

“Refining Regulation, Policy and Governance for More Effective Mitigation of Intersectional Discrimination in AI-Assisted Hiring”,

Reflections from FINDHR panel debate, 16 October 2025 by Masseni Keita

The further development of the Artificial Intelligence (AI) Act will define the options, standards, and oversight for the introduction and use of AI systems within the EU. The Act provides a necessary starting point for the regulation of AI, but it is not a final destination to ensure the EU’s vision of a human-centric AI, which ensures AI works for people and protects fundamental rights. The current regulation leaves pressing gaps to mitigate discrimination resulting from AI assisted decision-making. Measures in policy, regulation and governance, are desired, focusing on the intersection of the anti-discrimination directives, the GDPR (General Data Protection Regulation) and the AI act.

This panel reflected on the policy gaps and current best practices. It focuses on the difficulties and opportunities for different oversight bodies, in particular equality and human rights bodies.



Panel Discussion: “Refining Regulation, Policy and Governance for More Effective Mitigation of Intersectional Discrimination in AI-Assisted Hiring”

From right to left: Nina Baranowska, Nele Roekens, Milla Vidina, and moderator Anisha Nadkarni

Speakers:

- **Nina Baranowska**, LL.M., Legal Researcher at iHub – Interdisciplinary Research Hub on Digitalization and Society, Radboud University, and FINDHR Researcher.
- **Milla Vidina**, Senior Policy Officer at Equinet, Representative of Equinet in the Committee of Experts on AI, Equality and Discrimination (GEC/ADI-AI).
- **Nele Roekens**, Artificial Intelligence Project Lead at Unia (Belgian Equality Body and NHRI), Chair of ENNHRI’s Working Group on AI, and Independent Expert at the Committee of Experts on AI, Equality and Discrimination (GEC/ADI-AI) of the Council of Europe.
- **David Reichel**, Head of the Data & Digital Sector, European Union Agency for Fundamental Rights (FRA). He was responsible, among other works, for the report Bias in Algorithms.

The session was moderated by **Anisha Nadkarni**, AI & Data Ethics Lead, Randstad.

Two experts at the Committee of Experts on AI, Equality and Discrimination (GEC/ADI-AI) of the Council of Europe took part. Milla Vidina, Senior Policy Officer at Equinet, the European network of equality bodies, and Nele Roekens, Artificial Intelligence Project Lead at Unia (the Belgian Equality Body, Chair of Working Group on AI for the European network of National Human Rights Institutions. David Reichel, Head of the Data & Digital Sector, European Union Agency for Fundamental Rights (FRA) joined online. On behalf of FINDHR, legal scholar Nina Baranowska reflected on the lessons learned for policy development.

Regulatory dilemma to reducing discrimination in AI-assisted decision-making

The **FINDHR** project researched and developed discrimination detection and mitigation tools throughout the AI lifecycle in AI assisted hiring, from development to post-deployment, recognizing that even well-tested systems may produce discriminatory outcomes once used in real-life contexts.

Within this project, **Nina Baranowska** was the lead researcher of the equality monitoring protocol. This protocol offers a technical solution that is legally acceptable with the GDPR to monitor an AI tool in post-deployment, thus using the actual sensitive data jobseekers provide. The solution, called multiparty computation protocol (MPC), is a computation scheme adopted by two or more parties (e.g. two organisations) to compute a function of their data without revealing that data to other parties.



While continuous monitoring is crucial, processing candidates' personal data to monitor algorithmic systems post-deployment, raises complex legal issues under data protection law. Certain personal data relevant for discrimination monitoring are considered "special categories" and therefore subject to stricter safeguards under GDPR (for example ethnicity). Although explicit consent can sometimes be obtained, significant power imbalances in hiring contexts between the recruiter and jobseeker generally undermines the option to provide free consent.

From the EU-legal perspective, the **AI Act** provides only limited exceptions for processing sensitive data to mitigate bias, but these apply primarily to testing and validation, not to monitoring of tools in operation. FINDHR researchers have therefore experimented with privacy-preserving techniques, such as the multi-party computation. The proposal of MPC aims to ensure more valid consent and better protection of candidates' rights, but it also requires enhanced policy support for technical and legal solutions.

She also explained that FINDHR focuses on intersectional discrimination in hiring and recruitment, which moves beyond discrimination on a single protected ground. Intersectional discrimination occurs when two or more protected characteristics (such as gender, ethnicity, age, or disability) produce unique forms of disadvantage. The legal context is not yet fully developed to adequately deal with intersectional discrimination.

The relevance of stakeholder engagement in policy development and implementation

Milla Vidina, Senior Policy Officer at Equinet, explained **the role of equality bodies**, in monitoring and redressing discrimination that results from an AI system being used by humans. Equality bodies are independent institutions that promote equal treatment by

assisting victims of discrimination, conducting independent research, publishing reports, and making recommendations on equality policy, and are also engaged in monitoring and addressing discrimination in AI-assisted hiring.

Vidina represents **Equinet**, the European Network of Equality Bodies, which brings together national equality bodies across Europe, facilitating information exchange, capacity-building, and cooperating actively with both the European Union and the Council of Europe. Almost 50 bodies are part of the network. Equinet also supports equality bodies across Europe in strengthening their capacity to collect equality data. She explained that employment was the number one for discrimination complaints across Europe in 2020, with recruitment as leading area for complaints in employment.



Vidina highlighted the network's efforts to leverage existing equality law to address AI-related discrimination, build bridges between legal, policy, and technological perspectives and contribute to new EU-level legislation that promotes intersectional approaches. In different European countries specific expertise has been built up that they are sharing across borders. She finally stressed the importance that equality bodies, trade unions and civil society engage in policy implementation and in supporting digital literacy.

Equinet is one of the limited number of stakeholders with a human rights perspective taking part in the European technical committee, CEN-CENELEC JTC 21, which is a body focused on AI standardization. Participation requires a lot of time investment and expertise, thus it is not easily accessible for civil society. However, there are many other ways, like EU

consultations, to take part in raising the importance of non-discrimination and human rights when it comes to AI in the European market.

Creating awareness around power and information asymmetry

Nele Roekens explained the role of **national human rights institutions**, which often share overlapping mandates with equalities bodies and often collaborate closely with them. They are also addressing the gap between rising awareness of algorithmic harms and the limited number of related formal complaints. This underrepresentation is partly due to information asymmetry and lack of awareness among affected individuals, who may perceive the effort required to challenge discrimination as disproportionate to the potential outcome.

Nele Roekens underlined current efforts and the importance to address these gaps through training on legal frameworks (particularly the **EU AI Act**, which combines product-safety principles with fundamental-rights protection) and other capacity-building initiatives, including a **Council of Europe project** entitled: "Upholding equality and non-discrimination by Equality bodies regarding the use of artificial intelligence (AI) in public administrations".

Finally, the **European Union Agency for Fundamental Rights (FRA)**, which provides data, analysis, and expert opinions to EU institutions on key issues, including AI and digital rights, has been working on AI and discrimination, particularly on its intersectional impacts in hiring, for several years.

David Reichel, Head of the Data & Digital Sector, European Union Agency for Fundamental Rights (FRA), who was responsible, among other works, for the report *Bias in Algorithms*, emphasized the need for robust data to demonstrate discriminatory patterns in recruitment, for effective enforcement and policymaking. The FRA is currently working on a new report examining AI-related risks to fundamental rights and providing practical guidance on the responsible use of AI in hiring.



Recommendations and lessons to mitigate discriminations in algorithmic assistance decision-making

The panel identified several key areas in which policy makers, regulators, and institutions should focus their efforts to effectively mitigate discrimination in AI-assisted hiring. The recommendations can be resumed in five broad categories: awareness and education, monitoring, transparency, protection, and guidance and standardisation.

- **Awareness and education**

Speakers emphasised the need to raise awareness on AI utilisations risks, in particular on the occurrence of discrimination in algorithmic assistance decision-making. AI users in the hiring and recruitment process should be trained to address potential inequalities. In addition, equality principals should be always integrated throughout the AI lifecycle.

- **Monitoring**

AI systems should be continuously and systematically monitored throughout their life cycle to detect and mitigate potential discrimination among other harms. This requires more attention to auditing AI systems post-deployment, when being used in the market.

- **Transparency**

Transparency in the hiring and recruitment process is an essential requirement for fairness and accountability in AI-assisted decision-making. Researchers and equality

bodies should have access to data processed by an AI for independent assessment. Moreover, the regulatory framework should further clarify the conditions under which companies may process sensitive data under the AI Act.

- **Protection**

Candidates' rights to clear information about the use of AI systems in job applications and to redress through accessible collective redress mechanisms should be guaranteed. In parallel, collective and systemic strategies are necessary to prevent discrimination at a structural level.

- **Guidance and standardization**

The development of comprehensive guidance and common standards was highlighted. Investment in the standardization of equality monitoring and bias detection policies is necessary. Finally, policies should be regularly updated in line with emerging technological practices.

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About FINDHR. It combines legal, ethical, and technical resources for all groups involved in AI assisted hiring processes, in particular employers, policymakers, and software developers. It contributes to making fairness to some extent measurable and actionable, turning academic research into tools that can help to reduce discrimination in hiring when using algorithms: see: www.findhr.eu.