommended higher-paying jobs to male users while steering female users towards lower-paying positions. This bias in LinkedIn's system highlights the broader issue of algorithmic discrimination in AI technologies, where seemingly neutral systems can perpetuate existing societal biases if not properly designed and monitored (Cordivano, 2024).

Another instance of AI bias was seen in 2019 with HireVue, an AI-powered video interviewing platform, which was scrutinised for exhibiting racial bias. An investigation found that the algorithm favoured candidates with lighter skin tones, leading to discriminatory hiring practices against individuals with darker skin tones (Harwell, 2019). This incident highlights the importance of rigorously testing and validating AI technologies to prevent the reinforcement of existing biases and inequalities in hiring practices.

These examples highlight significant ethical and practical challenges in the deployment of AI in hiring processes, emphasising the need for robust oversight and the development of unbiased AI systems.

5. CURRENT REGULATION OF AI IN AFRICA

Several African countries have not yet implemented specific laws or regulations addressing AI in recruitment practices. Instead, AI usage in recruitment is typically governed by existing labour laws, data protection regulations, and general ethical guidelines. These frameworks ensure that recruitment processes are fair, transparent, and non-discriminatory, and that personal data is collected and processed lawfully and transparently. Ethical guidelines also emphasise the importance of fairness, transparency, and accountability in AI-driven hiring, encouraging organisations to audit their systems regularly to prevent biases. This approach enables adaptive governance but highlights the need for specific regulations to address the unique challenges posed by AI in recruitment.

5.1 The role of the International Organisation for Standardisation (ISO)

The National Standard Bodies of some 165 nations are members of the International Organisation for Standardisation (ISO), an international non-governmental organisation (NGO). Members of ISO in Africa include Algeria, Botswana, the Democratic Republic of the Congo, the Democratic Republic of Côte d'Ivoire, Egypt, Ethiopia, Ghana, Kenya, the Libyan Arab Jamahiriya, Mauritius, Nigeria, South Africa, Sudan, Tanzania, Tunisia, and Zimbabwe (International Organisation for Standardisation, 2024). The ISO was founded in 1947. It is an NGO that is not just authoritative but also optional (International Organisation for Standardization, 2024). The International Organization for Standardization (ISO) and the International Electro-Technical Commission (IEC) established a technical committee for information technology in 1987, naming it the ISO/IEC JTC 1/SC. This Committee exercises jurisdiction over Al (International Organisation for Standardisation, 2024). The ISO's committee projects focus on addressing the complex issue of bias in AI systems and AI-assisted decision-making. These projects aim to develop standards ensuring that AI technologies are fair, transparent, and accountable, mitigating biases that could lead to discriminatory practices.

5.2 The role of the Institute of Electrical and Electronics

The Institute of Electrical and Electronics Engineers (IEEE) is the most prominent organisation of its kind in the world, with over 396 000 members from 160 countries. The ISO's committee projects focus on addressing bias in AI systems and AI-assisted decision-making, ensuring that technologies are fair and accountable. Meanwhile, the IEEE is actively advancing its efforts to tackle prejudice and discrimination in AI through several working groups dedicated to AI technical standards and recommended practices. These projects, known as best practices, form part of the IEEE's worldwide ethical AI programme, aiming to establish globally recognised standards that promote ethical and unbiased AI use. (Institute of Electrical and Electronics Engineers, 2024).

5.3 The Role of the Engineers P7003 Algorithmic Bias Working Group

The IEEE is particularly active in advancing its efforts to tackle prejudice and discrimination in AI through several working groups dedicated to AI technical standards and recommended practices (Institute of Electrical and Electronics Engineers, 2024). One notable effort is the IEEE P7003 working group, which is currently developing an AI standard to provide certification procedures for debiasing. These procedures are intended for use by both AI system developers and other users to ensure their AI technologies do not perpetuate harmful biases (Institute of Electrical and Electronics Engineers, 2024). The proposed certification standard aims to guarantee that organisations take proactive steps to identify, address, and eliminate "negative bias" in AI systems and thoroughly document these efforts (Institute of Electrical and Electronics Engineers, 2024).

Although the term "negative bias" is not explicitly defined in the P7003 standard, it generally refers to the use of overly subjective or uninformed data sets or information that contradicts legislation related to protected characteristics such as race, gender, and sexuality (Institute of Electrical and Electronics Engineers, 2024). It also encompasses instances of bias against groups not explicitly protected by existing legislation. The goal of the P7003 standard is to create a framework that enables organisations to systematically reduce bias in AI applications, thereby promoting fairness and ethical practices in AI-driven decision-making processes (Institute of Electrical and Electronics Engineers, 2024).

This comprehensive international oversight by bodies such as the ISO and IEEE underscores the critical need for specific national regulations to address the unique challenges posed by AI in recruitment. Implementing such standards will ensure that AI technologies used in hiring processes are fair, transparent, and compliant with legal and ethical standards, ultimately contributing to more equitable employment practices.

6. PROGRESS MADE SO FAR IN AFRICAN SPACES

Lawmakers in Ghana debate the need for legislation to regulate the use of AI. The proposal for regulation has sparked discussions among young professionals in Ghana, who believe that the focus should be on leveraging AI's potential rather than constraining its development with regulations. However, some members of Ghana's Parliament, led by legislator Haruna Iddrisu, advocate for the establishment of an AI council to oversee the use of AI. They raise concerns about liability for AI errors and the need for increased scrutiny, particularly in educational settings (Suuk & Mwakideu, 2023).

Despite the growing digital environment in Ghana, with an average internet penetration of 72%, understanding and adopting AI technology remain relatively minimal. Although some argue that AI may introduce errors, IT experts counter that AI is based on tried-and-tested algorithms. They stress that proper regulation and education can mitigate potential risks while maximising the benefits of AI technology.

In Nigeria, the establishment of the National Centre for Artificial Intelligence and Robotics (NCAIR) signifies a significant step towards coordinating AI-related activities and fostering innovation in the country (National Centre for Artificial Intelligence and Robotics, 2024). However, concrete regulatory frameworks governing AI are still in the developmental stages, reflecting the need for further collaboration between government agencies, industry stakeholders, and academic institutions to formulate comprehensive policies that promote responsible AI deployment and protect citizens' rights and interests.

Several other initiatives are under way in Africa to advance AI capabilities and promote its responsible use across the continent. Organisations such as Andela and the African Institute for Mathematical Sciences (AIMS) offer AI training programmes, contributing to capacity building in the region (Andela, 2024; AIMS, 2024). Andela focuses on identifying and training African software developers, providing them with the necessary skills to work in the global tech industry. This initiative helps bridge the talent gap, ensuring that African developers are well-equipped to leverage AI technologies effectively (Andela, 2024). Similarly, AIMS provides specialised training in mathematical sciences, including AI and machine learning, to support the development of a robust scientific community in Africa. These programmes aim to equip African researchers and practitioners with the knowledge and skills needed to apply AI in addressing local and global challenges, fostering innovation and sustainable development across the continent (AIMS, 2024).

Moreover, research institutions such as the African Institute for Development Policy (AFIDEP, 2024) and events such as the Deep Learning Indaba play a crucial role in promoting AI research and knowledge exchange (AFIDEP, 2024; Deep Learning Indaba, 2024). On the policy front, governments in countries such as South Africa and Kenya are actively developing AI frameworks to guide the ethical and inclusive deployment of AI technologies (Government of South Africa, 2019; Office of the President, Republic of Kenya, 2020). Partnerships, such as the Partnership on AI (PAI) Africa, and initiatives, including the AI for Development Africa programme (AI4D Africa) and AI Expo Africa, facilitate collaboration among stakeholders to address AI-related challenges (Partnership on AI, 2024; AI4D Africa, 2024; AI Expo Africa, 2024).

Additionally, efforts to raise awareness about AI's opportunities and challenges are led by entities such as the AI Media Group and the Deep Learning Indaba (AI Media Group, 2024; Deep Learning Indaba, 2024). Finally, projects like the African Robotics Network (AFRON) and platforms like Zindi harness AI for social good, driving positive social impact across various sectors in Africa (AFRON, 2024; Zindi, 2024). Projects like the African Robotics Network (AFRON) and platforms like Zindi are instrumental in harnessing AI for social good in Africa. AFRON focuses on advancing robotics technologies to address specific challenges faced by communities on the continent. At the same time, Zindi provides a platform for data scientists to collaborate on solving real-world problems through AI and machine learning. By leveraging AI for social good, these initiatives contribute to addressing pressing issues across various sectors, driving positive social impact and fostering inclusive development.

Although these initiatives discussed above collectively contribute to AI recruitment in Africa by providing training, raising awareness, fostering research and collaboration, and demonstrating the potential impact of AI in addressing societal issues, the long-term success of AI recruitment efforts depends on sustained investment, supportive policies, and ongoing collaboration among various stakeholders across the continent.

7. BEST PRACTICES IN AI HIRING

Best practices encompass ethical considerations, transparency, accountability, and fairness throughout the AI lifecycle, from data collection and model development to deployment and monitoring. By following these principles, organisations can mitigate risks such as bias, privacy infringements, and unintended consequences while maximising the societal benefits of AI innovation.

Google is committed to promoting responsible AI practices through initiatives such as the Google AI Ethics Council, which offers guidance on ethical AI development (Google, 2024). Additionally, Google conducts AI

impact assessments to identify and address potential biases in their algorithms, demonstrating a proactive approach to mitigating unintended consequences of AI technologies (Google, 2024).

Similarly, Microsoft has launched the AI for Accessibility Programme, which aims to develop AI solutions that empower individuals with disabilities (Microsoft, 2024). Through collaborations with organisations and developers, Microsoft has introduced tools such as Seeing AI, which utilises AI to assist people with visual impairments, showcasing the transformative potential of AI in enhancing accessibility and inclusion (Microsoft, 2024).

Moreover, IBM's AI Fairness 360 Toolkit is another notable initiative aimed at promoting fairness in AI systems. This toolkit helps developers detect and mitigate biases in AI models by assessing fairness across different demographic groups, contributing to the development of more equitable AI technologies (IBM, 2024).

Accenture has developed AI-driven recruitment tools to enhance diversity and inclusion in its hiring process. The company utilises machine learning algorithms to identify bias in job descriptions, assess candidate qualifications objectively, and promote fair and equitable treatment of all applicants throughout the recruitment process (Accenture, 2024).

Salesforce has implemented AI-driven solutions to support its commitment to diversity and inclusion in recruitment. The company uses machine learning algorithms to analyse candidate resumes, identify relevant skills and experiences, and ensure that hiring decisions are based on merit rather than bias or discrimination (Salesforce, 2024).

8. ANALYSIS OF FINDINGS

8.1 RISING CONCERNS

8.1.1 Regulatory concerns

From the discussion above, it is evident that the ILO has made significant progress in its efforts to eliminate workplace discrimination. However, there are difficulties associated with implementing its legal instruments.

First, ILO regulations are not compulsory for its member states. This means that the ILO adopts declarations, conventions, and recommendations but cannot compel member states to incorporate these regulations into their national laws. Like other international organisations, the ILO approves rules that each member state must ratify to become domestic law; however, despite being ratified, these legal instruments may not be implemented in affiliated nations due to the various levels of economic development in those countries (Borzaga, 2006).

Secondly, although the vast majority of international labour laws, including anti-discrimination measures, have been adopted, many countries continue to use discriminatory practices in AI hiring. As a consequence, assisting these countries in improving their hiring practices is one of the challenges facing the ILO.

Thirdly, the existing ILO Conventions fall short of addressing the discrimination perpetuated by AI in recruitment practices. There is a conspicuous absence of enforceable international legislation specifically designed to protect individuals from the biases and discriminatory impacts of AI. The rapid adoption and deployment of AI technologies necessitate an urgent revision of current anti-discrimination frameworks to include robust guidelines and regulations that specifically target AI-induced biases. The ILO must take proactive measures to reconcile its long-standing anti-discrimination laws with the contemporary challenges posed by AI. This involves integrating specific provisions that require the development and implementation of unbiased AI systems in the workplace. Such provisions would not only safeguard against discrimination but also ensure that AI technologies are used responsibly and ethically. Without enforceable guidelines, AI's potential for reinforcing existing prejudices and creating new forms of discrimination remains unchecked. For instance, as highlighted by past incidents with Amazon's recruiting tool, LinkedIn's job recommendation system, and HireVue's video interviewing platform, AI systems have demonstrated a propensity to favour specific demographics over others, exacerbating inequalities in the hiring process.

Lastly, significant progress has been made in regulating and utilising AI in Africa, particularly in Ghana and Nigeria, with organisations such as NCAIR and Nigeria's National Information Technology Development Agency NITDA leading efforts to coordinate AI activities and develop regulatory frameworks. Initiatives such as the Ghana Tech Lab and Andela, along with events like the Deep Learning Indaba and the African Institute for Mathematical Sciences (AIMS), are crucial in promoting AI research, knowledge exchange, and capacity

building. Partnerships and projects, such as the African Robotics Network (AFRON) and Zindi, utilise AI to address societal challenges in areas such as healthcare, agriculture, and education, driving positive social impact and fostering inclusive development. However, the long-term success of AI recruitment efforts in Africa depends on sustained investment, supportive policies, and ongoing collaboration among various stakeholders to ensure robust regulations, ethical practices, and continuous development of AI education and infrastructure.

8.1.2 Concerns from International Reports

The “Future of Jobs Report 2020”, published by the World Economic Forum (WEF), offers significant insights into the impact of AI on various aspects of the global workforce, including recruitment practices (World Economic Forum, 2020). This comprehensive report analyses the transformative role of AI technologies in shaping the future of employment, highlighting both opportunities and challenges that lie ahead.

In the context of recruitment, the WEF report offers an analysis of how AI is reshaping traditional hiring processes. It explores how organisations are increasingly deploying AI-driven tools and algorithms to streamline candidate sourcing, screening, and selection processes. These AI-powered recruitment solutions hold the promise of enhancing efficiency, reducing bias, and identifying top talent more effectively (World Economic Forum, 2020).

However, the report also acknowledges the potential challenges and risks associated with the widespread adoption of AI in recruitment. It highlights concerns regarding algorithmic bias, privacy implications, and the necessity of transparency and accountability in AI-driven decision-making processes. Moreover, the report highlights the importance of addressing digital skills gaps and ensuring that workers are equipped with the necessary competencies to navigate an increasingly AI-driven job market (World Economic Forum, 2020).

Furthermore, the United Nations Special Rapporteur on the Rights of Persons with Disabilities has issued multiple reports addressing the intricate implications of AI advancements on disability rights within the recruitment domain and broader societal contexts (United Nations, various reports). These reports sound a clarion call for the establishment of robust legal frameworks to safeguard against discriminatory practices in AI-driven recruitment processes. They reflect the imperative of ensuring that AI technologies are not only technologically proficient but also ethically sound and inclusive, in alignment with the principles enshrined in international human rights law.

By shedding light on the potential challenges faced by individuals with disabilities in accessing and participating in the evolving workforce landscape, these reports demonstrate the urgent need for concerted efforts to promote accessibility and inclusivity in AI technologies. As the global community grapples with the transformative effects of AI on the labour market, it is imperative to prioritise the development and implementation of policies and practices that uphold the rights and dignity of all individuals, including those with disabilities, in the digital age.

9. Conclusion

While AI undoubtedly offers numerous benefits in various economic sectors, including recruitment, its potential for discriminatory outcomes cannot be overlooked. The inherent biases present in AI algorithms, often stemming from the data used to train them, can perpetuate inequality and discrimination against certain groups of individuals. This issue highlights the importance of exercising caution when deploying AI systems in employment contexts. To address these concerns, there is a pressing need for international regulation, with organisations such as the ILO playing a pivotal role in establishing guidelines and standards to ensure that AI-based employment practices are fair and non-discriminatory. A multifaceted approach involving collaboration among governments, international organisations, employers, and civil society is essential to harness the benefits of AI in the workplace while mitigating its adverse impacts on marginalised groups.

Against this background, the recommendations below are proposed:

10. RECOMMENDATIONS ON REGULATORY FRAMEWORKS

For the elimination of discrimination to be effective, specific processes must be implemented to counteract bias in the workplace. Moreover, these metrics must take into consideration all the various factors that may contribute to the unfair treatment of a specific population. Equality in the workplace can only be achieved if steps are taken to eliminate policies that directly discriminate against individuals who belong to subordinate groups, as well as measures to mitigate the disadvantages that are the primary causes of workplace discrimination. Only then will equality in the workplace be possible.

10.1 ILO's Responsibility

The ILO should take a stance on AI and its algorithmic concepts that contribute to discrimination. Because the law has not been adequately drawn to integrate AI within its arc, algorithmic injustices occur with complete impunity and beyond the rule of law. To safeguard individuals against AI prejudice and discrimination, new legislative measures are vitally needed. A Convention on AI is therefore proposed to achieve uniformity. To prevent discrimination, this convention will clarify the roles that member states and enterprises are to play in regulating AI workplaces.

10.2 States or Countries' Responsibility

States should ensure the fair treatment of everyone hired through AI means. States can promulgate legislation that regulates the use of AI in the workplace, ensuring compliance with rights to equality, fair labour practices, and non-discrimination. It is therefore suggested that states require employers to disclose their use of AI technology throughout the recruitment process. In addition, suppliers of recruiting software should be required to undergo audits to guarantee that their products are not discriminatory. Consequently, states should establish Commissions that oversee these suppliers and the hiring process for AI.

10.3 Companies or Employers' Responsibility

Employers who utilise various forms of technology must bear responsibility for how this technology is used within their businesses. Employers who wish to leverage the potential efficiency benefits of using AI in hiring should exercise caution when selecting a programme. They should also encourage the use of responsible algorithms and advocate for long-term changes to the technology industry's lack of racial and gender diversity (Gosh, 2017).

Employers, for example, must delegate authority to competent personnel to analyse and monitor the already operational AI system, including the rectification of any bias that may be found through their oversight methods. Employers should also undertake regular audits of their algorithmic decision-making and educate decision-makers on the factors considered by their algorithm systems.

Employing these strategies can help organisations promote inclusivity and fairness in AI integration efforts, respecting and upholding human rights principles and accommodating individuals with disabilities.

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