

Use of Social Media in Screening Prospective Employees

March 31, 2013

While it is still lawful to use publicly available information on an applicant's social media site, employers should exercise caution to reduce potential claims of discrimination in the hiring process. Viewing public information available on an applicant's social media site or profile can reveal information that is unlawful to use in the hiring process, such as race, age, religious affiliation, gender, national origin, veteran status, disabilities, pregnancy status, and genetic information. As a result, an employer should implement a screening process that limits when information from social media will be solicited as well as the types of information that will be searched and considered. In addition, the search for relevant information should be performed by someone other than the hiring decision maker. Only the relevant permissible information should be shared with the decision maker to ensure the decision maker is not influenced by any other information that may have been inadvertently learned about the applicant.