TACKLING THE PRACTICAL CHALLENGES OF AI BIAS

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> "We should always be suspicious when machine-learning systems are described as free from bias if it's been trained on human-generated data. Our biases are built into that training data.
>
> Kate Crawford

Artificial Intelligence (AI) systems exert an ever-increasing influence over decision-making in myriads of sectors, which include hiring, finance, health, and the criminal justice system. However, the use of such systems in the quest to provide efficiency and objectivity also poses risk of biases creeping in. This may often make systems prejudiced against some groups, posing significant legal, ethical, and social challenge to their adoption. Addressing these biases is essential, as doing so lays the foundation for fairness and accountability in AI development and use.

Cases of AI Bias

One of the most famous contemporary cases highlighting bias in AI is the case against Workday, a company whose AI-powered hiring software was sued in class-action litigation for alleged discrimination against older workers, racial minorities, and persons with disabilities. In 2023, Derek Mobley, a Black job applicant aged over 40 with a disability, sued the company when the AI screening tool would automatically deselect him based on his age, race, and disabilities. By mid-2025, a U.S. federal judge had allowed the case to proceed further. Over time, a singular claim has snowballed into a class-action suit with multiple claims against Workday's algorithmic platform. The above case demonstrates the risk of AI bias in not only undermining equal employment opportunity but also bringing the necessity of legal inspections and demands for transparency in AI systems for making important decisions.

AI bias has also been demonstrated in the healthcare sector, in a 2025 study led by Cedars-Sinai around the use of AI in clinical decision-making. For psychiatry treatments, major AI language models demonstrated racial disparities in treatment regimens offered to African-American patients. Despite there being no difference in the diagnostic accuracy, treatment plans were less effective or riskier for Black patients, demonstrating the presence of subtle bias within medical AI. Consequently, significant implications exist for patient safety and equity. These findings have led to demands for regular bias audits and oversight for AI in clinical care.

There are issues of AI bias in criminal justice, too. COMPAS, a proprietary algorithm has been used to estimate the recidivism risk of defendants in many U.S. courts. However, credible reports following a ProPublica investigation in 2016 held the algorithm to be racially biased. It was discovered that Black defendants were almost twice as likely to

be misclassified as high risk compared to White defendants, thereby aggravating the already existing disparities in sentencing and parole.

AI bias can also appear in subtle ways. For instance, facial recognition systems may stereotype cultural features, or professional evaluation tools might penalize certain hairstyles associated with minority groups. Such examples suggest that AI bias does not only stem from flawed datasets but also from the way AI models are designed and governed.

Legal or Regulatory Discrimination against AI Bias

Concerning such a backdrop, governments internationally are increasingly paying attention to AI bias under comprehensive legal regimes of their own. For one, the forthcoming AI Basic Act in South Korea mandates fairness and non-discrimination for AI and contains penal sanctions for non-compliance. Further, article 10 of the EU AI Act addresses bias by mandating that high-risk AI systems use training, validation, and testing datasets that are relevant, representative, and subject to governance practices designed to actively detect, prevent, and mitigate potential biases. Laws such as the Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), and the Civil Rights Act, all designed to counter discrimination in the U.S., maybe applied to biased AI practices constituting abridgements of constitutional, civil liberties. These legal frameworks point to a gradual acknowledgement of deeply entrenched systemic issue of AI bias – which requires delineating enforceable normative standards that ensure full transparency, accountability, and fairness.

Conclusion

AI bias presents difficult challenges because addressing it requires both technical and legal expertise. One key priority for AI regulation is to strengthen collaboration among developers, policymakers, and legal experts. As AI takes on greater roles in society, legal frameworks and technical safeguards must evolve together to ensure that innovation advances without compromising justice and equality.