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Multiple Generations, One AI Workplace:
Managing People Through the Next Wave of Change

EP 74

Wednesday, November 18th, 2026
10:30 a.m. E.D.T.



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Meet Your Presenters

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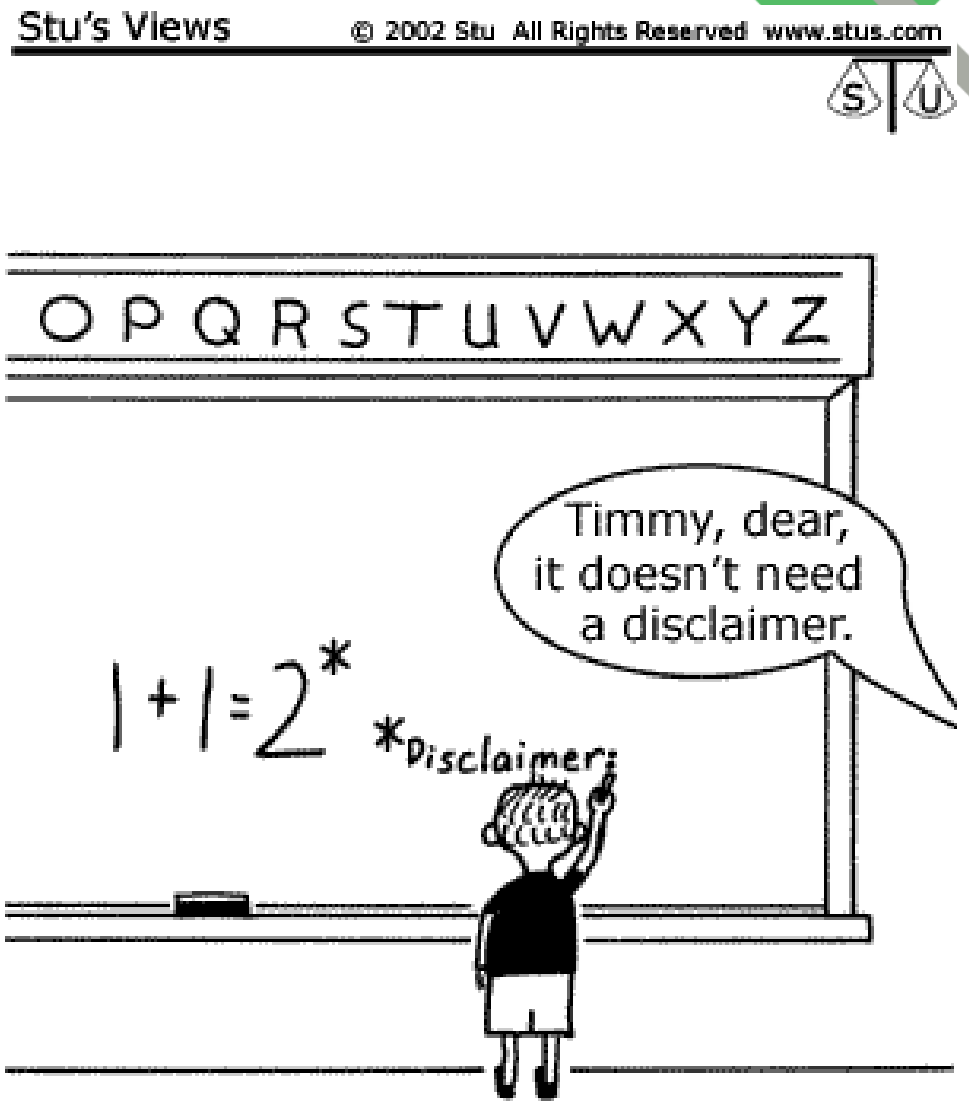

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Presentation Roadmap

1) The Legal Landscape
2) Hiring
3) Human Rights
4) Managing Employees
5) Exits
6) Implementation of a Legal Workplan



1) The Legal Landscape



The legal map

AI intensifies familiar employment-law risks rather than replacing them.

Human rights

Age, disability, family status and other Code grounds

Employment standards

Hiring disclosures and electronic monitoring policies

Privacy

Collection, use, safeguards, accuracy and purpose

Contract & policy

Permitted tools, confidentiality, ownership and discipline

Dismissal risk

Bad faith, discrimination, reprisals, process and evidence

Labour law

Management rights, reasonableness and collective agreements

Generational shorthand creates legal risk

A cohort label can become a proxy for age.



The safer legal approach

- Define the actual job requirement
- Assess individual capability and conduct
- Provide equal access to training
- Consider accommodation before discipline
- Record the evidence and rationale

2) Hiring



Hiring: AI may already be in the workflow

Many tools operate in the background.

Posting	→	Screening	→	Assessment	→	Selection
Job ad optimization and targeting		Resume parsing, filters and shortlists		Tests, video or language analysis		Ranking, scoring and recommendations

Legal questions: Is disclosure required? Is the criterion job-related? Can the outcome be explained? Is accommodation built in?

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Ontario's hiring disclosure rule

Effective January 1, 2026 for covered public job postings.

25+

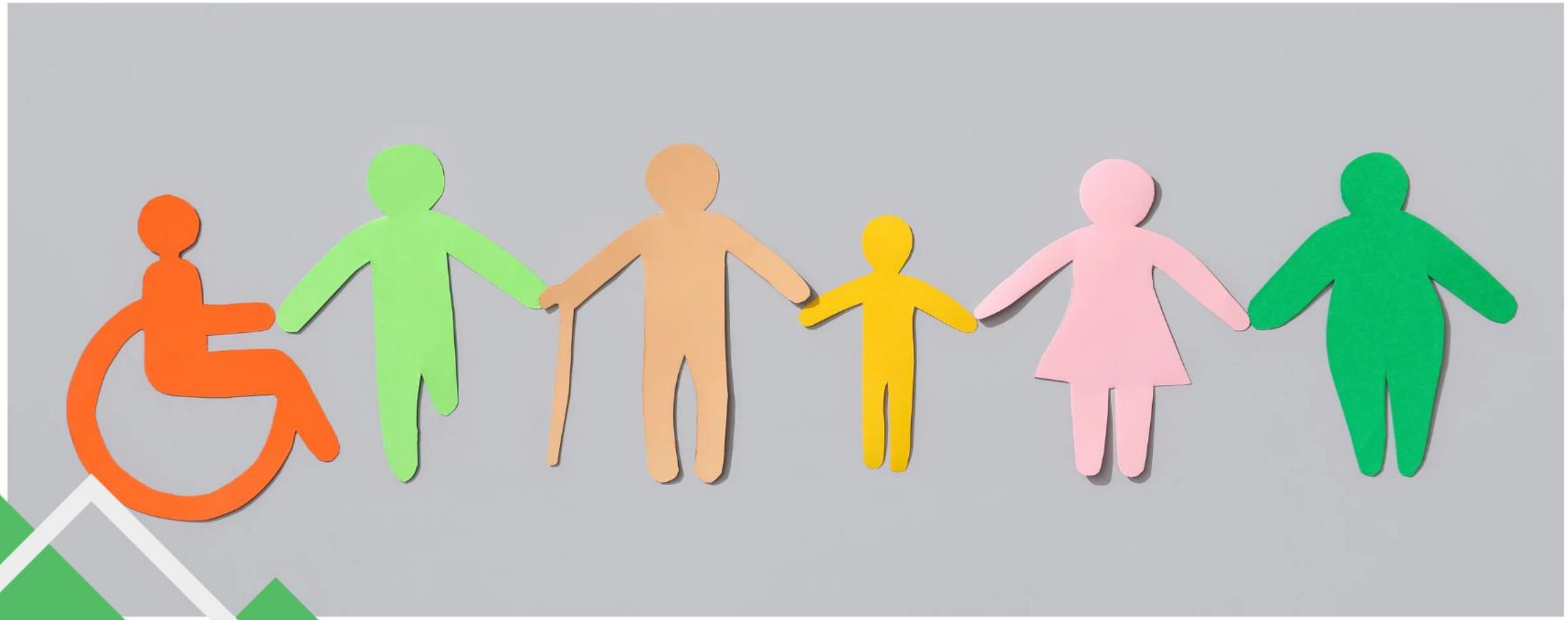
Employees on the day the publicly advertised posting is posted

The posting must disclose whether AI is used to:

- screen applicants
- assess applicants
- select applicants

Disclosure is not immunity: human-rights, privacy and accessibility duties still apply.

3) Human Rights



Human rights: bias can become systemic at scale

Consistency is not the same as fairness.

Historical data → **Proxy variable** → **Automated score** → **Repeated impact**

Potential proxies

Protected impacts

Employer exposure

Vendor due diligence is an employment-law control

"The vendor built it" is not a defence to the employment decision.

01 What data trained and validates the system?

02 What protected-ground proxies may appear?

03 Can results be tested for demographic patterns?

04 What accommodations or alternate assessment routes exist?

05 Can the employer access the underlying records?

06 Who can explain and override the recommendation?

4) Managing Employees



Training an age-diverse workforce: equality is not identical treatment

The legal question is whether employees have a fair opportunity to meet a legitimate standard.

Set the requirement

Identify the AI-related skill that is genuinely required for the role. Avoid vague expectations such as “must be innovative” or “AI native.”

Provide support

Offer accessible training, reasonable practice time, approved tools and multiple learning formats without assigning formats by age.

Assess individually

Measure actual performance. Explore disability-related barriers and accommodation before concluding that unwillingness or inability is culpable.

AI-enabled performance management

Separate the metric from the legal conclusion.

Signal	→	Investigation	→	Employee response	→	Decision	→	Record
A score, alert, trend or ranking		Check records, context and data quality		Provide particulars and a meaningful opportunity to answer		Apply the policy, contract, Code and proportionality		Document who decided, what was considered and why

ALERT ≠ PROVEN FACT

Electronic monitoring: transparency is mandatory for covered employers

AI note-takers, scoring tools and productivity analytics may engage the policy.

Ontario employers with 25+ employees on January 1 must have a written policy before March 1.

The ESA policy requirement creates transparency, not a standalone right not to be monitored.

Privacy: collect less, explain more, secure the rest

Workplace AI can ingest far more personal information than the task requires.

Authority

Identify lawful authority or valid consent where applicable.

Purpose

State why personal information is used.

Minimization

Do not feed unnecessary personal, sensitive or confidential data.

Accuracy

Allow correction and verify consequential outputs.

Safeguards

Control access, retention, vendors and breaches.

Explainability

Be able to explain AI-supported decisions.

Accommodation and protected leave

AI may misconceive absence, pace or availability as poor performance.

Common algorithmic blind spots

- Disability-related absences
- Pregnancy or parental leave
- Family-status scheduling limits
- Reduced hours or modified duties
- Accommodation-related productivity changes

5) Exits



Restructuring: the new reduction-in-force question

Did an algorithm influence the list?

Traditional questions

- Was the position eliminated?
- Were seniority, skills and performance relevant?
- Were criteria applied consistently?
- Were Code and leave issues considered?

AI questions

- Did the system rank or flag employees?
- What data and time period were used?
- Did management anchor on the recommendation?
- Can exclusions and overrides be explained?
- Can the analysis be reconstructed?

“Robo-firing”: a human signature is not human judgment

Meaningful review requires independent, informed decision-making.



Before termination

1. Examine the underlying records
2. Test accuracy and relevance
3. Identify protected-ground or reprisal issues
4. Hear the employee’s response where appropriate
5. Apply contract, statute and policy
6. Record an independent rationale

Termination exposure

AI can affect both liability and settlement dynamics.

Wrongful dismissal

Contract enforceability and proper entitlements remain central.

Human rights

A protected ground need only be a factor, not the only factor.

Bad faith / moral damages

Misleading, insensitive or unfair process may aggravate risk.

Reprisal

Check complaints, leaves, safety concerns and statutory rights.

Privacy

Questionable collection or repurposing may create separate exposure.

Evidence

Opaque systems make the employer's rationale harder to prove.

Preservation and disclosure

If AI influenced the decision, preserve more than the final PDF.

- Tool and model/version used
- Prompts, inputs and source datasets
- Scores, rankings and alerts
- Manager notes and overrides
- Vendor explanations and audit results
- Policies, training and employee notices
- Accommodation and leave information
- Final rationale and decision authority

A defensible AI employment decision

Use this seven-part checklist before a consequential decision.

- ✓ Legitimate, job-related purpose
- ✓ Lawful and proportionate data use
- ✓ Human-rights impact assessed
- ✓ Accommodation and leave context considered
- ✓ Employee monitoring properly disclosed
- ✓ Meaningful independent human review
- ✓ **Records sufficient to explain and defend**

Case study: one workforce, one selection matrix

A restructuring illustrates how neutral criteria can become discriminatory.

Scenario

An employer uses AI to rank a mixed-age team for redundancy. The model weighs output volume, after-hours responsiveness, attendance and “future skills.” Several long-service employees and employees with recent medical leaves rank poorly.

Review

- Are the criteria job-related and properly weighted?
- Do any of the criteria (like after-hours responsiveness) engage protected grounds like family-status or disability?
- Were protected leaves neutralized?
- Does “future skills” hide an age assumption?
- Were records complete and comparable?
- Did the decision-maker independently review exceptions?

6) Implementation of a Legal Workplan



Implementation: a legal workplan

Governance should follow the employment lifecycle.

Inventory

Identify AI in recruiting, learning, monitoring, performance and exits.

Classify

Rate legal consequence, personal data use and affected groups.

Control

Set approved tools, notices, human review and escalation.

Contract

Address vendors, audits, records, changes and breaches.

Train

Give managers role-specific legal and operational guidance.

Audit

Test outcomes, complaints, overrides and demographic patterns.

The legal question is not “Did AI make the decision?”

It is whether the employer can explain and defend how AI influenced a fair, lawful and genuinely human decision.



Questions



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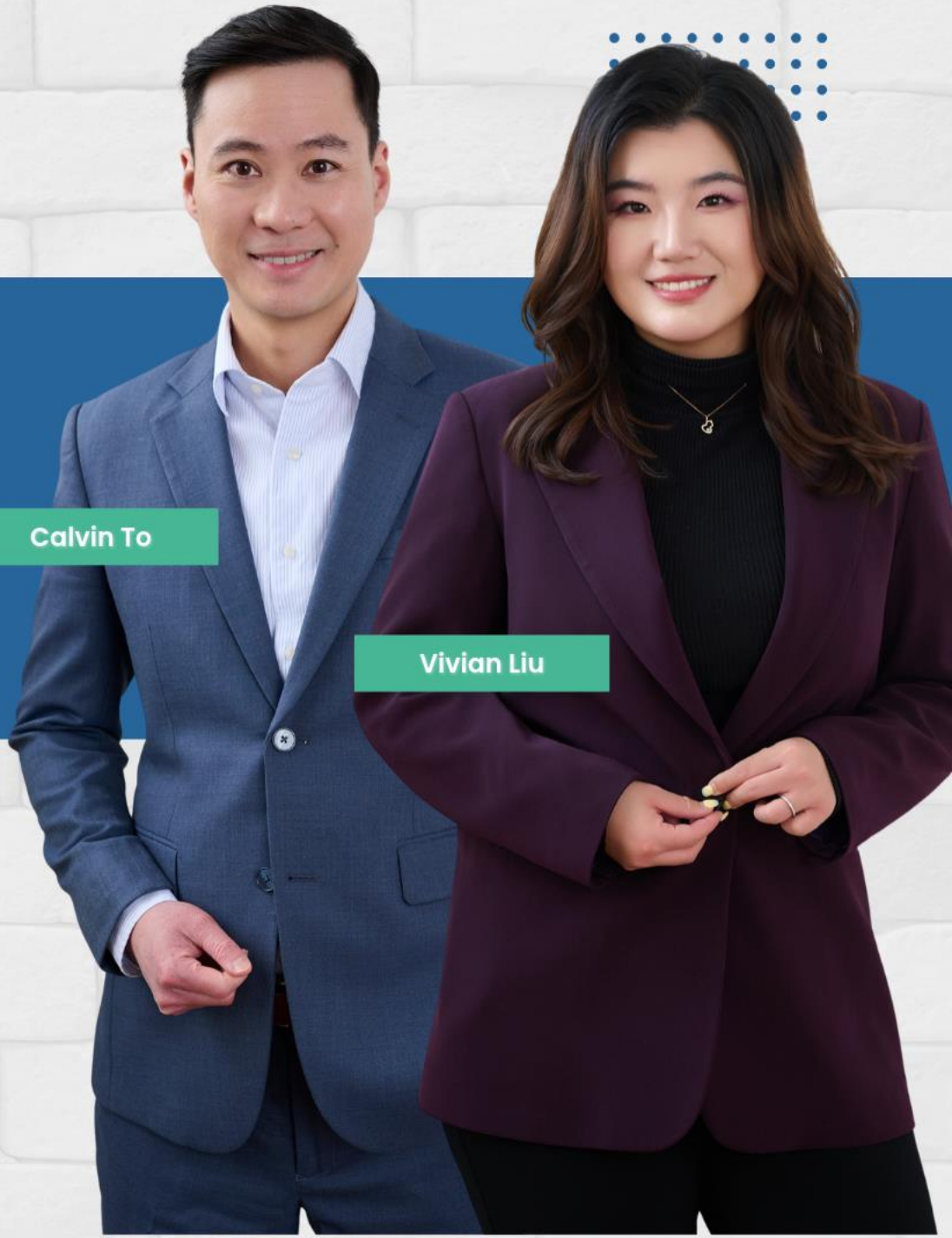

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To learn more about our team HERE!

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