A Thesis
Entitled

Facebook and MySpace and LinkedIn, Oh My: A Recruiter’s Dream…..or Their Worst Nightmare? A Study of the Impact of Social Networking Sites on Hiring Practices

By
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Submitted as partial fulfillment of the requirements for
The Master of Liberal Studies

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College of Graduate Studies

The University of Toledo
December 2009
An Abstract of
Facebook and MySpace and LinkedIn, Oh My: A Recruiter’s Dream…..or Their Worst Nightmare? A Study of the Impact of Social Networking Sites on Hiring Practices

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Employers and job candidates have both found ways to utilize social networking sites (SNS) with regard to employment, transcending difficulties incurred with traditional processes utilized in the past. As the popularity of SNSs has increased, so have the ways in which this public domain can be analyzed. This study provides the reader with insight on how and why SNSs are being utilized by employers and job seekers. Some employers are tapping into SNSs, mainly the professional social networking sites, to connect with and recruit potential applicants. Some job applicants are also availing themselves to employers by connecting with them through SNSs. However, the more controversial practice of employers utilizing SNSs as a way to screen potential employees as part of their hiring process, dominated most of the literature currently available. The controversy is centered on ethical, privacy and legal issues and places employers in a precarious position of deciding whether to invite the possibility of law suits, discriminatory or negligent, with regard to their hiring practices. This research provides a basis to stage further study about this recent technological social phenomenon.
Acknowledgements

I would like to acknowledge my advisor Dr. Patrick for his wit, guidance and support during this process. I would also like to thank Dr. Srinivasan and Ms. Drinkwater for their input and expertise in their respected areas, and my colleague and friend, Susan Rowe for her undying commitment to making me see this through. Special recognition goes to the celebration of the 70th anniversary of the *Wizard of Oz*. Lastly I want to thank my champions – husband John and sons, Justin and Jonathon for their understanding, patience and encouragement.
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Chapter One

Introduction

Meet Dorothy: she is a pre-teen, currently staying with relatives in Kansas and loves to sing about rainbows. Dorothy and her friends, Scarecrow, Tin Man and the Cowardly Lion all enjoy staying connected to one another via social networking sites, such as MySpace, Facebook and LinkedIn. When Dorothy created her social networking accounts, she was able to upload a profile picture with her holding Toto and then added a tag line, saying “there’s no place like home” under her profile picture. She set her social networking sites to private, allowing only those she invited to be her friends to view her profile and leave comments for her. Dorothy, the Scarecrow, Tin Man and the Cowardly Lion have blocked the Wicked Witch from viewing their sites, but they have accepted Glenda and the Wizard as their friends. When Dorothy applied for her dream job as Oz’s Wicked Witch slayer, she had no idea that the almighty and powerful Oz would be using information he discovered on her Facebook in his decision to hire her for the position. Was Oz wise to use a social networking site to evaluate a job applicant, peering into the online persona that Dorothy had created in order to determine if she was a good fit, or was he actually hiding behind a curtain of legal uncertainty?

Since the recent onset of the popularity of social networking sites, generations (especially millennial) have found a multitude of ways to connect to their friends (Goodson, 2001). The theory of small worlds in social networks (Travers & Milgram,
1969) looks at the idea that people are connected by friendship links. These “links” are believed to be the basis for the onset of modern day social networking sites (Rosen, 2007). The accepted definition of social networking sites (SNSs) is as follows: “social network sites are web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system” (Boyd & Ellison, 2007, pg. 1). These sites can grow very quickly since new users want to be where others are; in fact numbers can grow with exponential speed. Today, hundreds of millions of people worldwide belong to at least one online social network, making “MySpace (with one-hundred and ten million members) and Facebook (seventy million) among the web's top ten sites. Beside these behemoths are many others, each with its own slant. LinkedIn, for example, is generally regarded as the most popular professional network, with twenty million users” (Krakovksy, 2008).

The history of social networking sites stems from the user’s need to stay connected to their friends, but to also develop and nurture new relationships as they develop. SNSs came into being a little over a decade ago. The Boyd and Ellison article presents the genesis of SNSs as:

The first recognizable social network site was launched in 1997. SixDegrees.com allowed users to create profiles, list their Friends and, beginning in 1998, surf the Friends lists. Each of these features existed in some form before SixDegrees, of course. Profiles exited on most major dating sites, and many community sites. AIM and ICQ buddy lists supported lists of friends, although those friends were not visible to others. Classmates.com allowed people to affiliate with their high school or college and surf the network for others who were also affiliated, but users could not create profiles or list Friends until years later. SixDegrees was the first to combine these features (2007).
With the demise of SixDegrees in 2000, many SNSs came into existence. Friendster began in 2002, with LinkedIn arriving in 2003. Shortly after MySpace came into existence that same year. Facebook was created in 2004, but was only available for Harvard students. It did not become open to everyone until 2006, just about the time that Twitter was launched (2007).
Chapter Two

Horizontal Hierarchical Interpretive Theory

Ideas regarding network theory and the popularity and success of SNSs stem in part to the belief that the sharing of ideas with those that possess similar interests can create a strong bond (Igoe, 2008). Patrick, nationally-known gun culture researcher of computer mediated communication, expresses similar remarks in his book about the rise of the anti-media. He states that “horizontal interpretive communities, otherwise known as blogs, succeed in the face of conventional wisdom, common sense and elite opinion” (2009). The preceding assertions verify the power and synergies that can be obtained from on-line social networks.

SNSs are online communities that enable individuals with shared interests to communicate with one another via a multitude of horizontal networks. A SNS user gains entry into a SNS by registering on the website. Once the user has logged in, they are then able to create their profile. By logging in and creating an identity, SNS users can then begin to connect to those they know and they can also see who is in their network. Once access to a site is established, it’s easy to maneuver around the sites to see who is connected to one another in these horizontal interpretive communities. As Jennifer Igoe explains, “the networks and connections that are more personal are also the ones likely to be most useful” (2008).
Photos, videos, games and comments can be shared, giving anyone looking at the site a sense of who the SNS user is. The sites are revealing, and it’s this sense that becomes the basis for studying the impact of SNSs on the hiring process. Researchers Agarwal and Mital have identified in their exploratory study on the implications the use of SNSs have on the workplace that “increasingly individuals across the world seek relations of cooperation and collaboration rather than that of command and control”. This horizontal vs. vertical communication style has been transformed by recent innovations in technological applications such as social networking websites (2009).

This communication style creates a perfect backdrop for the use of SNSs in making hiring connections and ultimately employment decisions. As SNSs allow users to share information with their friends, they can also provide a fertile field that is enticing to employers looking to connect to future candidates and to make informed and wise decisions regarding the hiring of employees. The more information that employers have regarding a potential employee, the more likely they are to make the right choice with regard to employee fit, which reduces costly turnover, positively affecting the business’s bottom line. In short “employers want to find out all they can about who’s working for their company” (Majeffrey, 2009).

Since recruiting and hiring are expensive activities for companies, it is generally the human resource department’s responsibility in conjunction with the hiring manager to make sure that employee turnover remains low. One of the most secure ways to accomplish low employee turnover is to make sure that the employee and the company fit is a match. In order to discover this ‘match’ the human resource representative’s duty is to conduct background or reference checks on candidates that are being considered as
potential candidates. In considering candidates for openings and determining the best fit or match for a position, the hiring manager and/or human resource representative will generally ask the applicant for references that they or a third party will in turn contact to collect feedback regarding how the employee has performed in their current and past positions (Newell, 2005). More in depth reference checks usually occur for positions that require a great deal of human contact or where judgments affect human lives such as nursing, teaching, or air traffic controller positions for example.

When collecting background data on a candidate, hiring managers are tempted to utilize SNSs as another way to determine whether a candidate is right for that particular opening. When applying the horizontal hierarchical interpretive theory by using SNSs as part of the hiring process, information is discovered about job candidates that may not otherwise be found. Just as Dorothy and her friends maneuvered their way to Oz via the yellow brick road, employers are constantly looking for their own path of least resistance regarding recruiting, screening and hiring qualified candidates by creatively utilizing the information super-highway as part of their employment process.
Chapter Three
Focus of Current Study

With the advent of SNSs, new uses for these sites have been discovered (Raphael, 2007). These new uses encompass a wide variety and can have an impact on employment activities, both from an employer’s perspective and from a potential employee’s perspective. This study looks at the impact of SNSs on hiring practices – both from the employer’s perspective and the potential employee’s perspective. In order to research this topic, the following question was asked: How and why are social networking sites utilized by employers and job candidates with regard to hiring practices and employment decisions?

For purposes of this study, employers are defined as an individual or a group of individuals within an organization who have the responsibility to make or to assist in making hiring decisions. Job candidates are those individuals who have expressed interest by submitting an application for a job opening with an employer. Hiring practices include the many steps that employers use to ensure that the best individual is hired for a particular job opening. An employer’s hiring practices include recruiting, screening, interviewing and reference-checking as routine processes for employment
purposes. Employment decisions encompass the outcomes that employers make to
determine if a potential employee is a suitable fit for their needs.

Upon initial research, several keyword searches were utilized to produce the
necessary data for the study. The keyword searches yielded very little with respect to the
untapped topic matter. In fact, in searching through all academic databases for articles in
academic journals related to the subject matter, a mere twelve journal articles, were
related to this topic. The journals that contain articles related to SNSs and hiring
practices are as follows: Advertising Age, Strategic Communication Management, AMJ of
Pharmaceutical Education, Federal Communications Law, Education Digest, Business
Source/Sales and Marketing Management, Business Communication Quarterly (two
publications), Chronicle of Philanthropy, as well as Law, NACE and Library Journals.

Due to the limited nature of the academic articles available on this topic, magazines,
newspapers and website blogs were also included in the study. These additional resources
were found by searching with the same key words employed in the academic article
search. The lack of available research on the impact of SNSs on hiring practices
produced the justification necessary to conduct a literature review of the current writings
that existed prior to July 1, 2009. This study adds to the research and literature regarding
SNSs and will attempt to answer how and why employers and job candidates are utilizing
SNSs with regard to hiring practices and employment decisions.
A quasi meta-analysis research technique was used to research this somewhat new anomaly, since a thorough review of the available literature can be used to better understand any subject matter about which little is yet discovered or known (Strauss and Corbin, 1990). This meta-analysis technique was chosen for this study in order to correctly synthesize the broad and varied interpretations of the analyzed data. To conduct this literature review in a systematic way, seventy-two articles were reviewed. After careful observation, review and interpretation of the data, sixty-one articles were selected to be reviewed for this study. The eleven articles that were not selected were rejected for the following reasons: commercial advertisements (5); content not related to the study (4); or the article was a part or section of another article already used in the study (2).

These articles came from a variety of sources. As previously mentioned twelve of the sixty-one articles (19.6%) were from academic journals. Another twelve articles came from newspapers (19.6%), eighteen articles from industry magazines (29.5%) and the remaining nineteen articles were extracted from websites and blogs (31.3%). The publishing dates for the articles range from 2006 through 2009. Eight articles were published in 2006 (13.2%), eleven were published in 2007 (18.0%), twenty-one articles
were published in 2008 (34.4%) and the remaining twenty-one articles were published in
the first half of 2009 (34.4%).

Initially the articles were located by searching through all academic journal
databases, and also by using the search engine, Google.com. The search was conducted
by applying various forms and derivatives of the following words and phrases: social
networking sites, hiring practices, employment decisions.

Secondly the articles were reviewed for themes and coded as such. The process
utilized to analyze the data was adopted from the framework developed by Foss and
Waters in the 2003 version of their book on Coding & Analysis of Qualitative Data.
Next the coded data was arranged into a “conceptual schema” (Foss & Waters, 2003) that
tied the data together. The research question of how and why are SNSs being utilized by
employers and job candidates in employment decisions, became the basis for determining
which data became part of the conceptual schema. This step in the research also enabled
major and minor themes to emerge, thus helping to create the organization of the results.
The data were arranged into piles and then each pile was sorted and organized; data were
eliminated if they did not contribute to answering the research question. Lastly the
themes were organized into an order that made logical sense. The themes that appeared
more often were categorized as major and are mentioned with more frequency in the
results section.
Once the conceptual schema was developed, the results emerged. The following major themes became apparent while trying to understand the topics produced from the data that addressed the research question:

**Screening** - use of SNSs for screening purposes by both employers and job candidates; this practice by employers was the most controversial of all of the articles. Some employers thought the use of SNSs for screening purposes was unethical and could result in legal action due to the discriminatory aspects of using SNSs for this purpose. Many job seekers thought that employers should not use SNSs for screening either as they claimed that personal and professional lives should be kept separate. Applicants also felt that employers should not have the right to peer into someone’s SNS particularly if the candidate was exercising the privacy settings feature of the SNSs.

**Networking** - use of SNSs to recruit job candidates and conversely for potential applicants to connect with future employers; this was another topic area where many articles surfaced, and this finding was expected and not controversial. Most employers are using SNSs to connect with potential employees and vice-versa.
LinkedIn, the professional SNS, is the most noted with regard to networking for employment purposes and is the primary reason the SNS exists. Companies searching for entry level positions or employers who were targeting college students were quick to tap into potential candidates with Facebook. MySpace is the SNS used to connect with teenagers looking for employment.

Issues – ethical, privacy and legal concerns revealed by both employers and job candidates with regard to the use of SNSs in the hiring process. The ethical issues that presented themselves with regard to screening applicants were mainly employer-focused while the issues surrounding privacy concerns were more SNS user or applicant-focused. Legal concerns were voiced in the articles by legal analysts and HR experts who saw the dilemma that using or not using SNSs to screen potential employees could cause.

Table 1 on the following page shows the frequency at which certain themes appeared and the years in which the articles were written (please note: several articles contain more than one theme).
Table 1

Frequency of Themes by Year

<table>
<thead>
<tr>
<th>Theme</th>
<th>2005*</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening/employer</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Screening/candidate</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Networking/recruiting</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Networking/connecting</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Issues/privacy</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Issues/ethical</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Issues/legal</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>0</strong></td>
<td><strong>11</strong></td>
<td><strong>17</strong></td>
<td><strong>33</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

*2005 - year that Facebook, the most referenced SNS, was launched nationally (Boyd, 2007)
Use of SNSs for Screening Purposes

SNSs create an avenue for employers and applicants to connect with one another. To understand how this hypothetically might materialize, let’s look at the hiring practices in the Emerald City. If the Wizard of Oz is looking to hire the best candidate for an opening, he may want to use his powerful profile on various SNSs to connect with several potential candidates. Next he narrows his search by choosing hiring criterion that helps him match the job needs to the candidate’s attributes to ensure a good fit for both parties. Oz determined that a brain, a heart and courage were needed for the open position. Based on the hiring criterion, the top three candidates became the Scarecrow, the Tin Man and the Cowardly Lion. As part of the Emerald City’s hiring practice, Oz connects to all three candidates using his SNS profiles to gain access to theirs.

What appears to be an emerging as well as controversial trend among employers is the practice of screening job candidates by utilizing SNSs as part of the hiring process. Prospective employees and employers beware, SNSs have revolutionized the way in which employers screen job applicants (Brandenburg, 2008). Since it is not only difficult to obtain information about job candidates aside from the references that they themselves provide, background checking can also be time–consuming and costly (Athavaley, 2007). Utilizing SNSs not only provides insight into a job candidate’s persona, it also provides information that could keep an employer from making a bad hiring decision. Checking out a potential candidate’s “reputation score” can provide
insight into the character of a would-be employee (White, 2007). So how does a candidate’s online persona affect an employer’s hiring decision? Specifically are employer’s using the public domain information they view on a prospective candidate’s Facebook or MySpace account to screen them into or out of potential job offers? Jackie Hunzinger (2007) believes that this type of internet screening or “digital referencing” is common practice these days for employers. Hiring practices involving the use of SNSs for screening purposes dredge up “digital dirt” about prospective employees’ private lives (Scherzer, 2007) and this dirt is what traditional screening/background-checking tactics have not yielded in the past, making the use of SNSs more appealing than ever. Now the dirt on candidates could be found by online stalking (Wise, 2008); in essence resorting to SNSs to uncover questionable material about prospective hires. With the advent of SNSs, screening job applicants by viewing their online personas, employer’s can now see all sides of a prospective candidate, not only the ones that the candidate wants the prospective employer to see (Epstein, 2006). Employers are using SNSs as a way to look at candidates prior to extending job offers. This “internet snooping” has taken on a life of its own as employers seek to hire the best candidates (Kay, 2008).

The most frequently cited reasons in the articles for why employers use SNSs for screening candidates are:

- to get a more well-rounded view of the candidate in order to reduce the risk of making bad hiring decisions, “employers want to make sound hiring decisions” (Cuesta, 2006); to “reveal an applicant’s personality and ethos” (Rosen, 2008).
to save time when checking references (Du, 2007) as in many instances employers feel they are caught between a rock and a hard place when it comes to reference-checking (Holland, 2008)

for independent reference checking; who does a candidate know other than those listed on their reference sheet (Taylor, 2008)

Just as employers were screening job candidates, the candidates themselves are using SNSs to screen employers and recruiters. Though not as widely written about as the candidate screenings performed by employers, there were instances cited in a few articles where candidates themselves turned down positions because they did not like what they found on an SNS regarding a particular company or company representative. As job candidates want to make sure they are making the right decision, they are also trying to determine if their potential boss or co-workers are a good fit for them with regard to their own career aspirations (Budden & Budden, 2008). Davis notes in her article about the use of SNSs in the hiring process, that “treating potential employees with respect is key to any [successful] company culture” (2009).

The most frequently cited reasons that job candidates use SNSs to screen employers are to:

- reduce their anxiety about accepting a job offer (Sherman, 2008)
- determine if the company is a good fit (Worker’s Naïve Over Online Presence, 2008)

**Recruit Job Candidates/Connect with Employers**

Employers who choose to use SNSs as part of their overall recruiting strategy, utilize SNSs in a variety of ways to connect with prospective employees. One illustration
of this can be seen by Glenda, the Good Witch and her desire to connect with potential applicants. When Glenda and the Munchkins want to share an open position, they create an “e-mail-blast” that details the job and then they send it to their SNS connections asking if they know any qualified candidates. The message then spreads virally as the other SNS users share the job opening with their connections and so on.

Savvy employers almost immediately saw the advent of the popularity of SNSs as a way to connect with potential job candidates (Ranganathan, 2007). This finding was expected as both employers and job candidates avail themselves of SNSs to connect with one another for employment reasons. Employers utilize SNSs to network with potential candidates by building personal relationships with potential employees (Koncz & Collins, 2008). The most often cited ways in which employers use SNSs to recruit job candidates and job candidates use SNSs to connect with future employers are through a company website link to a SNS, such as Facebook or LinkedIn, which advertise job openings. Employers also contact potential recruits by networking directly with them via the employer’s website page. Another avenue that employer’s utilize to connect with job candidates is through the creation of a user group on a SNS, with the idea that a potential candidate may be interested in joining to find out more about job opportunities with their company. Procter and Gamble uses this approach for recruiting summer interns for one of their Mexican locations in Newcastle through a group on Facebook titled: P&G Newcastle Recruitment R&D (Mexico). Other Fortune 500 firms engage in this form of recruiting and connecting with prospective employees as well. (Koc, 2008)

Along those same lines, some Facebook users have secured employment by taking out their own ads helping them to land positions. (Facebook Ads Lands a Guy a
As employers connect with potential employees the temptation to also utilize SNSs as part of a screening or background checking process comes into play. The lines get somewhat muddied here as employers believe that since they discovered the potential employee through the use of an SNS why can’t they now use the connection for screening purposes. This leads into the next section regarding the issues that arise when SNSs are used for hiring purposes.

**Issues Revealed by Both Employers and Job Candidates with the Use of SNSs in the Hiring Process**

As the author of one article quipped, “It is harder to remove information from these [social networking] websites than it is to remove a tattoo” (Holland, 2008, p. 50), leaving job candidates exposed to potential employers. As some job seekers noted in the articles, they felt their SNS online persona should not be viewed by employers, as some of the information in their profiles was from a prior time (earlier college days) and should not be assumed to be a reflection on their current professional status. Other SNS users understand the attraction employers have regarding the use of SNSs to screen applicants and warn that “every single thing you post online can have an affect on your career” (Your Brand and Social Networks, 2009).

**Ethics:** Some of the concerns regarding the utilization of SNSs in the hiring process centered on the ethics of whether an employer had the right to look at a potential candidate’s Facebook or MySpace page as part of the hiring process. As expected, viewing of the professional networking sites such as LinkedIn was not an issue; in fact most candidates expected employers to view their professional networking sites (Kadlec, 2007).
One of the ethical issues associated with utilizing SNSs to screen candidates as part of the hiring process is gaining access to a candidate’s SNS; just how are employers and job candidates able to access information about one another? This access proved to be another ethical issue uncovered by the literature review on this topic. Some employers admittedly created false SNS accounts in order to tap into a prospective employee’s SNS as part of their informal screening process (Zaller, 2008). Other employers ask their college interns to look up potential candidate profiles, while some resorted to creating their own Facebook accounts to gain access for candidate screening purposes (Finder, 2006). Conversely, Enterprise Rent-A-Car felt it was inappropriate for employers to engage in this practice, as organizational values of integrity and honesty could be compromised (Phillips, 2007). The Academy of Leadership agrees with Enterprise’s beliefs as they encourage and advise CEO’s in their quest to deliver results to take into consideration the long term effects that unethical behaviors can have on an organization (Haley, 2009).

Privacy: As Smirod notes in his article titled, *Prospective Employees Inadvertently Open their Kimonos to Employers on Social Networking Sites*, that access to very personal information is now at the fingertips of private employers. He points out that “George Orwell, in his book 1984, envisioned a world in which Big Brother, the omnipresent government, watched our every move. In Orwell’s world, notions of privacy were all but gone” (2009).

In some cases, job candidates are able to search a recruiter’s website because they have been given access by the recruiter. However, not all employers are given access to a job candidate’s SNS, and as discussed in the preceding “ethics” section the ways in
which employers are gaining access could be viewed as privacy breaches. Most do so
without a job candidate’s knowledge or permission, though some employers argue that
knowledge and permission are not needed since these websites are public venues (Boyd,
2007). This raises questions about the right to privacy, while at the same time realizing
that “SNSs allow them [employers] to learn more than they ever could from reading an
applicant’s resume and cover letter” (Brandenburg 2008, p. 2). The expectation of
privacy among SNS members is a serious subject for both job candidates and employers.
Even First Amendment rights were discussed by one author as students were cautioned
about posting their opinions where everyone including potential employers could view
them (Barrett, 2007) since employers can make assumptions about a potential employee’s
lack of judgment based on those SNS postings. Most SNS users believe that they control
their own profiles and can determine who can see the content of their site. Catone
challenges this thought by questioning how much control users have since others can add
to their site by tagging [marking who is in the picture]and sending messages (Catone,
2008).

Legalities: Another issue is the potential for discrimination that can occur by
employers viewing a SNS of a potential job candidate, and based upon what they
discover, deciding not to hire them. If the job candidate is in a protected class: race,
gender or age, the employer could be liable for discrimination (Cotton, Gilbert).
According to Roberts and Roach, “the only legal responsibility the employer has to the
applicant is to ignore any information that would be considered in protected categories,
such as race or age” (2009). As employers utilize SNSs to screen applicants, they can be
making assumptions based on stereotypes concerning the prospective candidate (Maciag,
What is perceived by an employer concerning a candidate can change after viewing their online persona as “a candidate’s ability to manage their own positive impression is the projection of an image of competency, motivation and productivity” (Baumeister, 1989, p. 64). Since employers are viewing potential candidates through the candidate’s projected impression, any findings incongruent with the employer’s impression of the candidate can be cause for a job offer to not be extended. This in turn opens the doors for the potential of perceived or real perceptions of discriminatory hiring practices that could pose a threat to violating FCRA (Free Credit Reporting Act) regulations and the EEOC (Equal Employment Opportunity Commission) guidelines (Fishman, 2008). If an employer is charged with an employment discrimination lawsuit, the consequences can be far outreaching, not only including monetary remuneration but also damage to the employer’s reputation that could negatively affect the bottom line (Millman, 2007).

Another legal issue addressed was the issue of negligent hiring. Negligent hiring is defined as a claim made by an injured party against an employer based on the theory that the employer knew or should have known about the employee's background which, if known, indicates a dangerous or untrustworthy character. Pre-employment background checks, employee drug testing, and employment physical exams are some of the ways negligent hiring claims can be avoided (Newell, 2005). Negligent hiring lawsuits are generally less frequent than employment discrimination suits, but can be far more debilitating to a company or organization, particularly if someone suffers injury because of it. Since employers “face the risk of negligent hiring or retention claims if their employees cause harm to co-workers or third parties” (Holland, 2008, p. 2), employers
have a due diligence to investigate potential employees through a thorough screening process; consequently the use of SNSs in the hiring process is appealing as a screening technique utilized to ensure the best hire emerges from the hiring process.

The issue revealed from the study regarding the legal conundrum that using or not using SNSs as part of the hiring process is an interesting one. If an employer uses a SNS as part of their background or reference checking process and they decide not to hire a candidate that is part of a protected class, they can be subject to an employment discrimination suit. Conversely if an employer decides not to utilize SNSs in the background or reference checking process for a job candidate and the candidate is hired, the employer could be exposing themselves to a negligent hiring lawsuit, if the employee commits an act that causes injury. The legal need for employers to be in compliance with EEOC rules regarding discrimination while at the same time refraining from committing the act of negligent hiring, is a delicate balancing act that invites further investigation.
The findings provide a solid basis for answering the question of how and why employers and job candidates are utilizing SNSs. There appears to be considerable debate among employers as well as job candidates as to whether employers should be viewing SNS candidate profiles as part of their job applicant screening process.

Since “every profile is a carefully planned media campaign” (Rosen, 2007 p. 24), why can’t employers utilize SNSs when making their hiring decisions? These are public sites and job candidates know that employers may be viewing them as a way to confirm or deny their hiring decisions, so job seekers may want to portray a more professional image in their SNS profile(s). Even so, does that give employers the legal and/or ethical right to view these sites without a job seeker’s knowledge? Also as one employment lawyer, Wise stated, “…[the] employer’s use of Facebook to ferret out personal information about prospective employees conveys a lot about them”. This remark alerts employers to the possibility that the use of SNSs to screen candidates could also tarnish their own “reputation score”. Many companies may not be concerned about this, but Wise thinks they should be as we have already learned that candidates also use SNSs to
research companies. Some candidates may not want to work for what may appear to be unethical companies that have tarnished their reputation by ferreting out personal information on job candidates via SNSs (Wise, 2008, p. 1).

So in light of the above, should employers have a policy regarding the use of SNSs in relation to their hiring practices, specifically screening processes? Policy creation seems to be a good starting place to address possible resolutions for employers regarding this controversy. Ignoring the fact that employers are probably utilizing this technology as a way to uncover and discover the true persona of those that they intend to extend offers of employment would be unwise (Igoe, 2009). Clearly it is good business practice to find out as much information regarding a potential employee prior to their hire, but only as long as legal issues involving discrimination are taken into consideration through hiring policy development. This appears to be the responsible resolution, though further research in this area is warranted. Tom Turner, National Account Manager for Corporate Screening Services, one of the largest background screening services in the country, warns his clients against the use of SNSs for background checks. Specifically he recommends a special release be signed but only after an offer is made. His perspective is one that involves risk management from an organization’s vantage point, so he also gives the following advice from personal communication received via e-mail regarding his notes on the subject:

“Those sites often have demographic info on there that HR shouldn’t see (ethnicity, national origin, sexual orientation, religion, age, sex, etc). [They] often contain photos revealing personal characteristics or physical problems – this can raise discrimination questions. Using private behavior for employment decisions can be problematic. Some states have statutory protections that limit consideration of off-duty conduct. Privacy concerns; the assumption that because things are on the web they are fair game, this is not always the case. Facebook and MySpace have ‘terms of use
policies’. The demographics of the people that typically use those sites are under 40 (except maybe LinkedIn) and many risk management departments are worried that you are excluding a protected group of people. [In addition] information can’t always be substantiated. [Also] the MySpace page may not even belong to the individual depicted on the page. And most information [found on the SNSs] can’t be substantiated” (2009).

**Set of Recommendations**

The findings suggest that SNSs will continue to play an important part in the hiring practices of employers and also with regard to candidates as they search for jobs. What emerges from the findings as a focal area are the legalities surrounding using SNSs to screen applicants and to uncover personal information concerning job candidates. The ethics, privacy and legal concerns that were discovered in the study regarding employers using SNSs for screening purposes opens the door for clarification surrounding when and if to use the information gained from SNSs. If a decision to screen an employee via SNS is made prior to a determination to interview an applicant, then the employer opens themselves up to possible litigation. However if a decision to screen a candidate is made as part of a uniform background checking policy following the offer, such as “hiring is contingent upon completion of a satisfactory reference check”, then the possibility for litigation decreases (Turner, 2009).

**Employers:** Les Rosen, attorney and founder of Employment Screening Resources cautions employers about the “landmines and pitfalls” regarding the use of social networking sites to screen candidates. He recommends weighing the pros and cons for each given hiring situation (2009, pg. 2). Hiring managers and human resource representatives charged with employee recruitment and selection responsibilities should consider the following:
1. Participation in a seminar or webinar workshop that outlines the legal ‘do’s and don’ts’ of using SNSs for recruitment and screening purposes (www.internbridge.com)

2. Utilization of blogs that reference using SNSs in the hiring process (Seale, 2009), as an example of the connective power of horizontal communication in relaying vital information (Patrick, 2009).

3. Consider carefully the truth and legality of viewing posted information when making hiring decisions (Roach & Roberts, 2009).

4. Above all, be consistent with any approach that’s used when it comes to the fair treatment of applicants (Solomon, 2009).

**Job Candidates:** Job seekers should be very selective in the information that they have on their SNSs (Kay, 2008). In addition, the following recommendations for job searchers gleaned from the study with regard to job candidates, SNSs and hiring practices are:

1. Utilize privacy settings when possible (Facebook Privacy, 2007).

2. Try to connect with employers by “sticking with professional networking sites”, according to HR World (2009).

3. Consider using the “grandma test” (Lupsa, 2006) by keeping the content to a respectable “PG or PG13 rating” (McIntosh, 2006).

Giving consideration to the preceding recommendations may assist both employers and job candidates in their quest to hire or to be the best candidate. Finding a balance coupled with selectivity for both employers and job candidates when using SNSs as an employment search or screening tool can have a big payoff (King, 2006).
Suggested Future Directions for Subsequent Research

What the future holds for SNSs with regard to hiring practices is uncertain, and further research in this area could prove to be helpful in knowing what directions to take in addressing issues that arise from this new development. Specifically considering employer as well as job candidate concerns could be another direction in which to propel this research. Studying a company in a case study format that knowingly utilizes SNSs as a critical part of their hiring process, mainly with regard to screening candidates, could prove to be revealing, particularly as to addressing the employer’s liability with regard to discriminatory practices and negligent hiring concerns that surround this practice. Subsequent research could reveal if and why candidates are being rejected or conversely offered positions, and what characteristics about a candidate’s online persona encouraged an employer to take the action to hire or not to hire a particular job candidate.

Limitations of Study

The most obvious limitation of this study was the lack of pertinent academic research available for use in this research. Most of the literature reviewed was popular press, although the number of academic articles is increasing as the technology matures. This gap in available research materials helps to justify this particular study and opens the door for future research on this topic, even though the depth of this particular study was limited to the articles on hand. In addition the mix of popular press and articles from academia proved to be challenging during the coding process. In order to minimize confusion with the coding process and the type of article, academic or popular, all popular press articles were coded separately from the academic articles and categorized before the others, mainly due to the depth of information in the academic articles as
compared to the popular press articles. While the researcher would like to believe that coder bias did not exist, most likely the coding of the articles could have suffered from the researcher’s own bias. Finally, the findings were limited to the time frame within the researcher conducted the study.

**Conclusion**

Social networking has been a part of the employment and job seeking arena for many years, but the use of social networking websites for employment purposes is now just gaining momentum. As the findings show, the number of articles written about SNSs and their relation to hiring practices nearly doubled from 2007 to 2008. As employers utilize SNSs more frequently for hiring purposes and job candidates do the same, additional issues may arise in the future. If employers embrace the technology in a fair and ethical way, with regard to privacy and legal considerations, job candidates should benefit from an employer’s use of SNSs in the hiring process. However disregard to any of those areas could be perceived as discrimination if a job seeker is turned down for a position. It will be up to employers to ensure that their utilization of SNSs becomes a recruiter’s dream and not their worst nightmare.
References


McIntosh, Sara. (2006, October 3). Facebook and MySpace used by employers as screening devices. The Pacer, 79:6,2.


