



Brabners

we make the difference

The Rise of the Robots in Recruitment

The Rise of the Robots in Recruitment

CHAT GPT

ALGORITHMS

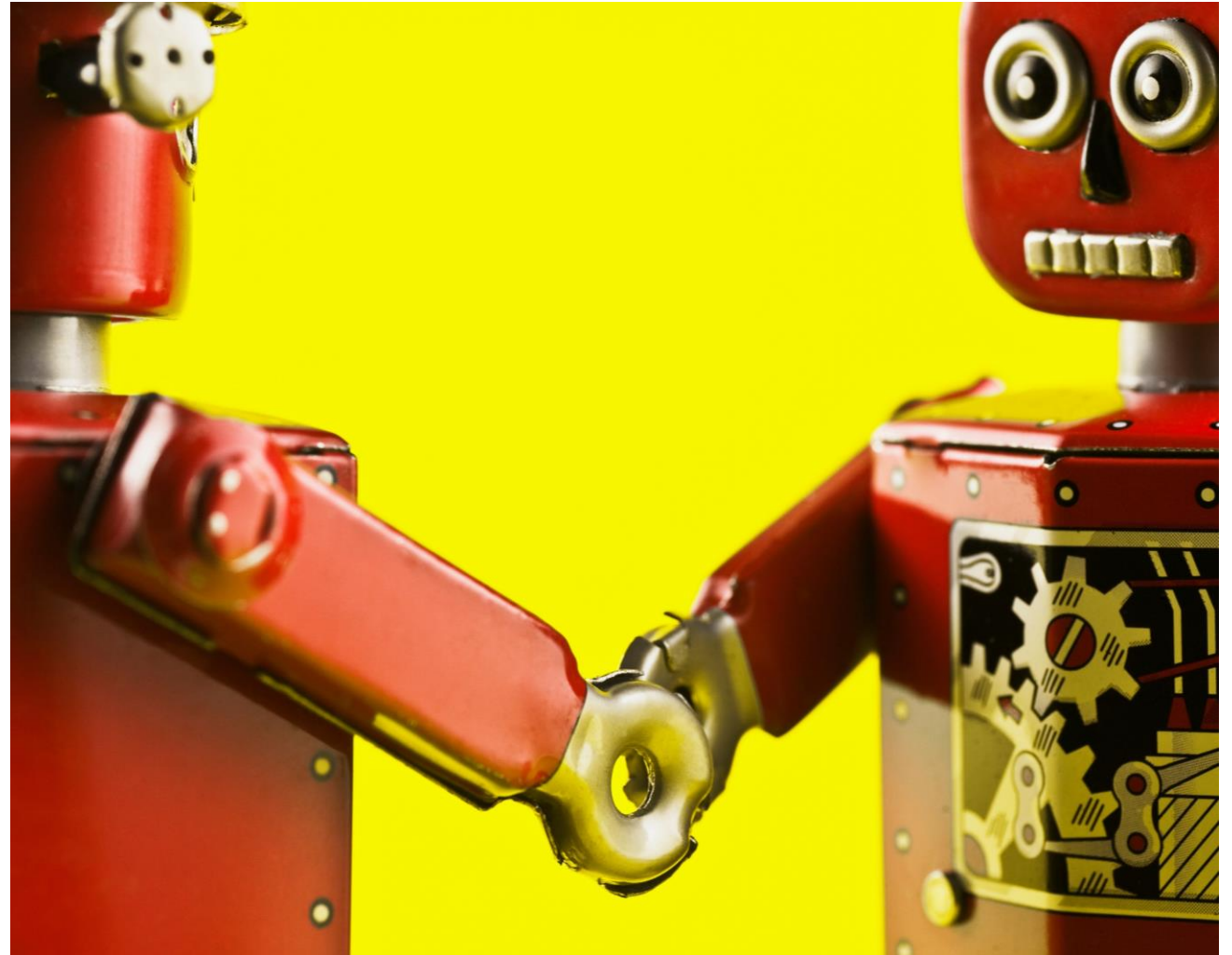
ARTIFICIAL INTELLIGENCE – AI

MACHINE LEARNING

AUTOMATED DECISION MAKING

BIOMETRIC CVs

SEMANTIC ASSESSMENT



The Rise of the Robots in Recruitment

Advantages

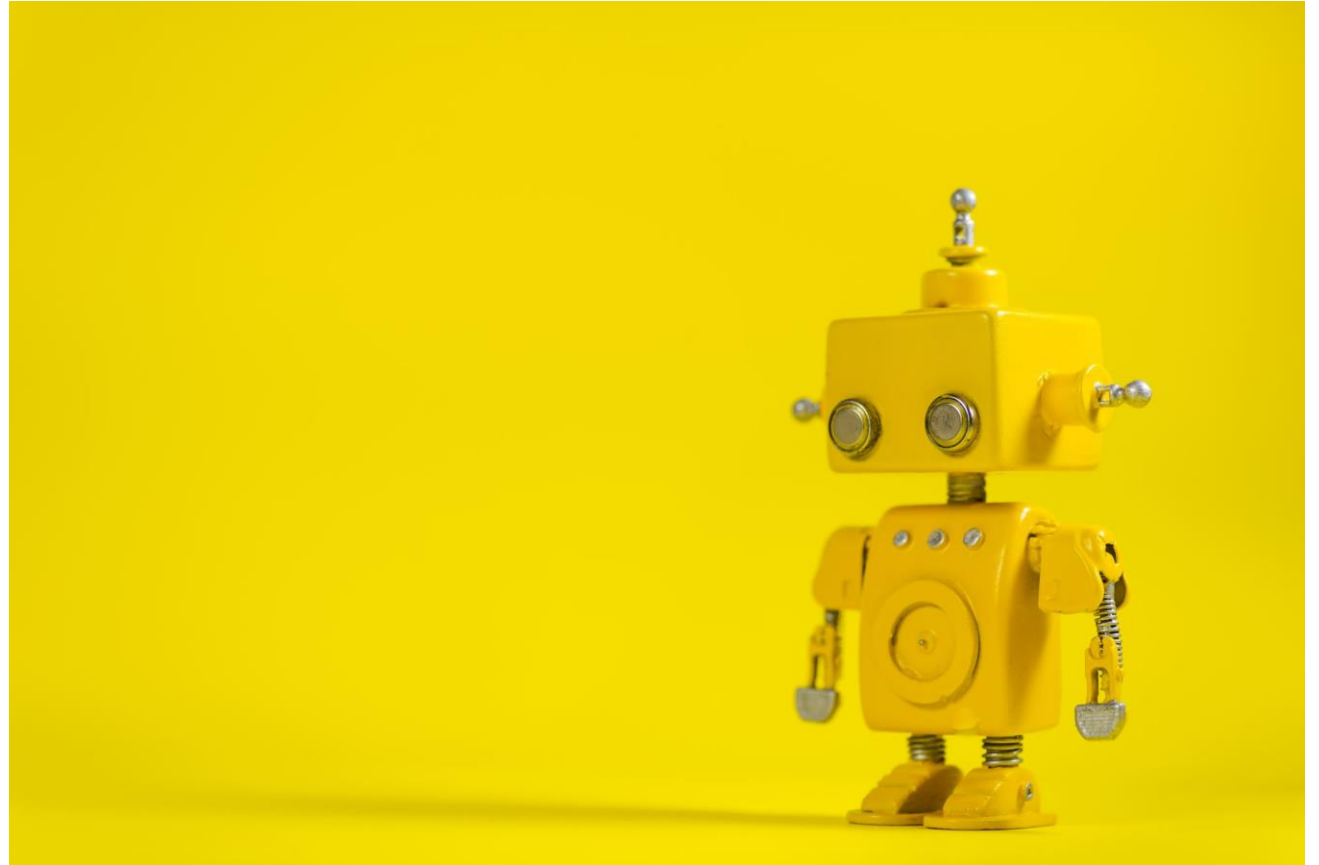
- Automating repetitive tasks
- Creating content
- Less biased recruiting decisions
- More effective recruiting decisions
- More effective assessment of soft skills
- Supports delivery of consistent results
- Analysing Data
- Answering candidate questions
- Arranging interviews with candidates

Disadvantages

- Treating the “*robots*” as the complete solution
- Removing human interaction and decision making
- Not questioning providers about how their tools work
- Failing to keep up with regulatory changes
- Not understanding commercial relationships and/or contracts with providers

The Rise of the Robots in Recruitment

FRANK...



The Rise of the Robots in Recruitment

Deliveroo and their algorithm
“Frank”

Distributed work slots based
on a score created by Frank

Frank looked at Reliability
Index and Peak Performance
Index

Those with the highest
scores got priority access to
the available shifts

Three unions brought
discrimination proceedings
against Deliveroo

Their case was that the
system of offering work was
discriminatory because
priority depended on their
ability to accept work which
could be affected by family
commitments

The Court found that the
algorithm didn't take into
account any reason for late
cancellation or non
participation in peak shifts

The Court found that this was
indirectly discriminatory

The Rise of the Robots in Recruitment



The burden of proof moves to Deliveroo – could they justify Frank's decision making?



Deliveroo argued their commercial relationship between it and its riders – who were treated as self employed contractors – entitled it to monitor and distribute shifts as it saw fit and all riders were treated the same



The Court rejected this argument because the system could not sensibly differentiate between riders and their reasons for not participating in shifts



Factual disputes as to how the algorithm worked. Deliveroo declined to prove the way that the algorithm worked – the Court upheld the Claimant's case due to Deliveroo not proving its alternative position

The Rise of Robots in Recruitment

- **ERROR** simply failing to distinguish between the reasons for cancellation and no participation in a shift
 - Was the reason connected to childcare or because they wanted a night out with their friends?
- Could have been justified if differentiated between the reasons for cancellation and inability to work
- An algorithm which allows a working mother access because they are extremely reliable during school hours but wasn't available on Friday evenings would have been fine
- The outcome would have been the same if the shifts had been allocated by a human decision maker on the same basis

The Rise of the Robots in Recruitment

- Do we need new laws and regulations to deal with the rise of the robots?
 - Definitely needs tweaking and clarifying
 - Being debated in the wider context by politicians so likely that we will see some changes
- Treat the technology as a tool and not a complete solution to avoid unintended consequences
- Treat lack of transparency from suppliers with suspicion BUT a fact of commercial life
- If you can't get transparency make sure you have an obligation to support and engage in any claim you face for using the product
- Always look to obtain proper contractual protection and in a perfect world a meaningful indemnity

Speaker

Simon Whitehead Partner

t: 0161 836 8811

m: 07976 513 907

e: simon.whitehead@brabners.com



Find us

Lancashire

16-18 Sceptre Court
Sceptre Way
Bamber Bridge PR5 6AW
t: 01772 823 921

Leeds

1 City Square
Leeds
LS1 2AL
t: 0113 518 5100

Liverpool

Horton House
Exchange Flags
Liverpool L2 3YL
t: 0151 600 3000

Manchester

100 Barbirolli Square
Manchester
M2 3BD
t: 0161 836 8800

Thank you

Disclaimer

Brabners retain all the rights in the intellectual property (including without limitation copyright, patents, design rights and trade marks) (IP) and confidentiality rights in these slides provided to you (the Materials). The Materials may only be used for the specific purpose for which they have been provided and must not otherwise be used, reproduced or disclosed for any other purpose without permission.

The Materials are provided for information purposes only and are not intended to amount to advice on which reliance should be placed and no warranties or representations are made about the contents of the Materials. To the fullest extent permitted by law, we disclaim and exclude any liability and responsibility for any damage or loss caused by reliance on or in connection with the Materials or their contents.