

An Employment Lawyer's Guide to Surviving the AI Workplace

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by Susan Lorenc, Henry Adebisi, Julian S. Nunally, and Valeria R. Cometto

AI is becoming part of nearly every stage of the employment relationship, from recruiting and hiring to performance management, workplace investigations and litigation. While these tools can save time and make certain tasks easier, they can also create new legal and practical risks for employers.

At Dorsey's 2026 Labor & Employment Symposium, Dorsey attorneys Susan Lorenc, Henry Adebisi, and Julian Nunally joined Valeria R. Cometto, Assistant General Counsel at Delta Air Lines, to discuss how AI is changing the workplace and what employers can do to manage those risks.

One area employers should be watching closely is recruiting and hiring. AI is increasingly being used for recruiting, resume screening, candidate ranking and interview-related tasks. But using a third-party tool does not shift responsibility for the resulting employment decisions. Employers still need to ensure those decisions comply with federal, state and local anti-discrimination laws.

AI use can create challenges after an employee is hired as well. Managers and HR professionals may use AI to draft performance reviews, disciplinary notices, coaching documentation and performance improvement plans. Because AI can generate inaccurate information and cannot independently assess credibility or context, human review remains important before employers rely on those outputs.

Employers should also consider what information employees are putting into AI tools. Personnel records, customer information, trade secrets and privileged communications can create confidentiality, privacy and privilege concerns when entered into public AI systems. Existing confidentiality policies may need to be updated to specifically address what employees can and cannot share with AI tools.

AI is also changing employee complaints and the early stages of employment disputes. The panel discussed how AI can help employees create longer and more sophisticated complaints and demand letters containing legal terminology, statutory references and

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detailed allegations. As Julian explained during the discussion, employers should look beyond how polished a complaint appears and focus closely on the facts actually being alleged.

Managing these risks starts with understanding how AI is actually being used within the organization. The panel discussed developing clear acceptable-use policies, establishing approval procedures for AI tools, updating confidentiality policies, training employees and managers, and regularly auditing AI use.

Ultimately, AI should assist employment decision-making rather than replace human judgment. Employers remain responsible for their employment decisions, making human oversight and review an important part of using AI in the workplace.

This post highlights key takeaways from “AI Is Ruining Your Life: An Employment Lawyer’s Guide to Surviving the AI Workplace,” a panel presented at Dorsey’s 2026 Labor & Employment Symposium.