



You're
Fired!

Social Media Background Checks: How your Facebook and Twitter accounts can cost you a job

By Michael Rainey

That picture of you in a hot tub with a beer in your hand and two attractive females sitting next to you sure looks great as the profile picture on your Facebook page, but can it prevent you from getting a job? The answer, somewhat surprisingly, is yes. Employers have been doing standard background checks and credit reports on employees for decades, but in recent years hiring managers have also begun checking out the personal social media pages of candidates under consideration for a position, a practice known as "social media background checks," to determine as much as possible about a candidate before they hire them. The more pictures you have of yourself in compromising positions on Facebook and Twitter, the more damage you are doing to your employability status. Various reports suggest that between 50 and 90 percent of employers use social media background checks to vet out prospective employees.

If you become a finalist or a semi-finalist for an open position and a hiring manager comes across pictures of you carousing with your friends and appearing to be in various states of inebriation, they are going to be significantly less likely to hire you. The question becomes, is this newest form of candidate screening ethical? "On the one hand, an employer could be putting themselves

at risk because a person's behavior outside of work is their own business," says Vicky Ayers, the Institutional Services Coordinator for RPA Inc. (her *Recruiter's Corner* feature can be found on page 14). "On the other hand, if your boss were to walk into a restaurant and see you carousing and behaving in an embarrassing way and there was potential for a backlash against his business, would he have a right to be concerned about your behavior? I think he would. It's all up in the air right now. What constitutes private and personal today is very different than it was 10 years ago."

Social media background checks run much deeper than just employers seeking out inappropriate photographs. They are also reading status updates, checking employment-based social media websites like LinkedIn to see if a candidate's educational and employment background matches up with what their resume says, determining if there are any negative comments posted about a previous employer, etc. "If a candidate has applied for a position that has a communication component to it, an employer will check to see if the prospective employee presents themselves well from a communication standpoint – do they write well, do they communicate well?" says Jonathan T. Hyman, a Cleveland-based employment lawyer who is one

of the authors of *Think Before You Click: Strategies for Managing Social Media in the Workplace*. "They may also check to see whether a candidate appears to be a good fit for corporate culture based on the image they portray online or whether they appear to be creative and have the right skill set. There's a whole bunch of information, both good and bad, that companies can mine these social media sites for."

Facebook is notorious for having privacy settings where users can make their profiles only visible to "friends," but it would be wrong for somebody to assume that they can post whatever they want and prying eyes will never see it just because the privacy settings are turned on. "If you are considering John Doe for employment and you know that he is Facebook friends with an employee that you have, there's nothing to stop you from going to that employee and asking them to print off a copy of John Doe's profile for you to review," Hyman says. "There are ways around [privacy settings]. While Facebook's privacy settings gives the individual some sense of security, it can in a lot of cases be a false sense of security."

There have been instances where a company will ask a prospective employee if they can view their Facebook page before they hire them. While this gives the candidate in question a chance to "scrub" their profile of any incriminating content before the employer sees it, the chances of something falling through the cracks is too great. In short, if you are in the job market, you shouldn't post anything that could possibly prevent a company from hiring you. However, you aren't exactly home free even if you already have a job and aren't actively seeking a different one. Employees have been fired from their current jobs as a result of comments made on social media sites, as Susan Borowski illustrates further in her "Facebook Firings" article on page 8.

Legally, existing anti-discrimination laws cover using social media to make hiring decisions based on race. For example, it would be illegal for an employer, in a search for Caucasian employees, to screen applicants by looking at their photos on Facebook, Twitter or LinkedIn to determine if they fit that predetermined criteria before interviewing them. The only actual law that covers background checks is the Fair Credit Reporting Act (FCRA), but it only sets up a series of procedural hoops that a company/employer has to jump through when it hires a consumer-reporting agency or third-party organization to conduct background checks for them. If the company/employer performs the background checks in house, the FCRA never comes

into play. "Everybody needs to walk on eggshells with this stuff because there aren't good laws to protect people," Ayers says.

Nobody should make the mistake in believing that social media background checks are merely a passing fad – they are the wave of the future and figure to become even more prominent in the years to come. "It is definitely the future," Hyman says. "In fact, with as many as 90 percent of companies doing this already, the future is very much here now."

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- Jonathan T. Hyman, co-author of *Think Before You Click: Strategies for Managing Social Media in the Workplace*.

If used properly, social media can help job seekers find the position they desire by allowing them to network and establish relationships with other professionals in their chosen field that they wouldn't ordinarily get a chance to meet. But like many new technological developments, social media can be an incredibly powerful tool in both a positive and negative sense. "For job seekers and employees, social media is very much a tool in reputational management," Hyman says. "Nobody would ever walk into a job interview with a Fortune 500 company wearing ripped jeans and flip-flops while holding a beer in their hand, but those are the pictures people have posted on their Facebook pages without their privacy settings locked down and anybody

can type their name into the search bar on Facebook and look at those photos. Employees need to understand that employers are looking at this information and are making employment decisions based on this information.

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It's possible for you to use your social media pages to communicate with friends and relatives while maintaining a clean, respectable image. The best advice a person can get regarding questionable photographs and comments they may be considering making public is "when in doubt, don't post it." It's always better to be safe than sorry.

"As my grandmother once told me: 'Fools names and fools faces are always seen in public places,'" Ayers advises. "Everyone should be very careful about what they put out in public." ●

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