

California finalises civil-rights rules on AI and automated hiring decisions

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Civil Rights Council Secures Approval for Regulations to Protect Against Employment Discrimination Related to Artificial Intelligence

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New rules are set to go into effect on October 1, 2025

SACRAMENTO – The California Civil Rights Council today announced securing final approval for regulations to protect against potential employment discrimination as a result of the use of artificial intelligence, algorithms, and other automated-decision systems. The newly approved regulations provide increased clarity on how existing antidiscrimination laws apply to the use of artificial intelligence in employment decisions.

"As a member of the California Civil Rights Council who had the opportunity to work on this important effort, I want to extend our sincere thanks to the numerous stakeholders — from the business community, nonprofit sector, and many other associations — whose valuable participation and input in over 40 public comment letters and over the past few years have helped shape these regulations," said Civil Rights Councilmember Hellen Hong. "We are proud to update these rules to better protect Californians from potential employment discrimination posed by the widespread use of automated decision-making systems."

"These rules help address forms of discrimination through the use of AI, and preserve protections that have long been codified in our laws as new technologies pose novel challenges," said Civil Rights Councilmember Jonathan Glater.

"California is a world leader when it comes to new technologies and innovation," said Civil Rights Department Director Kevin Kish. "These new regulations on artificial intelligence in the workplace aim to help our state's antidiscrimination protections keep pace. I applaud the Civil Rights Council for their commitment to protecting the rights of all Californians."

Why Are Regulations Needed Now?

Automated-decision systems — which may rely on algorithms or artificial intelligence — are increasingly used in employment settings to facilitate a wide range of decisions related to job applicants or employees, including with respect to recruitment, hiring, and promotion. While these tools can bring myriad benefits, they can also exacerbate existing biases and contribute to discriminatory outcomes. Whether it is a hiring tool that rejects women applicants by mimicking the existing features of a company's male-dominated workforce or a job advertisement delivery system that reinforces gender and racial stereotypes by directing cashier ads to women and taxi jobs to Black workers, there are numerous challenges that may arise with the use of artificial intelligence in the workplace.

What's the Process for Issuing Regulations?

Under California law, the California Civil Rights Department (CRD) is charged with enforcing many of the state's robust civil rights laws, including in the areas of employment, housing, businesses and public accommodations, and state-funded programs and activities. As part of those efforts, the Civil Rights Council — which is supported

by CRD staff — develops and issues regulations to implement state civil rights laws, including when it comes to new and emerging technologies. With respect to automated-decision systems, the Civil Rights Council's final regulations are the result of a series of public hearings and careful consideration of input from experts and the public, as well as federal reports and guidance. After review by the Office of Administrative Law, the regulations were approved on June 27, 2025 and are set to go into effect on October 1, 2025.

What Do These Regulations Do?

The regulations clarify the application of existing antidiscrimination laws in the workplace in the context of new and emerging technologies, like artificial intelligence. Among other changes, the Civil Rights Council's regulations aim to:

Make it clear that the use of an automated-decision system may violate California law if it harms applicants or employees based on protected characteristics, such as gender, race, or disability.

Ensure employers and covered entities maintain employment records, including automated-decision data, for a minimum of four years.

Affirm that automated-decision system assessments, including tests, questions, or puzzle games that elicit information about a disability, may constitute an unlawful medical inquiry.

Add definitions for key terms used in the regulations, such as "automated-decision system," "agent," and "proxy."

If you or someone you know has experienced employment discrimination, CRD may be able to assist you through its complaint process. The department also provides general information and factsheets online about civil rights protections for members of the public.

The full text of the regulations and additional information on the Civil Rights Council is available [here](#).

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California's civil rights laws. CRD's mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

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