

New Guidance Explains How Civil Rights Laws Apply to Advanced Technologies; Civil Rights Innovation Lab Will Leverage Technology to Protect Civil Rights

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On January 9, 2025, Attorney General Matthew J. Platkin and the Division on civil rights (DCR) [announced](#) that DCR has launched a new Civil Rights and Technology Initiative to provide guidance to address the risks of discrimination and bias-based harassment stemming from the use of artificial intelligence (AI) and other advanced technologies and it may implicate the New Jersey Law Against Discrimination (LAD).

The New Jersey LAD prohibits algorithmic discrimination in employment, housing, places of public accommodation, credit, and contracting on the basis of actual or perceived race, religion, color, national origin, sexual orientation, pregnancy, breastfeeding, sex, gender identity, gender expression, disability, and other protected characteristics. An entity subject to the LAD's requirements that engages in algorithmic discrimination may be liable for violating the LAD, even if the covered entity uses a tool it did not develop. The term "automated decision-making tool" includes any technological tool, including but not limited to, a software tool, system, or process that is used to automate all or part of the human decision-making process.

According to the Attorney General's guidance, depending on how automated decision-making tools are developed and deployed, they can either contribute to or reduce the likelihood of discriminatory outcomes. Covered entities are advised to account for or remedy bias in automated decision-making tools including incorporating fairness considerations in their use them.

Employers are encouraged to be diligent in their use of automated decision-making tools as the LAD applies to discrimination stemming from the use of them in the same way it has long applied to other forms of discriminatory conduct. If you have any questions regarding your use of automated decision-making tools and how they implicate the LAD, you should consult with counsel.

If you have any questions regarding the above pay transparency law, please contact DanaLynn T. Colao or Cara Joy Skelley of Saiber LLC's employment law practice group.