

"Will AI take your construction job? Only if you want it to." quotes from Andrew Richards, Esq., Construction Dive Magazine, 5-15-2023

Construction pros say given the shortage of workers, the tech will enhance more positions than it replaces, but employment law issues remain...

Will humans become a protected class?

Still, construction firms deploying AI tools need to be more aware of employment law liability, particularly if AI solutions disproportionately impact protected classes based on characteristics such as age, religion, race and sex.

"If AI or robotics results in the termination of someone's job, there might be liability if it can be demonstrated that it constituted age discrimination versus just human discrimination," said Andrew Richards, co-chair of Kaufman Dolowich & Voluck's construction group, who's based in Woodbury, New York. "Being a human being itself is not a protected class, but we're watching science fiction become reality, and you can imagine that it could be an issue down the line."

Richards said construction companies need to be more practically cognizant of AI's fallibility, particularly as it relates to non-standardized, regional differences in the way the industry communicates and shares information. From payment processing to change orders to scheduling to building specifications, natural human differences in terminology could flummox AI analytics and cause disputes rather than solve them.

"There is a vast and deep complexity of terminology that contractors use that changes from jurisdiction to jurisdiction," Richards said. "I'm not sure that we have a programming language yet that matches up with the real language of construction."