Congress of the United States
Washington, DC 20515

November 15, 2017

Scott Powell
Chief Executive Officer
Santander Consumer USA
75 State Street
Boston, MA 02109

Dear Mr. Powell:

As you likely know, we are deeply committed to combating discrimination of any form. In this context, we are writing out of concern about the potentially discriminatory implications of practices outlined in a recent report by the AFL-CIO and National Employment Law Project, "Wheeling and Dealing Misfortune: How Santander's high pressure tactics hurt workers and auto loan consumers."

This new report describes a system of intense monitoring of Santander Consumer workers' calls through an automated system known as "Call Miner." According to the report, Call Miner "monitors and records employees' calls and inspects their speech for potential problems." The information gleaned from this monitoring is then used in workers' performance evaluations, and may result in punitive actions including denial of bonuses to workers whose Call Miner scores are too low. We also understand that it is used as part of a "forced ranking" system that Santander uses to grade workers, which can ultimately lead to discipline or termination for low-ranked workers. Workers who recently came to brief Congress on conditions at Santander Consumer reported similar personal experiences.

We are concerned about the possibility that the use of speech recognition tools like Call Miner in worker evaluation and compensation could lead to bias against certain groups of workers on the basis of race, ethnicity, gender, or even regional dialect. Many studies and reports have shown that speech recognition software can fail to recognize different dialects, accents or tones. According to linguist researcher Rachael Tatman, Google's speech recognition software is much more consistent with male voices than female voices. Other reports note that "spoken accents… continue to perplex artificial intelligence." Tatman states that the groups that are underrepresented in data sets that inform speech recognition software tend to be groups that are marginalized more broadly in society.

If Call Miner's software also fails to recognize certain groups' speech patterns, it could result in discriminatory impacts on employment and compensation. Indeed, the AFL-CIO and NELP's report cites one worker for whom Call Miner "was unable to identify the specific pronunciation of his words" and another with a lisp and a soft voice who observed that Call Miner was failing to understand her speech.

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We ask that you inform us what, if any, precautions you have taken to ensure that the use of Call Miner does not have a discriminatory impact on your workforce. Please also provide us with any analysis that you have done to monitor whether or not protected classes of workers are treated fairly by the use of Call Miner. If you have not, in fact, taken any specific precautionary measures or collected data to ensure that all groups of workers receive fair and equitable treatment, we strongly encourage you to suspend use of the Call Miner tool for purposes of evaluation and compensation until you have done so.

Thanks in advance for your consideration and we look forward to your prompt reply.

Sincerely,

Ruben Gallego
Member of Congress

Yvette D. Clarke
Member of Congress

Jan Schakowsky
Member of Congress

Raul M. Grijalva
Member of Congress

Keith Ellison
Member of Congress

Mark Pocan
Member of Congress

John Conyers, Jr.
Member of Congress

Rosa L. DeLauro
Member of Congress

Barbara Lee
Member of Congress

Robert A. Brady
Member of Congress

Adriano Espaillat
Member of Congress

Donald M. Payne
Member of Congress

Gregorio Kilili Camacho Sablan
Member of Congress

Mark DeSaulnier
Member of Congress

Jamie Raskin
Member of Congress

Grace F. Napolitano
Member of Congress

Linda T. Sánchez
Member of Congress

Lucille Roybal-Allard
Member of Congress

Jimmy Gomez
Member of Congress

Al Green
Member of Congress

Eleanor Holmes Norton
Member of Congress

Sheila Jackson Lee
Member of Congress

Gene Green
Member of Congress

Jared Huffman
Member of Congress

Nanette Diaz Barragán
Member of Congress

Debbie Dingell
Member of Congress

André Carson
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Darren Soto
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Mark Takano
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Pramila Jayapal
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Louise McIntosh Slaughter
Member of Congress

David N. Cicilline
Member of Congress