

Publications

Screening Candidates Through Social Media

Related Attorneys

Michael C. Griffaton

Related Services

Labor and Employment

AUTHORED ARTICLE | 8.26.2015

Recruiting Trends Bulletin

Mike Griffaton, of counsel in the Vorys Columbus office and a member of the labor and employment group, authored an article for *Recruiting Trends Bulletin* titled "Screening Candidates Through Social Media." The article highlighted that if a candidate claims he or she was denied employment based on a protected characteristic, the employer will have to articulate legitimate, nondiscriminatory reasons for not hiring him or her. Griffaton says that this may be difficult for an employer to prove.

The article states:

"Companies need to ensure the information being used to make hiring decisions is lawful and that candidates are not screened out because of protected information learned through social media. To minimize this risk:

- *Use social media as part of the overall hiring strategy pursuant to a written protocol describing the search process, the information sought and the results.*
- *Conduct the search post-offer, making the offer contingent upon a satisfactory social media check.*
- *Consider using a third party to conduct the search in accordance with the Fair Credit Reporting Act, and have the protected information redacted before the employer sees it. Or designate someone (preferably in HR) to run the search, filter out protected information and pass that redacted information to the decision-makers.*
- *Search only publicly available information and don't ask for a candidate's social media passwords (at least 12 states prohibit this).*

Above all, be consistent – if you're going to check social media activity, do it for all candidates, not just those in a certain demographic to reduce the risk of unlawful hiring discrimination."

To read the entire article, visit the *Recruiting Trends Bulletin* [website](#).

