



White House Says Employers Should Do These 8 Things When Using AI at Work

Insights

5.20.24

The White House just provided employers with a series of best practices that you should consider when using artificial intelligence for workplace purposes. The May 16 Fact Sheet, crafted in conjunction with the Department of Labor, doesn't carry the weight of law – but could be relied upon by courts and others in these early days of AI risk management and workplace litigation. What are the eight best practices announced by the White House? *We'll discuss this issue and more at AI IMPACT – an FP Conference for Business Leaders this June 26-28 in Washington, D.C. [Learn more and register here.](#)*

1. **Establish an AI Governance System** – Employers should develop clear systems and procedures – including a human oversight component – before deploying AI in the workplace. This is consistent with the guidelines issued by the National Institute for Standards and Technology (NIST) on artificial intelligence (NIST AI RMF). You should also evaluate the processes once in action to make sure they effectively govern the AI systems. Your [Fisher Phillips AI team](#) can assist with creating an AI Governance program specifically tailored for your organization. This program is based on the guidelines in NIST AI RMF.
2. **Be Transparent** – Employers should be transparent with workers and candidates about the AI systems being used in the workplace. This is an increasingly common theme, and one that may soon be required in states like [Colorado](#), [California](#), and [New York](#).
3. **Use Worker Data Responsibly** – AI cannot function without data – and the White House wants employers to be thoughtful when it comes to employee-related data. You should limit the worker data collected and used by AI systems, and only use it to support legitimate business aims. And, of course, protect it and handle it all responsibly. The same is all true for any data about workers created by AI systems.
4. **Protect Workers' Rights** – Your AI systems should never violate or undermine workers' inherent or statutory legal workplace rights. This obviously includes equal employment opportunity laws (prohibiting discrimination, harassment, and retaliation), and most employers are becoming familiar with the need to ensure AI systems aren't biased. But the White House's Fact Sheet also reminds employers about the importance of complying with workplace safety, wage and hour, and labor relations laws.
5. **Keep Ethics in Mind** – In that same vein, you should make sure your AI systems are designed, developed, and trained in a way that protects workers. Given the direction of new laws that are

being proposed across the country, it will be difficult for employers to simply deploy a third-party AI product and then point the finger at the vendor if any ethical issues arise. You should conduct a thorough due diligence process at the outset, before putting new AI systems online. Your [Fisher Phillips AI team](#) can assist with creating an AI Ethics policy and training program specifically tailored for your organization.

6. **Empower Workers** – The White House advises employers to offer workers the chance to have “genuine” input into the design, development, testing, training, use, and oversight of AI systems in the workplace. The Fact Sheet makes special note that this process should especially include those from underserved communities.
7. **Use AI to Help Workers** – Employers should ensure that AI systems used in the workplace assist, complement, and enable workers. There should be a focus on improving job quality for your employees, not just using AI to streamline tasks or create organizational efficiencies.
8. **Support Workers Impacted by AI** – Finally, employers should [work towards upskilling workers](#) and gearing them up for the AI revolution – and supporting those whose jobs face a transition brought about by AI.

Do You Want to Learn More?

If you are interested in learning more, sign up for AI IMPACT – an FP Conference for Business Leaders this June 26-28 in Washington, D.C. [Learn more and register here.](#)

Conclusion

We will continue to monitor these developments and provide the most up-to-date information directly to your inbox, so make sure you are subscribed to [Fisher Phillips' Insight System](#). If you have questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [AI, Data, and Analytics Practice Group](#) or [Government Relations Team](#).

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