Employer Use of Facebook as a Tool in Pre-Employment Screening of Applicants: Benefits and Ethical, Legal, and Privacy Implications

Summary of Research Findings

By

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Online Survey Results Summary: Employer Use of Facebook. Copyright 2011 by Beth E. H. Lory

Online Survey of Employers

My research question guided the choice of the research analysis methodology. This research question was: How can employers optimize the benefits of using Facebook as a tool for pre-employment screening of applicants while managing the ethical, legal, and privacy implications? The research included an online survey of employers and interviews with two attorneys (one a privacy attorney and one an employment law attorney).

The main goals of the online survey were to learn if the employers believed that Facebook as a tool in the applicant pre-employment screening process has benefits, and to gain their opinions about the ethical, legal, and privacy implications of this practice. The survey also explored how prevalent the practice is among the employers, and if organizational and professional policies guide their use of Facebook in this way.

The search criteria in GoldPASS for the employers invited to participate in the survey were those who had complete profiles and who had logged into the system during 2009 and 2010. (GoldPASS - http://goldpass.umn.edu - is the University of Minnesota job and internship posting database.) These search criteria yielded a total of 6,610 employer contacts. When the survey was emailed to the employers between January 14 and January 17, 2011, all but 71 emails were successfully delivered. The total receiving the invitation email and link to the survey was 6,539 contacts. Survey responses were collected January 14 through January 31, 2011. By January 31, 854 employers started the survey and 718 completed the entire survey.

Employer Demographics

Six categories of demographic information were collected from the survey participants (job title, organization type, number of people hired annually, organization primary industry, gender, and age range). The majority of the respondents hold the title of either supervisor, recruiter, director, CEO, COO, president, vice president, human resources administrator, staffing specialist or campus
relations specialist, 77%; work in the for-profit sector, 57%; hire approximately 1 to 10 people in their organization annually, 43.9%; are female, 66.7%; and range in age from 26 to 55 years of age, with the majority, 34%, ranging in age from 26 to 33. Respondents work in a broad range of industries. The top three industries that were selected by the employers include education, 11.1%, manufacturing, 7.7%, and non-profit/philanthropy, 5.3%.

**Summary of Key Survey Findings**

The following are some of the most notable findings from the survey:

- The majority of the employers, 61%, never use Facebook as a tool in the applicant pre-employment screening process.

- The employers were nearly split in their opinion that use of Facebook for this practice has benefits (50.5% *Disagree/Tend to disagree* and 49.5% *Agree/Tend to agree*).

- The majority of the employers, 70.5%, do not think that Facebook should be used as a tool in the applicant pre-employment screening process. Only 5.9% completely *Agree* that Facebook should be used for this purpose.

- In contrast, 81.4% believe that Facebook could be used under some circumstances, while 18.6% *Agree* that it should *Never* be used.

- Only 2.5% completely *Agree* that information available on Facebook is accurate.

- The majority of employers are not familiar with either the National Association of Colleges and Employers (NACE) Principles for Employment Professionals, 67.3%, or Facebook’s Statement of Rights and Responsibilities, 64.1%.

- Relative to the ethical use of Facebook as a tool in the applicant pre-employment screening process, the responses reflect a standard distribution with 52.7% *Tend to disagree/Disagree* and 47.4% *Tend to agree/Agree*.
• Approximately half of the employers, 50.5%, were Not certain if they can find legally-protected information about an applicant on Facebook, while 38% believe that they can, and 11.5% responded that they cannot.

• The overwhelming majority of employers, 93%, indicated that they have no organizational policy or they are uncertain if they have a policy on the use of Facebook. Only 4.4% have a policy and 2.5% are developing one. Of the 2.5% who are developing a policy, 83% indicated that the policy would prohibit the use of Facebook while 17% indicated that the policy would require its use.

• Those who do use Facebook as a tool in the applicant pre-employment screening process, 39%, use it for the following main reasons: Assess the character of the individual, 60.9%, Learn if the applicant will be a good representative of their organization, 52%, and Learn information that may not be on applicants’ resumes, 39.8%.

• The majority of the employers, 97%, indicated that use of Facebook can introduce bias, with a stronger emphasis on creating a negative bias.

• A large majority of the employers, 88.4%, Tend to agree/ Tend to disagree that poor hiring decisions can be avoided by using Facebook, and 61.1% Tend to disagree/ Disagree that Facebook has helped improve the quality of hires in their organization.

• Only 5.4% of the employers indicated that they use Facebook All of the time/ Almost always to find private, non-job related information about an applicant with 39.4% indicating that they Never use it for this purpose.

• Among employers who do use Facebook, 39%, less than 4% have ever withdrawn an offer of employment based on what they learned on Facebook, only 8% requested that applicants “Friend” them in order to get more information, only 10% have asked others to access the
Facebook profiles of applicants with whom they do not have access. And, 77.2% Tend to disagree that information they have learned on Facebook has caused them not to consider an applicant for employment in their organization.

- Among those who use Facebook as a tool to screen, the majority, 63.6%, do not inform applicants that they do, and the majority, 63.9%, do not require written permission from applicants to use Facebook for this purpose.

- Among the employers who do not use Facebook as a tool to screen, the main reasons they indicated not using it include: Do not want to access information that is not job-related, 64.8%, Do not want to introduce bias in my decision-making, 58.9%, and Do not want to access personal and private information, 61.5% and 56.3% respectively.

**Recommendations**

In reviewing the findings from the online survey and the interviews with the two attorneys, five recommendations are offered for employers who use or are thinking about using Facebook as a tool in the applicant pre-employment screening process:

**First, develop a policy about the use of Facebook.** The survey findings revealed that the vast majority of employers do not have a policy or are uncertain that they have a policy on the use of Facebook for applicant pre-employment screening. An important first step is for organizations to begin discussing their position on this topic and establishing expectations of appropriate use (or prohibiting use) of Facebook for this purpose. Having a policy can protect the company from the behavior of its employees.

If Facebook is used, the policy should: dictate who in the organization can use Facebook in the applicant screening process, describe when Facebook should be used for screening, and specify that any illegal measures to gain information is prohibited. The policy should also include a notice
to applicants that the organization uses Facebook as a tool, when it will be used in the application period, and that only job-related information will be considered. Employers should also ensure the practice is the same for all applicants. Finally, employers should thoroughly and consistently document the screening process for all applicants.

**Second, develop and deliver legal hiring training.** Whether an organization decides to use Facebook as a tool in the applicant screening process or not, all hiring personnel should be trained on what is legally-protected and private information so as to avoid legal liability and discrimination of employment applicants. Conducting (and requiring) refresher training for current hiring personnel would also be valuable to ensure current laws are reviewed and followed. Employers should learn about laws such as the Computer Fraud and Abuse Act, the Stored Communications Act, as well the Consumable Products Act.

**Third, review recruiting policies.** As part of human resources best practices, hiring personnel should review and understand guidelines like the NACE Principles for Employment Professionals which can provide legal and non-discriminatory recruiting guidelines. Employers should stay up-to-date on any changes to these policies. In addition, organizations would be well-advised to consult legal guidance in understanding and following all laws and policies related to applicant hiring best practices.

**Fourth, incorporate a discussion about ethical leadership.** As part of the policy discussion, organizations will benefit from talking about this practice from an ethical standpoint. Organizations should also take into consideration their current organizational code of conduct and values in developing a policy.

**Finally, continue dialogue and learning.** Because technology is ever-changing, it is critical for employers to stay current, especially as it pertains to new laws and regulations related to applicant pre-employment screening. Employers are encouraged to regularly read professional
literature, attend and contribute to conferences on the topic, and learn from and converse with other employers as well as legal and career professionals about this topic.

Conclusion

This survey found that Facebook as a tool in the applicant pre-employment screening process is practiced by less than half of the employers surveyed. The majority do not use it, but nevertheless, nearly half think benefits exist to using Facebook in this way, and the majority think the practice can be valuable at least in some circumstances. The survey found that the majority of the employers do not have an organizational policy in place. As the attorneys interviewed predicted, the United States will reach the point one day of greater privacy protection and greater regulation of Facebook for this activity. Until that time, the future is unclear. During this period of ambiguity and non-regulation, hiring personnel have the opportunity to think about their ethical obligations to current and future employees. As one survey respondent said about the practice: “It’s not nice. The Golden Rule can be applied here.”