



SOCIAL NETWORKING RECRUITING PITFALLS

Professional networking sites such as LinkedIn, Facebook, Twitter, MySpace and numerous others are growing at a rapid rate. These sites are free and are frequently used for networking, making new friends and marketing. These sites offer the possibility of finding a job candidate and it is common to search the Web for information on job applicants or existing employees. The attention is always focused on the advantages using social networking sites in the hiring process but it is important to consider the risks and drawbacks. When social networking becomes part of the hiring process, it is still important to focus on maintaining compliance with the law and with government regulatory bodies such as The Equal Employment Opportunity Commission.

Federal law prohibits discrimination when making employment-related decisions. A company cannot hire, discipline or terminate workers based on any of the following protected classes: race, color, national origin, religion and gender. The Age Discrimination in Employment Act prohibits discriminating against individuals who are age 40 or older. The Americans with Disabilities Act bans discrimination against “qualified disabled” individuals. Many states have additional prohibitions including marital status, pregnancy, sexual orientation, political affiliation, genetic characteristics and gender identity.

Using social networks to promote open positions and attract potential candidates run the risk of being discriminatory because social networks do not reflect the demographics of the general population. Therefore, the hiring pool represented on social networks is not open to the general population. For example, media analytics indicate that African Americans and Hispanics are under-represented on social network sites. Hispanics represent 15.4 percent of the total population but only 2% of the LinkedIn members. African Americans represent 12.8 percent of the total population but only 5% of the LinkedIn members.

Using social networks to screen potential candidates has numerous legal pitfalls. Social network posts and photos may give a company a more candid look at a potential candidate’s personality especially taking into account that it is common to blend personal and professional lives. Just consider the stories about potential employees rejected based on negative material posted on their social network sites. Consider also that information related to country of origin, religion, politics, pregnancy, age, disability and sexual orientation may be disclosed on the social networks of potential candidates. At least some of these candidates that are eliminated from consideration may conclude that it is because of the personal information disclosed on their social networks and some of them may be disposed to take legal action.

Bear in mind also that “employment decisions” are defined broadly and include not only a job applicant but also promotion, demotion, compensation and transfers of employees. It is a challenge for employers who are researching a job applicant or monitoring current employees to not allow protected-status information to affect or influence their employment related decisions. Most employment-related decisions involve subjective criteria such as good management skills so it may be difficult for a company to prove that their motive for eliminating a candidate was not discriminatory. Regardless of the outcome, it will take considerable time and money to defend a lawsuit.

There are a number of steps an employer can take to reduce the risk of running afoul of state and federal law with regard to using social networks and the internet in employment related decisions. First, an employer should use common sense, maintain accurate records and have nondiscriminatory hiring practices. Training on

hiring and managing employees should include warnings about how information taken from the Internet can lead to allegations of employment discrimination.

An employer should avoid using social networks as a sole means for advertising open positions. The posts on social network sites should be supplemented with all other channels such as employee referral, internet job boards, company website and the more traditional channels.

The company can establish a procedure that Internet searches on job applicants and current employees should be conducted by someone who is not involved in making the employment related decisions. This person should be given the opportunity to filter out information related to protected factors before the information reaches the decision-maker.

The company should determine whether or not the use of social networks is even necessary in a particular situation or whether an alternate approach would work just as well.

[Visit Our Website](#)

[Client Solutions](#)

[Candidate Services](#)

[Contact Us](#)

Thank you!

Fred Khachi
President
JK Consultantst
(209) 532-7772 Ext: 101
FK@JKSuccess.com
www.JKSuccess.com
[LinkedIn](#) / [Blog](#)