## case study: Facebook

**Facebook: A Hiring Tool?**

A 2009 study conducted by CareerBuilder.com indicated that 45 percent of employers admit to using Facebook or another social networking site to screen candidates. And, 35 percent of employers who used a social networking site state that an applicant was rejected because of content found on their page.[[1]](#footnote-1) Not all potential employees are surprised by this usage. A study conducted by the National Association of Colleges and Employees found 51.1 percent of graduating students expected employers to look at their social networking profile.[[2]](#footnote-2)

Clearly, applicants are advised to keep these sites respectable and not include any information that might hurt their chances of getting a job. But what about the legality of using these pages for recruiting purposes? Facebook pages allow recruiters to make assessments as to the race of the candidates. And some organizations have taken it further; Yahoo sports reported that one NFL team made fake Facebook profiles to send “friend requests” to recruits. When a recruit accepted the “fan’s” friend request, recruiters had access to the recruit’s personal Facebook pages and all the potentially damaging personal information within.[[3]](#footnote-3) What are the legal implications of these issues in terms of equal opportunity employment?

Under [Title VII of the Civil Rights Act of 1964](http://www.eeoc.gov/policy/vii.html), the [Americans with Disabilities Act](http://www.eeoc.gov/policy/ada.html) (ADA), and the [Age Discrimination in Employment Act](http://www.eeoc.gov/policy/adea.html) (ADEA), it is illegal to discriminate in any aspect of employment, including hiring and firing. Discriminatory practices under these laws also include “employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities” and “denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.” Title VII also prohibits discrimination because of “participation in schools or places of worship associated with a particular racial, ethnic, or religious group”.[[4]](#footnote-4)

 If an employer is using Facebook to screen candidates based on race or gender, this would be illegal. Research has investigated the impact of black-sounding names on a resume and the likelihood of getting a job interview. In these studies, two fictitious but very similar resumes are sent to potential employers with the only difference being the name; one is an African American–sounding name whereas one is a white-sounding name. Those resumes with the white-sounding name are more likely to get a job interview. In fact, some studies have shown that white-sounding names would receive an interview 50 percent more often than the African American–sounding names.[[5]](#footnote-5) Thus, the questions that remain for Facebook users, employers, and the EEOC is this: If this sort of discrimination can exist when the only indication of race is a name, what kind of discrimination will exist when Facebook pictures are accessible?

**Discussion Questions:**

1. As a manager, how would you justify the use of Facebook as a screening tool? Is there a way to use such data without raising suspicions of illegal discrimination?
2. The use of Facebook as a hiring tool has one key weakness – it can only raise flags about a candidate if that person has posted material online. That is to say, if an individual does not post questionable material online, or does not have an online presence at all, then the company would have no way of knowing about certain issues. This may then create an advantage for applicants that don’t use Facebook, Twitter, or such. How would you, as a manager, respond to this criticism?
3. Imagine that you are an employee who has been suspended from work because of some photos from a New Year’s Eve party that turned a little adventurous, even though you did nothing illegal. How would you react?
1. <http://www.careerbuilder.com/Article/CB-1337-Getting-Hired-More-Employers-Screening-Candidates-via-Social-Networking-Sites/> [↑](#footnote-ref-1)
2. <http://www.naceweb.org/press/display.asp?year=&prid=287>3. [↑](#footnote-ref-2)
3. <http://scitech.blogs.cnn.com/2009/04/22/have-you-seen-a-facebook-ghost/> [↑](#footnote-ref-3)
4. <http://www.eeoc.gov/abouteeo/overview_practices.html> [↑](#footnote-ref-4)
5. http://www.allbusiness.com/human-resources/462763-1.html [↑](#footnote-ref-5)