

TED KENNEDY, JR.



March 15, 2025

Securities and Exchange Commission
Investor Advisory Committee (IAC)
100 F Street, NE
Washington, DC 20549

Subject: Addressing AI-Driven Disability Discrimination in Employment Practices

Dear Investor Advisory Committee,

I am writing to bring attention to the issue of artificial intelligence (AI) in hiring and its implications for individuals with disabilities. As AI-driven hiring tools become increasingly prevalent in the private and public sectors, it is imperative that the Investor Advisory Committee (IAC) recognize the risks these technologies pose to fair and equitable employment opportunities when considering disclosure of the impact of AI on company operations.

Recent reports, including those from the American Association of People with Disabilities and the Center for Democracy & Technology, highlight the growing concern that AI algorithms used in recruitment and selection can inadvertently exclude qualified individuals with disabilities. AI models, often trained on historical hiring data, may reinforce biases that have historically marginalized disabled workers. Screening algorithms, automated assessments, and AI-driven interview tools frequently fail to accommodate candidates with disabilities, leading to the unjust exclusion of talent that ultimately affects company value. Research from Accenture & Disability:IN demonstrates a correlation between productivity, shareholder returns, and profit margin and disability inclusion in the workforce. Therefore, bias introduced by AI in hiring may ultimately affect shareholder value.

Moreover, the Department of Justice and the Equal Employment Opportunity Commission have issued guidance emphasizing that AI hiring tools must comply with the Americans with Disabilities Act (ADA). Despite these regulatory requirements, many AI systems continue to screen out disabled applicants through flawed predictive models, inaccessible digital platforms, and failure to provide reasonable accommodations.

As the SEC oversees corporate governance and investor protections, I urge the IAC to consider disability-inclusive AI policies within its disclosure frameworks. Publicly traded companies should be encouraged to:

- Conduct audits of AI hiring tools to ensure they do not discriminate against disabled individuals;
- Benchmark disability inclusion using a third party benchmark, such as [The Disability Index](#)

- Consider transparency measures requiring companies to disclose AI hiring practices and their impact on qualified applicant pools; and
- Promote compliance with ADA regulations by integrating accessibility and accommodations into AI-driven hiring platforms.

By taking these steps, the IAC can play a crucial role in fostering a fair and inclusive job market for qualified candidates while ensuring that technological advancements align with civil rights protections. I appreciate your time and consideration of this urgent matter and look forward to the Commission's response on addressing AI-driven disability discrimination in employment.

Sincerely,

Ted Kennedy, Jr.

References

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