

## USING SOCIAL MEDIA FOR HIRING PURPOSES? CONSIDER THIS.

*Taking the gains and avoiding the legal traps of searching online profiles.*

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Privately we “Goggle” people we just met. We look them up on Facebook, LinkedIn, Twitter and Myspace. We want to know more about who they are.

Employers are using social media in the same way. While employers are adjusting to this “newer” tool, the types of employment issues raised by it are not new at all.

### THE BENEFITS AND RISKS

It goes without saying that the information that people post on social media sites is public; however, that does not mean it can be used for any employment purpose. Social media provides employers with new opportunities to learn more about a job applicant. It is very tempting to search for information about an applicant that is not freely shared during the application and interview process. Setting aside the thrill of the hunt, there is danger in using that information illegally during the hiring process.

Clearly, an employer can discover valuable and legitimate information on online profiles such as misrepresentations made during interviews and stated on applications. On the other hand, online profiles often contain the very type of personal and sensitive information that is not only irrelevant to job qualifications, but illegal to consider in employment decisions.

Online profiles typically reveal the applicant’s protected class, credit history, disability, religious beliefs, age, race, gender, sexual orientation, and military status, to name just a few. This information can appear in what the applicant writes, in photos and videos, and in the applicant’s affiliated organizations.

Internet research may well give an employer a legitimate reason to reject an applicant for a job. However, the risk is that the employer cannot properly filter out the protected information, and can easily expose itself to an adverse hiring decision if the applicant learns that the employer reviewed his or her online profile. Then the employer spends its resources trying to prove that it did not rely on anything improper when it decided not to hire the candidate.

Employers need to carefully weigh the risks and benefits of using social media and other online research in its screening and hiring process. Best practice dictates putting protocols in place that screen online information to help protect the employer while allowing it to evaluate information that pertains to the applicant’s competency.

## BEST PRACTICE PROTOCOLS

1. **Create a strategy for using social media in hiring decisions.** Determine your purpose for using social media. Ensure that you are seeking applicant information for the right reasons.
  - Why are you using social media to review the job applicant?
  - What information do you hope to discover?
  - At what stage of the interview process are you going to use social media?
  - Who will be searching the applicant's online presence?
2. **Use appropriate filters to review the information.** The vast amount of information now available can be overwhelming. To put the information into a proper perspective, controls need to be established and implemented. The person verifying the applicant's information through online profiles should not be the same person making the hiring decision.
3. **Focus on Knowledge, Skills and Abilities.** Applicants should be reviewed based on their qualifications. Verify where the applicant currently works. Confirm that the applicant has the appropriate experience. It should not matter what the applicant does on his or her free time and on vacations. What is important is the applicant's ability to perform the essential functions of the job position.

## WRAPPING IT UP

Incorporating social media into hiring practices gives employers an edge when verifying information to help answer the question, "Is this applicant the best fit for the job?" Proper protocols and safeguards go a long way toward ensuring that discovered information is used legally. If an applicant learns that the potential employer searched their online presence, the employer can prove it considered only proper information despite what the applicant may have posted in such a public forum.

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