

# Utilizing Social Media for Cybervetting Potential Employees Cristen L Komperda Baldwin Wallace University

Social media has become an integral part of connecting with others and sharing personal information online. The information has become a controversial treasure trove of information publicly available to anyone with online access. At the top of the list is protected information which is illegal to obtain during the interview process. The information makes it easy for employers to discriminate, consciously or unconsciously because of all the information social media profiles provide. The use of social media also creates obstacles to maintain diversity. One of the most accessed social media sites is LinkedIn, showing everyone's connections. Creditability can be established by a colleague's endorsement and who they are linked to. This alone can jeopardize diversity within an organization. We've compiled a group of articles which address a few of the hot topics using this information triggered. Employers who decide to use this information open themselves a number of risks including legal issues related to privacy, discrimination and equal opportunity employment. Usage has left employers exposed to legal unknown and vague consequences, which are being established case by case. In addition there is not a lot of evidence to support the reliability and validity of using these resources, leaving employers to summarize their own best practices. In the selected articles these issues are addressed however, none of them can provide total peace of mind.

### **Cybervetting, online information, and personnel selection: New transparency expectations and the emergence of a digital social contract**

This article examines the study of employers and employee ongoing retrospective development of using social media in personnel selection. The study looks at 89 interviews and the social contract between the employer and their potential employee regarding the use of online social media information. Eventually the study focused on the need for employer transparency during the interview process. The article was selected because it focused on some key elements important to my own examination of using social media in the selection of employees. The key elements focused on cybervetting usage, legal compliance, online screening, personnel selection, and social media ethics.

The study consisted of a variety of 45 employers and 44 potential employees. The study created groups of employers that varied in size, state, industry and roles. The average age of the employer was 35 divided fairly between men and women, however the majority of participants (81%) were Caucasian. The pool of 44 potential employees had a younger median age of 22, with a 6 more females than men, the majority caucasians as well. The employers were selected for their role, expertise, experience, and the probability those employers would provide additional leads. Of those leads only employers who were likely to “refine or refute emerging theoretical themes” were pursued.

Employers were interviewed about their personnel selection procedures and potential employees were interviewed about their job-seeking process. Employers were initially asked to explain their general approaches, their use of technology prior to asking about the use of cybervetting. Because of legal peril of cybervetting questioning was peppered with direct and indirect questions to avoid only socially responsible responses. The recorded interviews were systematically reviewed by an inductive and abductive analytical approach. The information was constantly compared to eventually identify a conceptualized theme of transparency.

Results indicate employers need to create a new social contract outline the usage of the potential employee’s digital footprint during the vetting process to create employer transparency. The results of the experiment expressed with great concern the need of the potential employee for the employer to be transparent in regards to the use of social media in the vetting process. Employees felt they should have the opportunity to verify the credibility of online information, and if necessary provide an explanation. Employers admitted to using social media, without being transparent, however expressed concern to the validity of the information. This provided the evidence potential employees, need a new social contract to include the expectation their online information is going to be used in the ultimate decision process.

In addition to the study, the article included two other important themes important to an employer or a person in a managerial position, the inadequate legal and compliance standards and the transparency in the utilization of social media. There is an indisputable need for clarity and consistency for both employees and employers. Legal inconsistencies and social expectations of privacy are complicated. Without necessary guidance it is difficult to protect a company against potential legal action. It is the responsibility of the employer to ensure

employees meet the needs of the company. Candidates publicly post information online, however feel there should be an expectation of privacy to ensure their information is not used against them. It is debated if an employer fully did their due diligence if this information, which is publicly available was not obtained prior to hiring, and later had a negative impact to the company or organization. A lot of the information shared publicly is protected information to avoid discrimination. Without clear legislation, people are dependent upon their social contracts. This is why ethical behavior is imperative to engage in a transparent, social contract on both sides. The lack of transparency at minimum causes mistrust in the relationship and worst case scenario both are thrown into a very blurry legal dispute.

### **Big Five Personality Traits Reflected in Job Applicants' Social Media Postings**

This particular aspect of our study does not address diversity, it speaks to the managerial implications (referred to as the employer). Legal concerns utilizing the social media in the process of application selection is extremely troubling to employers. One of the biggest question an employer may weigh is the risk versus reward. Therefore another topic of concern is the validity of the information found online. In this article job applicant's online post were evaluated to determine if they match their actual personality. The hypothesis focused on behaviors focused on in the Big Five personality variables.

The study focused on two types of postings which are often red flags for employers. One is the criticism of superiors/peers and the other was photos or texts with reference to the use of drugs or alcohol. There were four hypothesis posed, 1.) Agreeableness will be negatively associated with bad mouthing through social media, 2.) Agreeableness will be negative associated with bad mouthing through social media, 3.) Extraversion will be positively associated with social media substance use posting, 4.) Conscientiousness will be negatively associated with social media substance use posting. Participants self-reported their social media "red flag" posts, which were compared to traditional personality assessments.

The participants consisted of 175 college students, with a median age of 19.9, the majority Caucasian. The participants were told they were going to assist with the selection of research assistants for an assignment. The selection process used an online application and assessment survey, as well as identifying which social networks they utilize. The group was

limited to Facebook users. They were paid \$75 to spend one hour online giving their opinion about different web pages. After two weeks the initial pool of participants were contacted via email and asked to complete a reaction survey in turn for a chance to win \$100. If they choose to participate anonymity was assured and they were asked to return the survey along with the social media content.

The results for hypothesis 1 and 2 relating to bad mouthing were found to be lower in agreeableness and conscientiousness. There was not a significant relationship to openness to experience, extraversion and emotional stability. The results for hypothesis 3 and 4 related to drug and alcohol use, found higher extraversion in individuals. However hypothesis 4 was not supported. No other personality variables had a significant relationships. The findings does support badmouthing as a red flag behavior. However, alcohol and drug use could not verify red flag behavior for an employer, unless the employer has negative feelings towards the use of alcohol and drugs. A limitation to the study is the group consisting of 19 year old college students, where certain behaviors such as drinking is not viewed as negative in their peer circle. Although the finding does show correlation to of their online behavior and actual personality, further studies should be done to review other content which may not be as easily recognized “red flag behavior”. The responsibilities employers/managers have during the hiring process carrier an immense amount of weight. If social media is a valid source of information, this could far outweigh the risks involved.

### **Legal and Ethical Considerations for Social Media Hiring Practice in the Workforce**

In this article the authors address the majority of the hot topics many employers are concerned with, current use and hiring practice, legal considerations, ethical considerations and best practices. In addition to practice of using this in business organizations, the authors also address usage in academia. The article highlights the widespread use of social media which has evolved to exist in many parts of our life to communicate and collaborate with each other. The articles recognizes studies indicating the percentage of employers who are using social

media to look for job candidates (84%) and the percentage of employers using social media to vet candidates (44%).

Incorporating these searches into candidate selection changes the dynamic of the typical background check. Employers in this particular article reviewed the Facebook and Twitter accounts opening them up to a new form of judgement call. Typically the background check was black and white, criminal background and maybe a credit check, to a more moral and ethics judge.

Ethically there is a strong sense information should only be used when it is “essential” to the job. Because of the visual nature of social media there is an inherent problem of obtaining protected information or possible inaccurate information. If the candidate is unaware of the information being accumulated, they won’t be given the opportunity to respond to what was found online, which is why it is becoming more and more important to implement transparency into the process.

Currently legislation is not in place to protect all of the parties involved, which is one reason it is so important for the employer to know the risks involved when using social media as a vetting tool. Discrimination cases can be brought against an employer if the candidate feels the information found online excluded them from even being interviewed. Employers have admitted to eliminating candidates that cannot be found online. This creates both a diversity and discrimination issue, not all social media sites are used equally by all ethnicities.

The majority of social media post are meant to be personal accounts, most people are not thinking about spelling and grammar when posting to their Facebook page. If an employer is looking at the site and the privacy settings are public, they’ll have access to random thoughts, pictures and videos posted by the owner of the account and their friends. Sprague (2011) states, 70% of hiring and

recruiting professionals have based the decision not to hire candidates, based on the information found online.

This leads to the issue of privacy. Many individuals feel their online information is their own personal property. However the virtual world is not a physical place, and therefore is not included as private property. The courts feel there is not a reasonable expectation of privacy. To protect themselves it is important to use the privacy settings on their social sites.

What employers have access to, is not all bad. Many job candidates can benefit by posting an online biography which includes awards or projects to provide a sampling of their work. This provides an employer with potentially clearer picture of who the person actually is, and their capabilities. It should be noted online information is also used to detect any difference in resumes and cover letters.

What this all comes down to are two things. Employees need to the current environment of social media, it is their responsibility to protect themselves. Use privacy settings and do not post any information which employers would find offensive or may eliminate them from getting a job. Clean your social media room, before you start looking for a job. Finally, employers need to create best practices and stick to them. Employers should create policies to reduce risks, disclose to potential candidates their information may be used to create transparency and be as accurate and consistent as possible.

### **EMPLOYER'S USE OF SOCIAL MEDIA IN EMPLOYMENT DECISIONS: RISK OF DISCRIMINATION LAWSUITS.**

This article further discusses the potential legal implications companies may face when cybervetting potential employees. The article highlights several federal US nondiscriminatory

laws that could play a role in the use of social media when hiring. The first law that the article discusses is Title VII of the Civil rights Act of 1964 which prohibits employment discrimination based on race, color, religion, sex, or national origin. It is extremely easy to learn all of this information about someone from spending a minute on their Facebook profile. Even if an employers intention is not to discriminate it is still possible for stereotyping and discrimination to occur. Many people carry certain stereotypes subconsciously and do not even realize they have them. "Guilty by association" is another potential problem from cybervetting. An employer could potentially discriminate against an applicant based off bias against the other people in the applicants social media pictures. The article describes lifestyle statutes protecting potential and current employees but this form of potential discrimination called "guilty by association" is not covered in most lifestyle statutes. The article next discusses the Pregnancy Discrimination Act of 1978, Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Acts. All personal information protected in these laws can all be found fairly easily on applicants social media profiles. The last law discussed in the article is the Fair Credit Reporting Act of 1970. This law requires that information provided by third parties to employers or creditors is accurate. Many companies use third parties for their cybervetting in order to provide the hiring manager with a screened applicant pool. Companies who engage in these practices are subject to the Fair Credit Reporting Act of 1970. There has also been a fairly strong push by federal government and states to protect applicants from employers taking information from social media accounts. Password protection statutes have been enacted in several states protecting information that is not public record. over the last five years a large number of states have enacted social media privacy laws. These laws regulate the use of social media by employers. They prohibit employers and/or higher education institutions from requesting or requiring employees, prospective employees, students, or applicants to provide access to their social media accounts. With social media being a relatively new topic, it will be interesting to see what new laws get enacted in the coming years.

### **Guidelines for Screening Social Networks in Hiring**

This article addresses whether cybervetting is ethical in its practice along with potential ways employers can prevent bias while still gathering important information from social media



profiles. The article addresses four questions regarding cybervetting. The first question the article poses in regards to cybervetting is "can we?". Technically, cybervetting is legal as pointed out several times. The article brings up two potential problems when cybervetting. The first problem is "There's too much. Facebook alone has 500 million active users collectively spending billions of minutes a month over billions of pieces of content. It's too much to read for every candidate." In regards to time management and cost, companies must decide whether the information gathered from social media is worth the time and money it costs to find the information. For instance, if company screens 1000 applicants Facebook profiles to see if illegal activity is posted or posts that are unbecoming and only one profile in question contains illegal material, then it probably is not worth the time and money needed for cybervetting. The second problem posed is "Remember the saying, "If it's in print it must be true"? Not so, and certainly not for the Internet, which goes through little vetting." This could also be a potential problem for a company. If information on the internet is not always reliable then it's not valid for a company use it as a one size fit all tool. If using a third party for cybervetting, employers could run into issues with the Fair Credit Reporting Act of 1970. The next question posed by the article is "may we?". Social media is relatively new for many people and therefore legislation has not caught up with technology. States have their own laws regarding privacy, but if someone posts information on the internet publicly it is fair game. If someone posts something that is password protected then it's considered private. The next question asked by the article is "should we?" It is up to the employer on whether or not someone should be denied a job for posting drunk pictures or talking badly about previous employers. This freedom for the employer to decide brings many considerations into the picture. Risks, rewards, and costs must be weighed along with factors such as institutional values, public relations, and practicalities. As discussed previously, discrimination laws should be a major factor in companies decisions to engage in cybervetting. The article offers three precautions companies can take to avoid violating discrimination laws. First, third party searches which has Human Resources execute the searches and only pass along job related information to the hiring manager. The next precaution is consistency. Holding and identical search for every applicant can maintain validity and fairness of the information discovered. Lastly, stage in the hiring process is also important. The later in the process companies start cybervetting the better it is for the companies time and money.

### **More Employers Pass on Job Candidates Due to Social Media**

This article highlights different facts and figures pertaining to the prevalence of cybervetting by employers. The two main statistics regarding cybervetting mentioned in the article are 51% of employers decided against hiring a job candidate based on their social media and 43% of employers research job candidates on social media. These percentages have been steadily rising in the past few years. It is important for applicants to understand the level of importance social media can have on their perception of them. One poorly thought out post can have the same implications on employment prospects as having a felony conviction does. Applicants have control over what information they share online and need to understand how damaging one post can be. The job candidates who were denied jobs based off their social media can blame it on posts that were illegal, discriminatory, or bad mouthed previous employers. Other reasons for not being hired include candidates lying about qualifications and having unprofessional screen names. The fact that considerably more employers (51%) denied someone a job based off social media than the (43%) of employers who actually take the time to look shows how powerful social media is in our society today. While it's an employer's responsibility to operate within the boundaries of the law, it is also an applicant's responsibility to exercise favorable judgement when deciding what to post on their social media accounts. 8 percent of employers who denied an applicants due to social media weren't even cybervetting applicants. This shows that it may not be necessary to use cybervetting until late in the hiring process because a lot of negative posts on social media appear to come to the light on their own. Companies will be made aware of outrageous social media posts without even looking themselves. This also further proves how much power our social media posts have and how quickly information spreads in our world today.

