

Beware legal repercussions of Facebook as hiring tool

By: **Kathleen Lau** - ComputerWorld Canada (10 Jun 2009)

Social networking sites are increasingly catching on as a popular tool for sourcing talent as well as seeking jobs. But basing a decision on something you saw on Facebook could result in some legal backlash, said one expert

Potential legal repercussions face recruiters using social networking platforms like Twitter and Facebook as talent sourcing tools, according to one industry expert.

The rules of the social network are markedly different from those of the professional sphere, and recruiters viewing content that a candidate has posted on such sites may not be considering the context of private and social norms, said Shafiq Lokhandwala, CEO of Wilmington, Mass.-based human resources technology vendor **NuView Systems Inc.** "It's an informal group and for an informal audience," said Lokhandwala, referring to social networking platforms.

"What social networking does," he said, "is it blends that difference."

Lokhandwala recounts an incident where a candidate's offer of employment was rescinded when the would-be employer found comments written on a social networking site by the candidate that the job was merely a stepping stone and that he wasn't really that interested. That scenario presents no particular problems for the organization, but where legal repercussions come into play, said Lokhandwala, is if the organization rescinded the offer based on a comment made on a social networking site by the candidate's friend, and not the candidate itself.

"But why can't someone be allowed to say something like that?" asked Lokhandwala, adding that if social networking platforms are to remain social, then they can't be used as a business tool. Or, conversely, if they are to become a business tool, then they can no longer reflect private and social norms.

But potential legal repercussions aside, Lokhandwala said there is just too much information on social networks, very little of which is relevant to a candidate's professional life, to make the recruitment process efficient. And, the authenticity of the person posting the content may be in question, as might be the length of time since the content was posted.

What also might contribute to inefficiency is the fact that recruiters will be swamped with applications flooding in from social networking sites, as with Twitter, for instance, which alerts members to job openings. "Everyone wants to be the next rocket scientist for IBM to take the next spaceship to wherever, but now you've got inundated with resumes, which will then create very little value if there is too much volume," said Lokhandwala.

The quality of content posted on social networking sites is definitely a factor for recruiters, but the process is really no different were it another platform, said Kevin Grossman, president of **HRmarketer.com** and principal with Capitola, Calif.-based marketing and PR software and services firm **Fisher Vista LLC**. "No matter what, it does come down to how you are getting to your short list of qualified applicants," said Grossman.

There is a trend towards using social networking sites for both job hunting and talent sourcing, observed Grossman. LinkedIn - or as he describes it, "the gentleman's gentleman networking site" given the degree that it is conservative

and business-minded - has been used by recruiters for quite some time, but is now undergoing a "dramatic increase" by not only recruiters but potential candidates as well.

Twitter, too, has not been left out of the loop. The increase in interest in Twitter, said Grossman, is due to the fact that the platform allows members to build up a followership. "It's a trust network," he said.

The trusted network aspect is precisely the advantage of social networking sites as recruitment tools where quality recruiters are building strong followings of professionals, said Grossman. The sites, he continued, offer a high level of transparency on the part of the hiring organization. "The whole point of a social networking service is it's supposed to be one of the trusted networks of people that you are allowing into your network, so the quality theoretically is going to be somewhat higher particularly for the closed networks that you are fostering," said Grossman.

But a disadvantage to the overly-aggressive recruiter using social networking sites as recruitment tools is the professionals on the receiving end of job notifications could get put off, said Grossman, especially if they are the kind of passive candidate who isn't really job seeking but wants to keep a foot in the door.

While transparency works to the advantage of the hiring organization, Grossman agreed with Lokhandwala that transparency on the part of the candidate might not be such a good thing given personal photos and content are "there for everyone and God to see."

For organizations considering using social networking sites, Lokhandwala suggests using such platforms only to confirm social fit once a candidate has been hired, but not in the actual hiring decision itself. The risk, he acknowledged, is not recognizing the fine line that exists between those two.

Lokhandwala understands the allure of social networking sites given the immediacy of user expression that the world can be privy to, but the attention it attracts from recruiters and everyone else alike will eventually settle. He thinks such sites will become an always-available, constantly updated address book of sorts, but with contextual information.

"At end of the day, right now this is a fad," said Lokhandwala. "It's got fad status."