

Illinois Enacts Artificial Intelligence Employment Law

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It's been a busy year for the Illinois General Assembly, which is well on its way to creating the most regulated state in the country when it comes to employment law. (Watch out California – Illinois is coming for you!) We have already seen the [Illinois Workplace Transparency Act](#) passed, which will change the way arbitration and confidentiality agreements work, and seen the [Illinois Equal Pay Act](#) modified. Now, Illinois has enacted the [Artificial Intelligence Video Interview Act](#) (AIVIA), which goes into effect on January 1, 2020.

The AIVIA regulates how employers use artificial intelligence to analyze video recordings of job applicants' interviews during the hiring process. In short, the law requires employers who use such analysis to do the following before a video interview is conducted:

1. Notify each applicant that artificial intelligence may be used to analyze the video interview
2. Provide each applicant with information explaining how the artificial intelligence works and what characteristics it uses in its evaluation
3. Obtain consent from the applicant to be evaluated by artificial intelligence

Further, employers may not share applicants' video interviews, except with those who necessarily must view the videos to evaluate the applicants' fitness for hire. Finally, if an applicant requests that their video be destroyed, the employer must do so within 30 days of the request.

This is the sort of law that makes me question whether any legislation was necessary at all, as I have never seen a company use artificial intelligence to evaluate candidates and had not even heard of such a technique before this bill was introduced. It sounds more like science fiction than human resources. However, as technology advances, such techniques are [increasingly being adopted](#) by employers looking for more effective ways to hire new employees. Will these practices catch on and become commonplace? That is unclear at this time, but if they do, then Illinois is out in front of the trend in terms of regulating them.

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