

ARTIFICIAL INTELLIGENCE AND GENDER EQUALITY

EU GENDER EQUALITY LAW

TIRANA, 4-5 June 2026

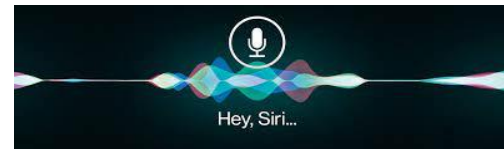
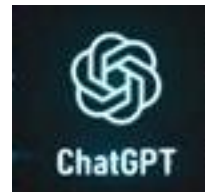
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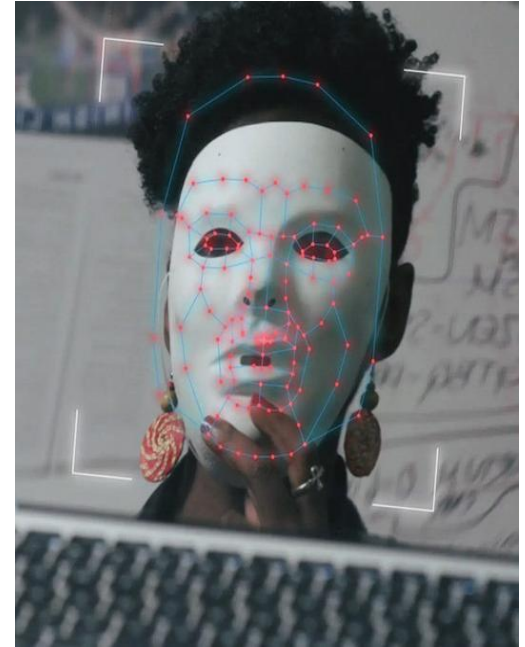
1. BIASES AND STEREOTYPES

- Gender, racial and class biases and stereotypes in AI
- Diversity crisis in AI industry
- Corporate innovations



2. ALGORITHMIC DISCRIMINATION

- **Algorithmic biases:**
 - Variables
 - Deliveroo's algorithm:
Tribunale Ordinario di Bologna
of 27.11.2020
 - Data set
 - Amazon's recruitment tool
 - Facial recognition systems



2. ALGORITHMIC DISCRIMINATION

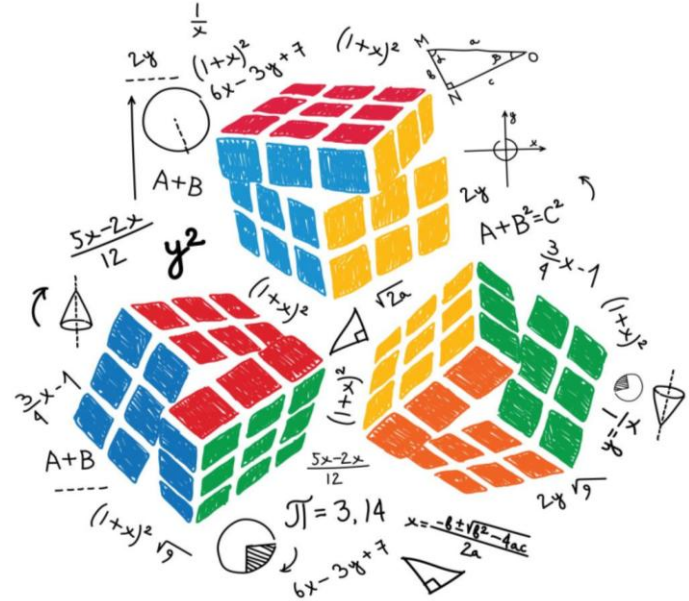
- Algorithmic biases:
 - Proxy variables or correlations identified by the algorithm
 - Gild's algorithm
- Algorithms don't live up to the promise of mathematically objective bias-free decisions



3. NEW COMPLEXITIES

Is this novel?

- Systematization and magnification of existing discriminations
- Scalability of its impact
- “New” opportunities for discrimination
- Silent discrimination
- Accountability
- Algorithmic opacity



4. LEGAL TREATMENT

- No new legal categories
- Current antidiscrimination law
 - Direct discrimination
 - Indirect discrimination
 - Importance statistical evidence
 - Shift of the burden of proof



4. LEGAL TREATMENT

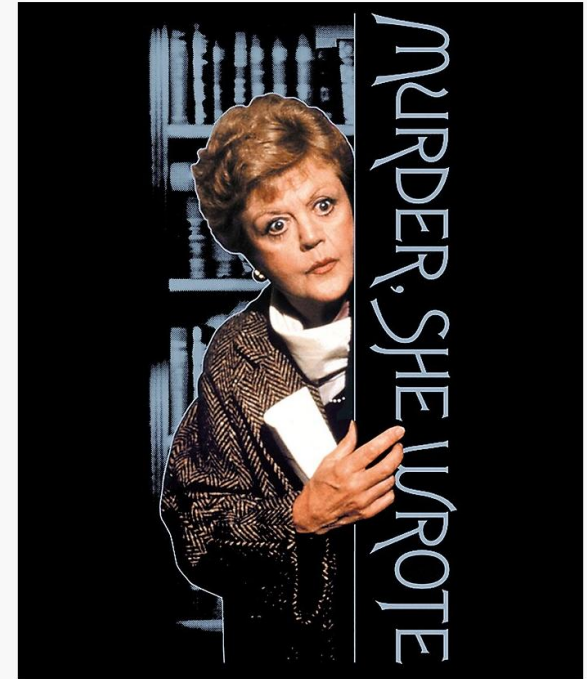
New legal challenges:

- How to detect and assess algorithmic discrimination in the case of...?
 - Black box algorithms



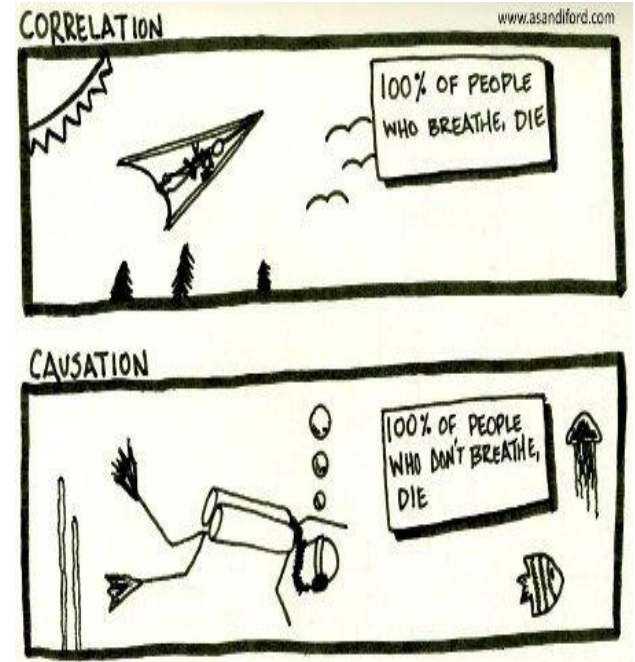
4. LEGAL TREATMENT

- What statistical evidence can act as *prima facie* evidence of indirect discrimination?
 - Impact decision
 - Predictive models: false positives and negatives
 - Biased data set



4. LEGAL TREATMENT

- What is an objective justification of a legitimate, appropriate and necessary aim in proxy discrimination?
- Correlation as justification?
- Correlation vs. causation



5. ALGORITHMIC OPACITY

- Lack of transparency
 - Corporate interest not to disclose information
 - Complex machine learning techniques
- No or limited access to statistical evidence



**Reduced opportunities to detect
and address discrimination in the
context of AI**



6. FRAGMENTED REGULATORY FRAMEWORK

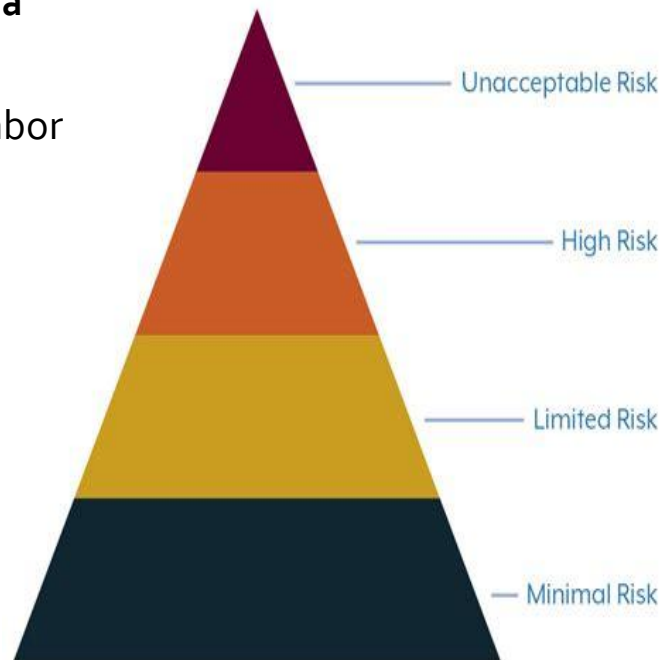
- **GDPR: a solid framework, surpassed by reality**
 - Prohibition fully automated decisions with legal or similar effects (article 22 GDPR)
 - Broad interpretation of exceptions
 - Limited right to information (articles 13, 14 and 15 GDPR)
 - Fully automated decisions
 - No collective rights



6. FRAGMENTED REGULATORY FRAMEWORK

AI Act: a new regulation, with a limited scope

- AI to adopt decisions in the labor relation = high-risk
- Obligations to providers and deployers:
 - Information to workers and representatives
 - No obligation to audit
 - Limited impact assessments



7. INCREASE TRANSPARENCY AND ACCOUNTABILITY

New for an EU regulation on algorithmic management

- Report European Parliament, December 2025
- Directive on platform work as a good starting point
 - Digital labor platforms are pioneers in algorithmic management
 - Advanced and holistic regulation



7. INCREASE TRANSPARENCY AND ACCOUNTABILITY

- Borad focus on technology: automated systems (AI and not AI-based)
- Information rights
 - Ex ante and ex post
 - Technical information regarding the functioning of the system
- More participation of workers' representatives
- Algorithmic audits of high-risk AI systems and results of such audit.



**THANKYOU
VERY MUCH!**



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