

“The use of Social Networking Sites as a tool for employers in  
screening job candidates during the recruiting process:  
The ethical dilemma. Irish perspective”

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## Declaration

I hereby certify that this material which I now submit for assessment of the programme of study leading to the award of MSc in Management is entirely my own work and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged with the text of my work.

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May the almighty God bless you all abundantly.

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## Abstract

Social networking sites such as Facebook, Twitter, LinkedIn, enables users to publish personal information on timeline to communicate and interact with other users. Both social networking sites and search engines are being used as a tool for screening candidates during the recruitment process, because of its easy accessibility of information about candidates. Employers can be tempted to view candidate's personal information on social networking sites, however performing such practice can lead to legal, ethical and privacy implications. Many of the reports on social networking sites in the workplace are internationally but the Irish workplace has not been extensively reviewed. According to Mark Stankard from the employee-screening firm RecruitSafe.ie that is based in Galway "Employee screening is a very big thing in the US, but it is becoming more and more the norm here too" (Costello, 2013, para. 22). The study done in the Irish workplace shows employers would be influenced by the evidence on social media of behaviour for instance discriminatory views and bad language when it comes to job candidates. William Fry Employment Report on Irish workplace indicates that 86% of employers said the use of bad language on a candidate's social networks profile would affect their decision to that candidate. 82% of employment would negatively influenced by discriminatory views on a candidate social networks profile. While, 81% of employers said they would be negatively influenced by inappropriate pictures/videos on candidate's social networks profile. William Fry Report (2013) stated "there is no Irish Legislation prohibiting an employer requesting login details". In the US some businesses are demanding candidate's password, Robert Collins who was required to give out his personal password in order to be considered for a job. This left him feeling violated of his privacy. The law in Maryland were later passed that prohibit employers from demanding personal social networks password, rather it should be voluntary. Although there is no specific legal restriction regarding the searching of candidate's information online, because anything online is considered to be publically accessible. However, there are some equality legislation in place to ensure that when employer or recruiters carries such social networks checks on candidates, they do not interfere with candidate's right to privacy, neither their decision on not to hire the individual should be based on information found on social networking profile.

This trend raises concerns about ethics and fairness when social networks are used as a tool to gather information about job candidate during screening process. The purpose of this research study was to explore the Irish perspective on the use of Social Networking Sites as a tool for employer in screening job candidates during the recruiting process and the ethical dilemma it can present. The findings from this study revealed that not only the international employers who are using social networking sites to screen candidates but the Irish employers are doing the same. However, the employment law attorney O'Flynn said employers are not talking about it and the only reported case involved existing employees. The majority of respondents said they are aware of employer's ability to find information about candidates on social networking sites. 30.3% of respondents approve the idea of screening effort in order to be considered for a job. 78.8% of respondents said no, they would not give out their social networking profile password just to be considered for a job.

**Key words: SNS, Employers Screening, Hiring Decision Making, Fairness, Ethics, Legal Implications**

## Chapter 1: Introduction

These days it seems everyone has a social networking page with shock full of information that you may or may not want to know, including those individuals searching for a job. It is necessary that we first review the definition of social networking sites (SNS) and look at the different types of popular SNS that most employers use or are more likely to use in order to assess candidate during the recruiting process.

### 1.1 Emerging trends in Social Networks and employment

Nowadays we see social networking sites emerging with other activities not only in education, business, politics, science research, riots but also employment. The rapid expansion of social networking sites such as Facebook, LinkedIn and Twitter has created platform to employ new candidates and accept applications. Social networking platform helps connecting candidates with professionals or vice versa. Therefore, it's important for individuals who are seeking employment to portray a professional image of themselves at all time. Candidates who portray a bad image of themselves can jeopardise their chances of getting a job or losing the job if employers get to view their inappropriate behaviour on social networks.

### 1.2 What is social networking sites and their dangers

For the purpose of this study social networks will be defined in order to have a better understanding of social networks. The birth of Web 2.0 has not only created a platform for communicating and collaborating but has also created ability for employer to learn about their potential to see the other side of them that they normally not see on these candidate resume.

Looking at definition of what social networking sites will provide an insight of what they are. Boyd and Ellison (2007, para. 30) in their definition they described social networking sites as *“web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system. The nature and nomenclature of these connections may vary from site to site”*.

The following popular social networking sites are mostly used by employers or agent to screen job candidates of interest.

### **1.2.1 Facebook**

Social network such as Facebook when was launched in 2004 with intension for Harvard student only when they register with their college institution emails addresses and was later available to other high schools, professionals, and eventually everyone between the age 13 years and over who wanted to open an account with Facebook through an email address (Inderscience, 2012).

By 2006 Facebook new users increased by 200,000 per day as results the average page views rose to 57 billion each month (Guo, 2008). On Facebook users have the full control over their account by limiting and/or block the viewing of their individual profiles. However, many users have not taken advantage of these controls leaving them exposed to searches carried out by curious employers. Facebook has an area for personal information called 'About' that contains information such as age, religion, work, relationship and educational status. Such information's are generally prohibited by the Fair Credit Reporting act (FCRA) from being used in making hiring decisions (Jones, et al., n.d.). Users on Facebook can also join groups that they are interested in such as sports team, political issue, and religious groups. Therefore, an individual that has not restricted his/her profile is vulnerable by an employer searching unrestricted area to access all of his/her personal information, which can be used to decide whether he/she should be interviewed and/or hired (Jones, et al., n.d.).

### **1.2.2 Twitter**

Twitter is also one of the largest social networks that connect friends, family and co-workers or just company of interest and allows its members to send or post a tweet that are not longer than 140 characters. It invented by Jack Dorsey and was officially launched in 2006. Now millions of users around the world are register and using Twitter (Twitter, 2013).

### **1.2.3 LinkedIn**

LinkedIn is a professional social network that was found by Reid Hoffman in 2002, and was officially launched in 2003. Their aim is to link the world's professional to make them more productive and successful. Once you become a member you get to access to other people, news, and updates (LinkedIn, 2013).

#### 1.2.4 Google

Google is a search engine that was founded in 1998 by Larry Page and Sergey Brin. Its purpose is to organise the world's information and make it accessible and useful to millions of people (Google, 2013).

However, nowadays it is being used practice for employment pre-screening job candidates. The way the search engine is used by potential employers is searching for a person's name on Google.com. The search engine will display a variety of information, but can include achievements, newspaper, references, group affiliations, and legal proceedings that include the names of individual being searched. Nevertheless, the output may display individuals with common names, and those results may be unrelated to the individual in question. But, if employers search in general location they may be able to find information relevant to the specific candidate. However, there is no guarantee that the information found is real or related to the individual in question (Jones, et al., n.d.).

## Chapter 2: Literature Review

It is essential to review whether employers are using social networks for candidates' pre-employment screening. This research study will consist of a literature review that will be made up of relevant theories, previous research, comments and opinions that will support the research problem.

### 2.1 candidate's pre-employment social network screening

Job candidate pre-employment screening is said to be at the early phase of a sequential selection process whereby job applicants meeting critical minimal qualifications or selection criteria are selected for further consideration involving more resource-intensive, while those without these requirements are screened out (Catano et. all, 2010).

Screening can be further defined as *“any rough and quick selection process even when not followed by further selection assessments. Screening takes on increasing importance the larger the ratio of applicants to positions”* (Catano et. all, 2010:p.289).

The diagram below illustrates the traditional way used by employers or agents to screen job candidate and the same figure also illustrate newest tool used by employers or agent to screen job candidates.

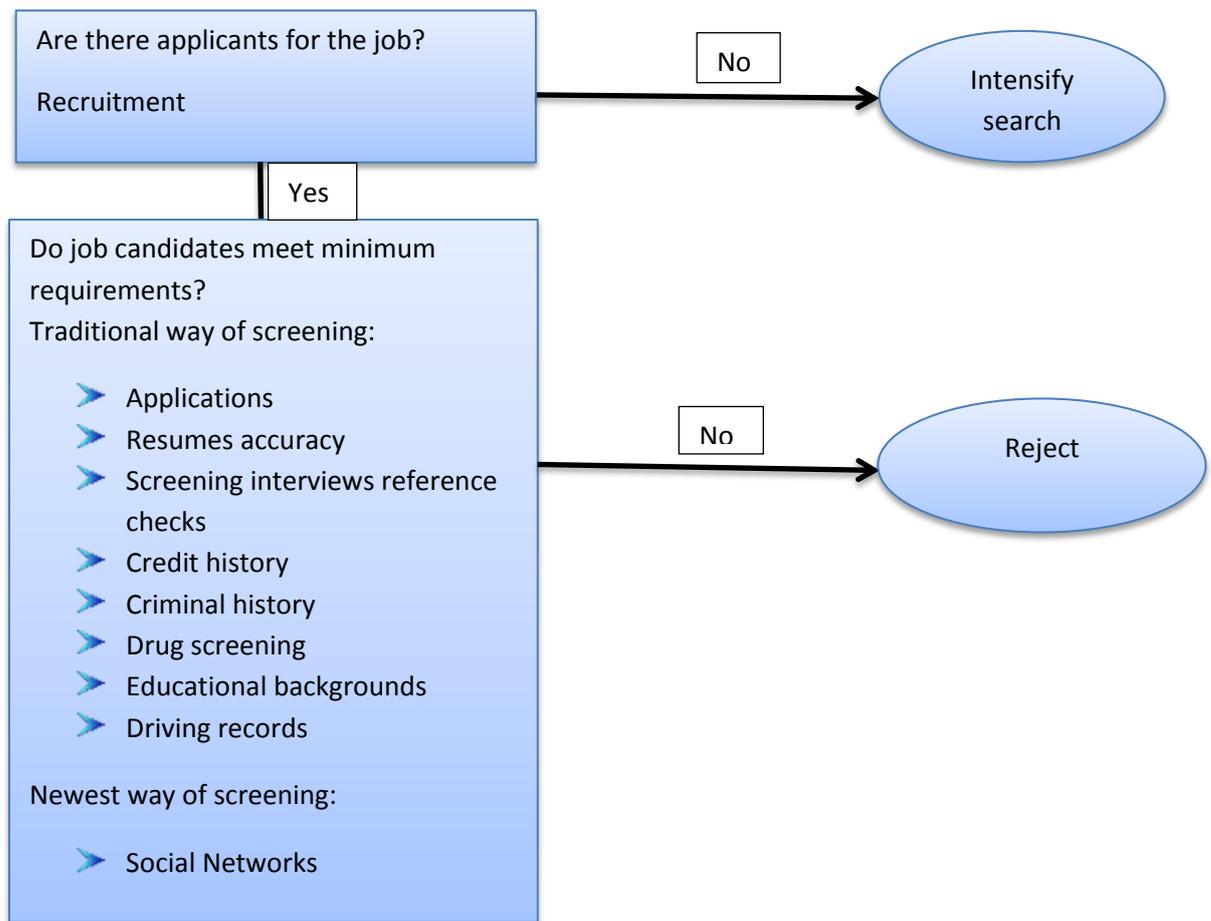


Figure 1: The Relationships among Recruitment, Screening and selection (Catano et. all, 2010).

The traditional background searches generally focus on the activities listed above. According to (Hamashige 2000, cited in Jones, et al. n.d.), 86% of employers performed background search in 2000, in order to verify employment history. The search showed that criminal records were sought 81% of the time, while drug screenings were 78% of the time and reference checks were performed by 71% of employers performing background search. As a results based on the Fair Credit Reporting Act, before employer or agent takes information search action they are required to notify and seek permission of the candidate in question (Roses 2006, cited in Jones, et al., n.d.). Similar to FCRA, employers in Ireland must comply with the data protection legislations by informing employee or potential candidate of any possible checks that may be undertaken and seek their consent (Anon., n.d.). However, the focus of social networking and internet searches generally does not focus on this information (Jones, et al., n.d.).

This section is aimed to review whether employers and recruiters are actually using social networks to screen candidates during hiring process. Baker & McKenzie's Global employment Practice Group have a published study on "the social media issue". They asked their leading Labor and employment attorneys to provide answers to questions that many companies are facing with regard to the use of social media as part of its recruitment process (Baker&McKenzie, 2012). Although, their study did not focus in the Irish workplace, however the closest country is UK. Their report stated that in UK employer can search social networking sites or other web sites during the recruitment process. The possible liability risks to employer that stem from using social network to research candidates seem low (Dennis n.d.). Candidate's invasion of privacy action would fail because it can be debated that candidate voluntarily disclosed information and posted it on public domain sites (Dennis n.d.). Candidates are able to control what information can be accessed by the public (Baker&McKenzie, 2012).

According to William Fry Employment Report (2013, p. 3) "*There have been many reports on social media in the workplace internationally but the Irish workplace has not been extensively reviewed*". This forces the literature review to focus more on the research studies conducted in the US. According to (Davis 2006/2007, cited in Elzweig & Peeples 2009) survey finding as to whether employer use social networking site such as Facebook to pre-screen candidate vary, however it is becoming popular in practice.

Some survey revealed that some employers are using it as a tool in the pre-screening process and some not at all. The growing issue for bothering everyone is lack of clearness about how employers treat these candidates personal information (Palfrey and Gasser, 2008). A survey conducted by Microsoft shows that three quarters of employers have reported that their company have formal policies in place that demand them to research about the candidates online (Nace, 2010). Furthermore, 70% have reported that information gathered online can influence the employer hiring decision, while other claim that they have not hired candidates because of information found on internet (Goldberg 2010, cited in Lory). Microsoft survey revealed that 7% of candidates surveyed felt their information on internet impacted their job search (Nace 2010, cited in Lory). When putting legal and privacy aside, this survey finding raise concerns about ethics and fairness when social networks are used as a tool to gather information about job seeker during screening process. This new trend of screening job candidates can suppress social networks users' ability to express themselves in any way that they choose out of fear that whatever they put on internet could have a negative impact on their employment opportunity (Lory, 2011).

According to Microsoft survey recruiters could form opinion about candidates based on what they learned online and making decisions based on candidates' personal qualities or professional, morals and values, but the problem is that candidates may present themselves in a completely different manner if they are in professional environment (Lory, 2011). Therefore we can also assume that information that employer gathers online is accurate.

## 2.2 Awareness to employer's ability to find information through social networking sites

A research conducted by the CareerBuilder revealed that nearly one-fourth of employers are using social networking sites to research job candidates, this figure has gone up from 11% just two years ago (Causer, 2009). As for new college or university graduate they should pay attention to this new trend and consider re-evaluating their social networking profile. Ireland's biggest trade union has already warned employees that their tirades of abuse on Twitter and foolish act on Facebook could quickly come back to haunt them (Independent.ie) because privacy settings have their limitations (Causer, 2009). However, candidates are becoming aware of employers investigating job candidates using social network, and as a results, they modify their social network privacy settings to protect their profiles from public view (Dennis n.d.).

According to Allison Nawoj, a corporate communications manager at CareerBuilder *“employers are not necessarily looking for dirt, many times they’re just looking for more general information about the candidate”* (Causer, 2009:p10). Employer might search to see if information disclosed by candidate support their qualification for the job. Do they have great communication skills, and/or writing skills, which are required for them to do the job? Therefore, it’s important to portray a professional image at all time when you’re online. Nawoj advised that individual should take some time and Google their own name to see that comes out there, can people see all your information such as what you writing on newsletter, wall. Steve Levy a principle at Outside-the-Box Consulting also contributed to this argument saying *“if we see you are applying for a position with substantial fiduciary responsibility and accountability and we see your site and you’re making dubious judgement and decision-making, we’re going to question whether you’re the right person for the job whether that’s right or wrong”* (Causer, 2009:p11). Furthermore, Jason Alba who is a chief executive officer of JibberJobber, LLC also advised job candidates to keep away from posting religious or political affiliation except they are committed to seek for job that agree with their stated beliefs.

Based on the survey conducted by CareerBuilder 9% of employer said they are currently not using social networking sites to screen job candidates although they plan to start, while 34% of employers who used this tool said they found content that led them to dismiss the candidate from consideration.

The major areas for concern among employers included:

- 41% - candidate's information posted on social networking profile were about them drinking or using drugs.
- 40% - candidate posted images or information that was provocative or inappropriate.
- 29% - had poor communication skills
- 27% told lies about their qualification.
- 22% - candidate discriminated against race, gender, religion etc.
- 22% - candidate's name on profile was unprofessional
- 21% - were linked to criminal behaviour
- 19% - candidate disclosed confidential information from previous employers, while
- 28% bad-mouthed their previous employer. These are just some of the pros discovered when employer search candidates social networking profile (Causer, 2009).

On the other hand, the survey from William Fry Employment Report on Irish workplace indicates that;

- 86% of employers say the use of bad language on a candidate's social networks profile would affect their decision to that candidate.
- 82% of employment would negatively influenced by discriminatory views on a candidate social networks profile.
- 81% of employers say they would be negatively influenced by inappropriate pictures/videos on candidate's social networks profile (Fry, 2013).

After reviewing the US based results with the Irish survey results the findings are very similar when comes to why employers are negatively influenced by what they view on candidate's social networks profile.

This part explored why job seekers or non-job seekers should be concerned about potential employer finding their information on social networks. A survey conducted by Shafie, Mansor, Osman, Nayan, and Maesin (2011), on what students were mostly concerned about when comes to privacy. The results revealed that people were less concerned about the contents that may impact their work or profession (Shafie et al., 2011). The results also showed that students were not or are not concerned about what potential employer or recruiter may find on their social networks profile. While a study on 433 undergraduate students conducted by Peluchette and Karl (2008) shows that 80% of students using social networks say that they were in fact concerned about their current postings on their profile.

### 2.3 Job candidates give out password in order to be considered for a job

Imagine leaving in a society whereby to be considered for a job, employer asks candidate to disclose their relationship status, pictures, political affiliation, social agenda and list of books that they have read. These are types of information that employer found when they request or obtain access to candidates' social network profile. For instance, Riego, Abril & Levin (2012) mentioned that most of the cases reported about employers asking job candidates for access to their Facebook or other social network accounts before making a hiring decision came from the United States. The Irish Congress of Trade Unions issued the stark alerting after learning employers were conducting highly invasive character checks on potential employees, with some businesses even demanding Facebook passwords before hiring staff (Independent.ie). Rejecting of this request can be equivalent to an application withdrawal; this can push candidates to decide whether they want their privacy or their prospective employment. In the United States the practice, though not yet a commonplace have resulted in lawsuit (Riego, Abril & Levin, 2012). Forcing the *“Department of Justice and the US Equal Employment Opportunity Commission conduct an investigation into the new disturbing trend of employers demanding job applicants turn over their user names and passwords for social networking sites”* (Wolford 2012, cited in Riego et al., 2012 p.18). Furthermore, *“members of Congress have proposed an amendment to the Federal Communications Process Reform act that would allow the Federal Communications to prohibit employers from requesting access to online social networking sites”* (Purewal 2012, cited in Riego et al., 2012 p.18). According to the Social Networking Online Protection Act who request for candidates social network password will be banned and to those who violate the new law can pay a penalty up to \$10,000 (Albanesius 2012, cited in Riego et al., 2012). Then, the Password Protection Act would prevent employers from forcing job candidates to provide social networking passwords (Lowe, 2012).

Employers can be civilly liable if proper care is not taken in hiring decision, especially lack of evidence in candidate's background or character. This can results in lawsuit claims and causing a bad reputation for the business. A study done recently claims that an individual's social networking profile can give a true insight into individual's personality and character. Knowing this information will help employers to evaluate whether contracting the candidate would be in the organisation's best interest. This is also way employer can avoid future lawsuit claim if they found an obvious behaviour in individual in question. According to Riego, Abril & Levin (2012:p.18) *“the US courts are struggling to stretch current legislation*

*to encompass new technologies and individuals' normative expectations of privacy within these new technologies and balance them against employers' legitimate interests, rights, and concerns".*

This new trend of employer asking candidates for password is mainly in the US. However, *"abroad there is more privacy-protective law and norms that have likely prevented otherwise-tempted foreign employers from internationalizing the apparent trend"* (Riego, Abril & Levin, 2012, p.18). Then again William Fry Report stated *"there is no Irish Legislation prohibiting an employer requesting login details"* (Fry, 2013, p.4). While, Terence McCrann the head of McCann Fitzgerald's Employment Group and is also known as one of Ireland's leading employment law experts said *"the law has not quite caught up with the rapid growth and dynamic global impact that social networks provide. Legal principles cause conflict between employees' privacy and data protection rights on the one hand, and legitimate business interests and legal obligations of employers on the other"* (McCrann 2013, para 1-4) This causes employers, HR, IT professionals, including employment lawyers to work together to deal with these issues to permit businesses to maximise opportunities social media provide, while emerging comprehensive and realistic policies and procedures that can be implemented to address the inevitable challenges and risks (McCrann, 2013).

In this study it is important we discover whether job candidates would provide potential employers with their social networking profile passwords in order to be considered for a job. Quantitative research method will be used to the limitation to this chapter will be the fact that not much research has been conducted to form an opinion as to whether job candidates would provide potential employer with their password in order to secure a job. However, recently a study has been done in the United States on student's attitudes and awareness on the practices of using social networks to screen candidates. Students were asked if they would give their social networks profile password in order to be granted a job. 81% of students participated point out that they were not willing to give out their social networks profile password to an employer in order to be offered a potential job, while 18.4% said that they are willing to provide their password. A hiring policy that was put into effects in a city of Bozeman, Mantana that required job seekers to provide their social networks user name and password from sites such as Google, Facebook, YouTube and MySpace (Anon., 2009).

Further to the survey 85% of people searching for job said that they would refuse to enclose passwords to an employer to be offered a job, whereas 15% said that they would disclose their passwords.

As for participant not currently searching for a job, 81% said they would refuse disclose their password, 15% said yes they will reveal their password to potential employer, while participants not currently searching for employment 81% said they will refuse to reveal their password to potential employer, whereas 19% said they would disclose the password to potential. One of the cases from this emerging trend was of Robert Collins who was asked to disclose his Facebook username and password during an interview (Scott, 2012).

## 2.4 Hiring Decisions Making

Simon (1960) denoted decision making as the “heart of executive activity”. (Clark & Roberts 2010, cited in Lory, 2011, p. 16) clearly point out “*There appears to be a disconnect between how members use their social networking web sites to communicate on a personal level with friends, and employers’ practice to judge job applicants based on what is posted*”. There might be a perception on potential employer who can gather information on potential new recruit and make either fairly or unfairly, right or wrong, accurately or inaccurately judgement on candidate activity or action that does not relate to the job itself (Kelly 2009, cited in Lory 2011). Kelly (2009) further proposed that job candidates should not be evaluated based on information that has been gathered from social networking sites such as Facebook. This new trend could also mean that managers could soon use information gathered on candidates social networking site to whether extend employees contract or not. However the question might be what aspect of information would have a negative impact that would make employer not to hire the applicants, therefore this study would look at these aspects that would impact in hiring decision making. Most experts warn employers against this type of practice for several reasons (Dennis, n.d). A possible scenario might be where a potential candidate is competing for a highly covered job, knowing that the employer may do an online search of the candidates. One of the candidate then makes a for example a Facebook profile containing false or misleading information about one of the competitors for the job. As a result, the competitor excluded from consideration without them knowing why they did not get the position and may never know of the false information (Davis, 2007). A

possible scenario might be where a potential candidate is competing for a highly covered job, knowing that the employer may do an online search of the candidates. One of the candidate then makes a for example a Facebook profile containing false or misleading information about one of the competitors for the job.

As a result, the competitor excluded from consideration without them knowing why they did not get the position and may never know of the false information (Davis, 2007). The manager's biases, caused by one picture or through bit of information could wrongly frame his or her entire opinion of the candidate (Davis 2007, cited in Lory 2011).

A survey that was conducted by Careerbuilder revealed that 22% of hiring managers used social networks to screen candidates. The CareerBuilder's survey further revealed that those who used social networking sites for screening, 34% have reported that the information collected from job candidates profile caused them not to hire particular candidates. Careerbuilder's findings also showed that 24% found content favourable to the job candidate in their hiring decision. In addition, the number of hiring managers using social networking sites will probably increase in the future as 9% who reported not using them but planned to do so in the future (Grasz 2008, cited in Elzweigh & Peeples 2009). Similar to Careerbuilder's survey conducted in the US, the study done in the Irish workplace shows employers would be influenced by the evidence on social media of behaviour for instance discriminatory views and bad language when it comes to job candidates (Fry, 2013). Social networking sites has become a new platform for many manager to gather hidden information about the candidates they are trying to hire, however, would a manager have those web sites as a source of information and not use them? Therefore, before managers or agents decide to use these sites they should address some liability issues around privacy.

## 2.5 Fairness

This section reviews the theory of fairness to enable us to better comprehend what is fair, especially when comes to employer making fair decision during the candidates screening process. (Folger and Cropanzano 2001, cited in Nicklin & Williams, 2009) suggested a theory of fairness that tried to integrate the distributive, procedural, and interpersonal components of justice into a global theory of fairness. This theory concentrates on the cognitive processes by which people are held responsible for events that have a negative effect on material and psychological well-being (Folger and Cropanzano 2001, cited in Nicklin & Williams, 2009). The theory of fairness suggested that people are held liable for an event and, therefore, the situation can be perceived as unfair when their discretionary action causes harm or injury that breaks moral standards (Folger and Cropanzano 2001, cited in Nicklin & Williams, 2009). During the decision-making process individual assess outcomes and procedures by deploying referent standards. Hence, similar outcome or procedure could be assessed differently, depending on the counterfactual contrasts underlying the decision making. For instance, if an employee does not receive a raise, they may perceive the outcome and procedures to be unfair, except if they reckon that the manager could and should have done something differently. Thus, fairness theory stresses the cognitive processing underlying fairness perceptions (Nicklin & Williams, 2009). The Markkula Center for Applied Ethics suggested that the fairness and justice approach to ethics originated from the Greek philosopher, their contribution to the approach stated that ethical actions threat all human beings the same or if not then fairly based on some standard that is defensible (Jones, et al., n.d.).

Rawls' theory of justice as fairness is derived from social contract theory. Rawls claims that social contract is useful when talking about justice as social contact lends itself to the formulation of principles of justice (Schneider, 2001). According to Rawls everyone should have "fair equality of opportunity" when comes to offering job (Rawls, 2007). Many people on social networks mostly assume that they have to some extent information privacy, however their information on internet are not limited in a way that will shield this sense of privacy (Jones, et al., n.d.). To a certain extent boundary exist that will limit potential employer from asking potential candidate about their belief, disability, their political view, yet this boundary does not apply for online information failing to prevent the same information from revealing through the internet searcher (Jones, et al., n.d.). The law in some country prevent discrimination on the basis of information's that are unimportant to the job.

By circumventing these laws, for people with certain beliefs or background, information gathered on them to make hiring decisions may be perceived as unfairly discrimination. The deficiency in these laws in regard to the information collected from social networks may lead to discrimination, whether this has been done consciously or unconsciously (Jones, et al., n.d.). When employer reviews job candidate's social networking profile two issues should be considered. First, in Ireland candidate are protected by the employment equality legislation that prohibit discrimination under the grounds of age, religion beliefs, marital status, sexual orientation, disability and race. Employer can be found liable under equality legislation if job candidate can prove that the reason he or she was not offered the job was related to these prohibited grounds (Fry, 2013). In the UK equality legislation is quite similar to other jurisdictions. Information found by employer under the prohibited grounds cannot be used in a discriminatory manner (Baker&McKenzie, 2012). Second, data protection legislation and guidance issued by the Data Protection Commissioner recommends if employer needs to review a candidate's social networking profile as part of an organisation's recruitment process, they should advice job candidates that online screening will take place and why it considered essential having regard to the nature of the job (Fry, 2013). Whereas, in the Baker & McKenzie Report (2012, p. 45) said that in the UK "*there is no need to tell each candidate individually or seek their consent*".

Mitrano (2006) suggested that potential employer should acquire knowledge about social networking sites before setting policy, educating employee or deciding for background searches. Berg, Berquam, & Christoph, (2007) investigated the role of professionals hired by the organisation using social networks for screen candidate must understanding that they are acting in of an agent of their organisation. In addition there are four elements to be considered suggested (Berg, Berquam, & Christoph, 2007) relative to the identification of this role.

- What an agent of the company can search.
- When the agent of the organisation can officially report the information gathered on social network site.
- The kind of information that needs to be officially presented
- What responsibility an agent of the organisation takes in knowing information found online.

By setting these policies the agent or recruiter may be better equipped to show that they are complying according to some privacy law. Ethically employers or agent should only concentrate on the candidate's information that is relevant, which fully disclose the candidate and information should come from a reliable source to make hiring decisions (Jones, et al., n.d.).

## 2.6 Ethics

It is difficult to define the legalities involving the use of social networks as tool to screen candidates in hiring process; basically the ethical concerns are unknown. Ethical reasoning according to (Rest, 1984; Pettifor et al., 2000) is considered to be essential for moral decision making. When employer uses social networks to screen potential employees they will need to make ethical decision, basically judging what is morally right (Trevino 1992, cited in Rawls 2007). It lies on a recruiter to make all rational efforts to employ most suitable candidates for positions. For this reason information that is highly regarded confidential and private is frequently evaluated. Requested references from potential employer provide information that we see to be private. "Credit checks, which are becoming a significant factor in the decision to hire, also contain confidential information that the candidate is asked to allow the potential employer access. While the candidate has the option to refuse access, the employer is free to decide against hiring. It could be argued that access to a social media site is comparable to a credit check as it does provide insight to the employer regarding the character of the applicant. If it is ethical to access the financial character of an applicant, it could be argued that access to web sites that provide information as to the personal character of the applicant is also ethical" (Burke & Willey, 2008). However candidate information can easily misinterpreted based on certain aspect that might be found on their profile.

Greenwood (2009) stated that legal issues concerning profile search are somewhat minimal as long as the information found is not used to personally ruin the individual in question. Social networks can easily allow the possibility for individual biases to affect hiring and screening decisions. Since this trend is still new employers are not required to divulge information found on social networking sites in making screening decisions. As results, this may allow managers to discriminate against applicants (Brown & Vaughn, 2011). On the other hand, (Fishman 2009, cited in Slovensky & Ross 2012) emphasized that employers should be aware to the fact that social networking site such as Facebook and Twitter can be accessed and

edited by anyone or even creates a false profile in another person's name, therefore they should be wary when conducting background search on candidates. For those employers who cannot access candidates' information because they have been prevented by some privacy setting on social networking sites are using fellow employees to log into their personal account and become friend with candidate in question so that the hiring manager can view the prospective candidate's profile. (Sherry 2011, cited in Slovensky & Ross 2012) argues that this practice is an invasion of right to privacy for both job candidates and current employee. The writer agrees with Sherry (2011), that this act of engaging current employees in misleading and fraudulent behaviour may be legally and ethically questionable.

According to (Berkowitz 2009, cited in Slovensky & Ross 2012) the US court assume that employers who views candidates social networking profile are knowledgeable of their protected characteristics that include race, gender, religion, age, sex and level of disability, which most of hiring managers are conscious of the fact that they should not ask job candidates about these characteristics during an interview, or should they request photographs with applications. Berkowitz (2009) explained many employers fail to realise that conducting this same practice using social networking site has similar legal consequences. According to the law this type of practice is viewed as discrimination even if employers are not using them for hiring decision. In the US the National Labour Relations Board ruled that "*employee expression of opinions on social networking site may constitute concerted, protected, activity so presumably labour laws extend to cover the expression of pro- or anti-union opinions by job candidates as well*" (Kimczuk, 2010, cited in Slovensky & Ross 2012 p.64). Based on the US federal labour law if candidates get to know that potential employer viewed their profile on social networks he/she might file a complaint against hiring manager (Kimczuk, 2010). Whenever hiring manager decided to use perspective employee's social networking information, Fisher recommended that employers retain a written record of all job candidates and under what ground they were not hired. Fisher (2011) advised that this will protect the company in event of a lawsuit from an angry candidate. He further suggested that employers should inform candidates of intentions to view their social networking profiles, and give them a chance to clarify any negative aspects employer sees on them.

## **2.7 Social network's pre-employment screening benefits, downside and legal implications**

Despite its legal implication to some employers/recruiters social networking sites has become an easy way to learn more about candidate's character without any hassle than is possible any other way. On many social networking sites information are available without you even being a friend with the individual in question. You can view the user's profile picture, age, education, employment, if the user is a member of a group such as religion, political, sexual orientation and any other information. Some of this information would not appear on the traditional resume because they can lead to discriminator acts. Some employer feel social networking site may answer this question, since they cannot be asked in an interview. Viewing the candidate profile picture will tell the employer about candidate's sex, race or other information may give clues about the candidate's religion or country of origin (Davis, 2007). However, looking at this information can be seen as not only terribly bad recruitment practice but also being in breach of discriminatory laws (McCann, 2013).

### **2.7.1 Social network's pre-employment screening benefits**

This section will review some of the benefits of social networking sites to employers for screening job candidates during recruiting process.

Some research conducted among small business and entrepreneurs revealed that learning about potential job candidates on social network site such as Facebook is both efficient and cost effective (Penttila, 2006). Many of these potential employers found that social networks profiles can disclose much about the character, morals and values of potential job candidates. Since, recruiting, hiring and training of new employees is hard work, time consuming, cost a lot of money and energy, which most employers or agent tries to avoid these mistakes in hiring. Consequently, these employers many times desire to find out as much as possible about potential job candidates before taking the leap and offering them the job.

Some industries require their employees to be knowledgeable of social network and know how to use them as part of their job (Bottomly, 2011). This is the more reasons that these companies will use social networking site for example Twitter to advertise jobs because they want Twitter savvy workers. They use social networking sites to view candidate's blog, Twitter feed or Facebook page which normally will not require authorization by the candidates (Bottomly, 2011). Candidate's information disclosed on social networking profile can also help potential employer mitigate potential law suits long before they even offer the job. This can be crucial especially for these jobs that require them to handle highly

confidential information or work with vulnerable children or adults, airline or trucking industries (Sotto & McCarthy 2007, cited in Lory 2011). For some of these jobs employers are required to hire candidates with no single criminal backgrounds, high moral and ethical standard (Sotto & McCarthy, 2007). Some debated that employers should make efforts to screen candidates before making the final decision of hiring the individual. Critics stated that “*an employer has a duty to mine blogs of potential and existing employees*” (Dibianca 2008, cited in Dennis n.d. p.381).

An example case whereby social network screening should have been used is of “the UK’s first Youth Police and Crime Commissioner, Paris Brown (17), recently resigned from her post following criticism of messages posted by her on Twitter when she was aged between 14 and 16. Her tweets painted an unattractive picture she called Gays as ‘fags’, immigrants as ‘illegals’. The Police and Crime Commissioner responsible for recruiting Ms Brown has been criticised for not carrying out checks on social media before Ms Brown’s appointment. The Commissioner has suggested that such checks are likely to be part of future recruitment processes” (Fry, 2013).

### **2.7.2 Social network’s pre-employment screening downside**

Online social networks comes with serious consequences, this has therefore amounted to numerous concerns as to who is watching your profile and what are they doing to your information. Social Networks offers potential employer a gold mine of information about potential hiring (Kwoh, 2012). Even though it continues to grow in popularity, still potential employers face the challenge of which gaffers are acceptable and which are deals breakers (Kwoh, 2012). When examining the use Social Networking Sites to assess candidates during the recruiting process, it will be essential to look at this topic from an ethical perspective. The question is whether employers are providing job seekers with equal opportunities if they are screened image online prior to offering them a job (Inderscience, 2012).

The writer believes that employers should be aware of the fact that there is lots of identity theft on the internet especially when associating the candidates’ information on their CV to information found online.

Google one of the most popular search engine has increasingly used practice for pre-screening candidates. Based on what we learned so far in the literature review there is a clear

indication that some employers are using Google search engine to search for a person's name. We can now see many employers practices contradict what social networks originally intended to provide.

So, it's clearly that social networking sites have the benefits and downside, often it just happen that employer hires wrong person for the job. From a candidate's perspective, he/she would not want their potential employer to dig into their web profile and see how they actually leave their life. However the writer believe that for certain jobs especially these that requires individual to work with children will need some background check, what is written on their application or references provided are sometimes not enough to define the exact character of the individual. Whereas a little check into the web profile can give potential employer some idea of the type of person they want to hire.

### **2.7.3 Legal implications**

Social networking in the 21<sup>st</sup> century has become a big part of our daily life. Social networking sites such as Facebook and twitter were only thought for as ways of keeping in touch with friends, families and loved ones. As we build on the literature review it clearly shows that the screening of job candidates showed us otherwise.

According to the research so far shows that the screenings on job candidates are conducted by many of the American based companies, not so much common in Europe yet. Many employers feel that in order to protect their company's reputation, assets and investing in new employees would be going the extra mile by using social networking tool that are available at their disposal to search candidates 'character' or 'behaviour' that they don't get to see on the resume or during the interview. McCrann (2013) mentioned that employers face the challenge of the extent to which they consider it necessary and appropriate to view social networking sites in a recruitment process and use information posted by prospective candidates. Employer can be charged to court for negligent hiring, if they hire a candidate that they either knew or should have known that they are likely to cause harm to a third party (Terry, 2005).

Stacy Snyder, a senior at Millersville University was dropped from her job as student teacher at a high school after the staff at the high school where she was student teacher looked at her MySpace page and denied her teaching credential when officials from the university were made aware of a photograph and post on her MySpace.com. (Snyder vs. Millersville University, 2008). Ms Snyder's post also contained what the New York Times described as a 'surprisingly innocuous' picture (Snyder v. Millersville University, 2008), which shows her wearing a pirate hat while drinking from a plastic cup and her picture caption reads 'A Drunken Pirate' (Anon., 2007).

The page also contained a posting that could be interpreted as a negative comment about her supervising teacher at the high school. Snyder sued Millersville University claiming that they violated her First Amendment right which protected the text and photograph in her MySpace posting (Snyder v. Millersville University, 2008). The United States District Court ruled judgement against Ms Snyder, based on the fact that she was acting as an employee of CV at the time rather than as a student at Millersville University, when she was a student teacher (Snyder v. Millersville University, 2008).

Therefore social networking screening may satisfy the reasonable care standard permitting employer to avoid this kind of liability. On the other hand employers can face lawsuit if their decision on not to hire the candidate is based upon any of the discriminatory grounds that are covered under the employment equality legislation (Fry, 2013) and this in turn may damage the organisation's image. The state of Maryland in America passed a bill that prohibit employers, public agencies from demanding job candidates or employees' social networking site passwords when Robin Collins was required to give out his password during recertification process for a position at the state prison (Scott, 2012).

Although, there is no Irish legislation prohibiting employer requesting potential candidate's login details and searches of open information on the internet. However, there are a number of principles that need to be applied when conducting social network screening and consent should be sought from the individual in question.

### **Employment Equality acts 1998 - 2011**

These acts were brought into the law to prohibit discrimination in the workplace on the grounds of gender, civil or family status, sexual orientation, religious belief, age disability, race or nationality or membership of the travelling community. The effects of discriminating against an employee either in employment or in the selection process can be disastrous for the Irish employers (Anon., 2013).

### **Data protection acts 1998 and 2003**

When dealing with potential job candidate's information that have been social networking sites, employers still have to comply with the data protection acts. They must ensure that information collected about an individual on social networking sites or other websites is handled and stored in a legitimate manner. Employers have to comply with a number of principles in respect of sensitive personal data collected. The individual's data must be fairly processed, accurate and up to date, and must not be kept any longer than necessary. The Data Protection commissioner can impose a fine if employer fails to comply with this law (Anon., 2013).

One of the issues that employers must consider with internet searches is that the information found about the prospect candidate might not be accurate. Therefore, might lead to employer to make false conclusions. This is considered to be unfair and unethical for employer to base their hiring decisions on deceitful or irrelevant information (Jones, et al., n.d.).

For this reason, using of the internet or social networks to screen prospect candidate during the recruitment process is unethical on the basis of fairness.

Nevertheless, there are other methods of background checks that may also satisfy this standard at the same time avoiding the ethical problems social networks searches pose. According to Hollwitz (1997) recent study showed that the structured interview format yields a substantial increases in both reliability and validity. These interviews can be conducted in two ways: behavioural interviews to predict the prospect candidate future behaviour by studying their past behaviour; and situational interviews, which work on the belief that intentions predict behaviour (Hollwitz, 1997). These forms of interviews can help employer avoid the ethical concerns that arises through internet searches.

## Chapter 3: Research Methodology

### 3.1 Research objectives

The purpose of this research study was two-fold: the Irish perspective on into the use of social networking sites as a tool for employer in screening job candidates during the recruiting process and to highlight the ethical dilemma that can be presented from conducting such practice. After carefully examining of a comprehensive literature into the use of social networking sites as a tool for employer in screening job candidates during the recruiting process have revealed that some employers are using it as a tool in the screening process and some not at all. This trend has been reported or practiced much in the US, however not so much in Europe. This trend raises concerns about ethics and fairness when social networks are used as a tool to gather information about job candidate during screening process. Thus, it is therefore necessary to confirm these claims by conducting our own study from the Irish perspective.

### 3.2 Statement of problem

The advent of digital technologies such as Social networks and search engines have provided opportunities for employers to have an insight look at the job candidate behaviour or get answers to questions that normally cannot be asked during an interview such as religious beliefs, race, ethnicity, marital status, relationships, medical conditions and political ambition. This information was difficult to gather, employers relayed on information provided on resume and referees. Nowadays, internet and social networks have integrated into people's daily lives, and who would ever though that social networks would be an issue where people would worry about potential employer violating their privacy. The impact of using these technologies to screen job candidates is a vital issue that has caught the media's and researchers' attention. The main concern by many job candidates on the issue using social networking sites to screen them or requesting their password in order to be considered for a job is that this practice is an invention to their privacy. We learned that in America some employers / recruiters are actually using it to screen candidates and they also revealed that they have denied job candidates due to information found on a candidate's social networking profile that they felt have unsavoury treats.

In the literature review we learned that the reason job candidates were not considered for a job was due to information found on their profile like badmouthing, drug and alcohol use, inappropriate pictures etc., believing that the job candidate is not a responsible person. Many employers are facing the dilemma on whether to use the information found to make the hiring decision. This would also mean that employer will be elimination the right candidates for the job or losing talented candidates just because they refused to give out their social networking password. As this trend of screening job candidates is still very new no such case has yet been reported in Ireland according to William Fry 2013 Report. For this reason little or no research has been conducted on this issue from an Irish perspective. Therefore this research study will concentrate on establishing and verifying these facts from the Irish perspective.

### 3.3 Research Question

In past I had no idea that with private setting on your social networking profile people could still view some of your private information, especially on search engines until it made news about employers screening job candidates using social media. From there I started Googling myself and I was really surprised how much information people could see about me even when my privacy setting is only friends of my friends can view my profile. This shows that as long as social media exist and technology continues to improve some employers or recruiters will always find a way to use these tools for their own advantage or there will be more social media screening companies like Social Intelligence that operate in Santa Barbara in California or RecruitSafe pre-employment screening services in Galway. I had also learned from a who went for job interview and later noticed that same recruiter checked her LinkedIn profile, while she never disclosed to them that she was on LinkedIn. She believed if she had an account on Facebook or Twitter they would have checked that too.

Arising from a discussion and review of existing literature on the use of social networking websites as a recruiting tool for employer, the research question therefore is,

*“What is the Irish perspective on the use of Social Networking Sites as a tool for employer in screening job candidates during the recruiting process and the ethical dilemma that can be presented?”*

Before started this research study I searched whether this trend of screening job candidate using social networking sites is being practiced in Ireland. However, what I observed on internet and from reading articles was that this trend has mainly being reported in the USA; while in Ireland nothing has been reported yet on potential job candidates. This research study will as results explore this trend from an Irish perspective and highlight the ethical dilemma that can be present if employer decide on such practice.

To enable us to answer the main question, this research study will answer the sub-objectives below:

- *Is it ethical for employers to screen candidates during recruiting process*

This question seeks to examine if it is ethical for potential employer to screen candidates during hiring process.

- *Should employer/recruiter let information learned from candidate's social network profile impact their hiring decision?*

This section seeks to examine whether employer/recruiter should use the information content found on candidates profile to make their hiring decision. The contents viewed on candidates social networking site profile can easily misinterpret by employer, therefore affecting their hiring decision and eliminates candidate from the selection lists. The results from interview and survey will help us to verify the claims from literature review.

- *Would job seekers provide potential employers with their social networking profile passwords in order to be considered for a job?*

This sub-objective seeks to explore from an Irish perspective if participants are willing to disclose their social networking password with potential employer in order to be considered for a job.

- *Should job candidates be aware of employers' ability to find their information through social networking sites?*

The search engine allows anyone to search someone's profile on social networking sites. Are job candidates aware that employers could use search engine to search their profile. The literature will help in providing insight into whether applicants should be or are aware of potential employer checking their social networks profile. The theoretical knowledge from the literature will be compared with the outcomes questionnaire and interview.

### **3.4 Research Approach**

Three types of research methods were used to collect the data: Secondary is made of existing research, while primary research method consists of online survey of participants to capture their view on current practices and interview with an attorney to gain an understand on the topic from a legal professional perspective.

#### **3.4.1 Secondary Research Approach**

This thesis study was conducted in three steps; first it was necessary to review the literature into the use of social networking sites by employer for candidates' pre-employment screening and highlight the ethical implications that can be presented. A review of literature into the definition of social networking sites, ethics theory, fairness theory, hiring decisions making, job candidate's awareness of employers' ability to find their information through social networking sites and legal implications was explored.

#### **3.4.2 Primary Research Approach**

This second step involved employing the quantitative method for collecting of participants data. The quantitative method will be used to carry out the survey in order to help us verify the claim in the literature review in order to accomplish this dissertation objective. The survey questionnaire is designed using the survey monkey, and is divided into two sections and contains no more than 20 questions that are related to employer or recruiter screening job candidates through social networking sites. There will be no specific target population for this dissertation survey, it can be any participant who is in employment, seeking employment or not seeking employment.

In order to answer this dissertation questions a survey link will be send to participants of interest (especially students as they are more likely to own an account on social network sites and apply for jobs during or after they finish from college). The survey link would be send to student's college emails and a link on my Facebook wall.

Information will then be collected from survey monkey and analysed. I will use Microsoft to help with creation of graphs and pies to illustrate the values of the information that will be collected from survey monkey and then I will interpret this information.

The last step is the qualitative method; which will contain no more than five questions. An interview will be set up with employer or recruiter to enable us to gather in depth meaning of this research topic. This method would help answer the question on ethical, legal implications that can be presented when employer chooses to use social media to screening job candidates in order to enable us achieve the research objective. The interview conversation will be recorded using iPhone voice memo and then typed into a word document that will be in the appendix. The data collected will then be evaluated to get an accurate assessment in order to better our understanding on the use of social networking sites by employer to screen job candidates during the recruiting process and highlight the ethical implications that occurs from such practice.

### 3.5 Quantitative Method

The quantitative method would be used to help in analysing the respondents' survey questionnaire in order to achieve the aim of this research study. This method provides information which is easy to analyse statically and is pretty reliable.

Quantitative research method has been defined as *“the systematic empirical investigation of social phenomena via statistical, mathematical or computational techniques. The objective of quantitative research is to develop and employ mathematical models, theories and or hypotheses pertaining to phenomena. The process of measurement is central to quantitative research because it provides the fundamental connection between empirical observation and mathematical expression of quantitative relationships. Quantitative data is any data that is in numerical form such as statistics, percentages, and so on. In layman's terms, this means that the quantitative researcher asks a specific, narrow question and collects numerical data from participants to answer the question”* (Anon., n.d.).

#### 3.5.1 Primary Data Collection strategy

The main strategy for collecting primary research data was to use an online questionnaire survey and interviewing an attorney. This method is adequate and reliable to capture the required primary research data.

#### 3.5.2 Respondents questionnaire

The design of the survey questionnaire is a closed-ended question to provide the primary data. To facilitate with the collection of primary research data I have decided to use the online Survey Monkey. Overall the survey is divided into two sections and contains 20 questions. The first, two section of the questionnaire are the demographics question such as participant age and gender.

There are several reasons for choosing to use the web survey and they are great in many instances:

- Less time: it allows rapid deployment and return times are possible with the web survey than with the traditional survey methods.
- Automation and real-time access: participants input their own data, and their data are automatically stored electronically. Analysing them becomes is much easier and can be streamlined and is accessible immediately.
- Convenience for participants: they can answer the questions at a time that is convenient to them and from any location without you being present. This would not impact the efficiency or the quality of the research data.
- Design flexibility: the survey can be automated even if they are very complex. You can program it in way that participant cannot skip the question.
- No interviewer: people taking part in survey may be willing to share their personal information because they are not revealing it directly to an interviewer; this also means that the interviewer cannot influence responses.
- Web surveys are non-interruptible
- Web survey eliminate bias (Gingery, 2011)

The main goals of the online survey were to learn if participants are aware of social network screening, whether they would approve employers checking their social network profile, whether they agree that information viewed on social network profile should impact manager decision, whether they would give out personal social network password for a job and their overall opinion on this new trend.

**Q1. What is your gender?**

This very first question was asked to put together the general information about the participants, which is valuable for gender comparison in order to identify the most dominant gender who took part in the research study.

**Q2. Which category below includes your age?**

This second question was asked to identify the average age of the participants in this research study.

**Q3. Do you use any of the following social networking sites? Facebook, Twitter etc.**

This question will enable us to evaluate various social networking sites being used by participants.

**Q4. How often would you post information, pictures or update your status on social networking sites?**

The purpose of this question was to measure how frequent participants post information, pictures or updates status on their social networking wall.

**Q5. What activity do you engage in mostly on your favourite social networking sites?**

The purpose of this question was to find which activities the participants do regularly on their favourite social networking sites.

**Q6. How secured is your general social networking profile?**

This question was asked to establish whether participants felt that their profile on social networking site was protected or not.

**Q7. Are you currently?**

- a) Not in employment
- b) Seeking employment
- c) In employment

The reason the writer asked this question was to see whether participants would think differently about this trend of employer screening job candidates on social networking sites considering the fact that they may be unemployed, seeking employment or in employment.

**Q8. Are you aware that employers have the ability to find information through social networking sites?**

The purpose of this question was to explore whether participants were conscious of the fact that potential employer have the ability to search job candidate information through the internet without them knowing about it.

**Q9. How often do you believe employers would view job candidates' social networking profiles?**

This question is aimed to explore how frequently participants think that job candidates' social networking profiles are being checked by potential employer.

**Q10. Do you post or have you ever posted information on social networking profile (like Facebook or MySpace) that you would not want an employer / recruiter to see?**

This seeks to examine whether participants have ever published information on social networking profile that they felt was inappropriate for potential employer to see.

**Q11. Do you approve of employers checking job candidates' social networking profiles as part of the screening effort?**

The reason that the writer asked this question was to assess participant opinion as a job candidate whether they would approve of potential employer checking their social networking profile as part of the screening process in order to be considered for a job.

**Q12. Do you consider the following information viewed on social networking profile by a hiring manager impact their decision when evaluating whether or not to hire a job candidate?**

- a) Post of provocative / inappropriate photos
- b) Information posted on social networking profile were about them drinking or using drugs
- c) Bad mouthing former company/ boss /colleagues
- d) Poor communication skills
- e) Substance abuse content
- f) Discriminating against race, gender, religion
- g) Telling lies about their qualification
- h) Name on social networking profile is unprofessional
- i) Job candidate linked to criminal behaviour

The following question was asked to explore whether participants felt that the above information viewed on job candidates' social networking site by the hiring manager should influence their decision on whether or not to offer the candidate in question a job.

**Q13. Would you approve an employer to check your social networking profile when evaluating whether or not to hire you?**

The reason the writer asked this question was to see whether participants would consent potential employer to check their social networking profile when being evaluated on whether or not to be hired.

**Q14. Have you ever Google yourself?**

This question was asked because the writer wanted to find out if participants actual Google themselves to get a sight of how their image came across.

**Q15. If you have ever Google yourself, what is your overall view on the information you received back from Google list?**

This question seeks to explore participants' opinion on the information they received back from Google search.

**Q16. Would you change anything on your profile even if you know it may be seen by others regardless of the privacy setting on your profile?**

The purpose of this question is to identify if participants would ever change any content on their social networking profile that may be inappropriate, which may be seen by others regardless of the privacy setting on their profile.

**Q17. Are you concerned about the legitimacy of your social networking profile privacy?**

The purpose of this question was to gain an understanding on whether participants worried about the legitimacy of their social networking profile privacy.

**Q18. Would you give out your social networking password in order to be considered for a job?**

The reason the writer asked this question is because in the literature review we have learned that this trend is commonly in the US, therefore the writer wanted to find out from the Irish perspective if participants are willing to disclose their social networking password with potential employer in order to be considered for a job.

**Q19. Is it ethical for employers to evaluate potential job candidate based on the information they present on social networking profile?**

The purpose of this question was to examine whether participants believes it is right for a hiring manager to evaluating job candidate based on the information viewed on their social networking profile.

**Q20. What is your overall opinion on this new trend of employers / recruiters searching job candidates' information on social networking sites during recruitment process?**

This last question is an open-ended question, the reason this question was asked is to get a more profound view on this new trend of employers / recruiters searching job candidates' information on social networking sites during recruitment process.

### 3.6 Qualitative Method

The quantitative method allows researchers to employ open-ended questions. This research method is to help gather an in depth understanding and learn whether employers in Ireland are using social networking sites to screen job candidates, if they are any reported cases and the ethical and legal implications of using social network sites as a tool in screening job candidates during the recruiting process.

Qualitative research is described by Mora (2010) *“as exploratory, and it is used when we don't know what to expect, to define the problem or develop an approach to the problem. It's also used to go deeper into issues of interest and explore nuances related to the problem at hand. Common data collection methods used in qualitative research is focus groups, triads, dyads, in-depth interviews, uninterrupted observation, bulletin boards, and ethnographic participation/observation”*.

#### 3.6.1 Ethical consideration

The interview questions will be based on the research topic and the interviewee will also be informed about the research before meeting for the interview. The consent from interviewee will be obtained before conducting the interview as the interview will be recorded from iPhone voice memo.

#### 3.6.2 Interview Questions

The strategy with this open-ended question is to help us gather data that will illustrate a better understanding on the use of social networking sites by employer to screen job candidates during the recruiting process and the legal and ethical implications that occurs from conducting such practice.

Q. (1) We are now aware that employers are using social network to screen job candidates during the recruiting process. In your opinion, what exactly employers are looking to find in candidate's social networking profile that a resume alone is no longer sufficient?

Q. (2) What are the legal and ethical implications of using social networks as a tool in screening job candidates?

Q. (3) In your opinion do you think this emerging trend would become more and more the norm here in Ireland? And should candidates be aware that their employers are closely observing their social network profiles?

## 3.7 The Findings

### 3.7.1 Participants online survey responses

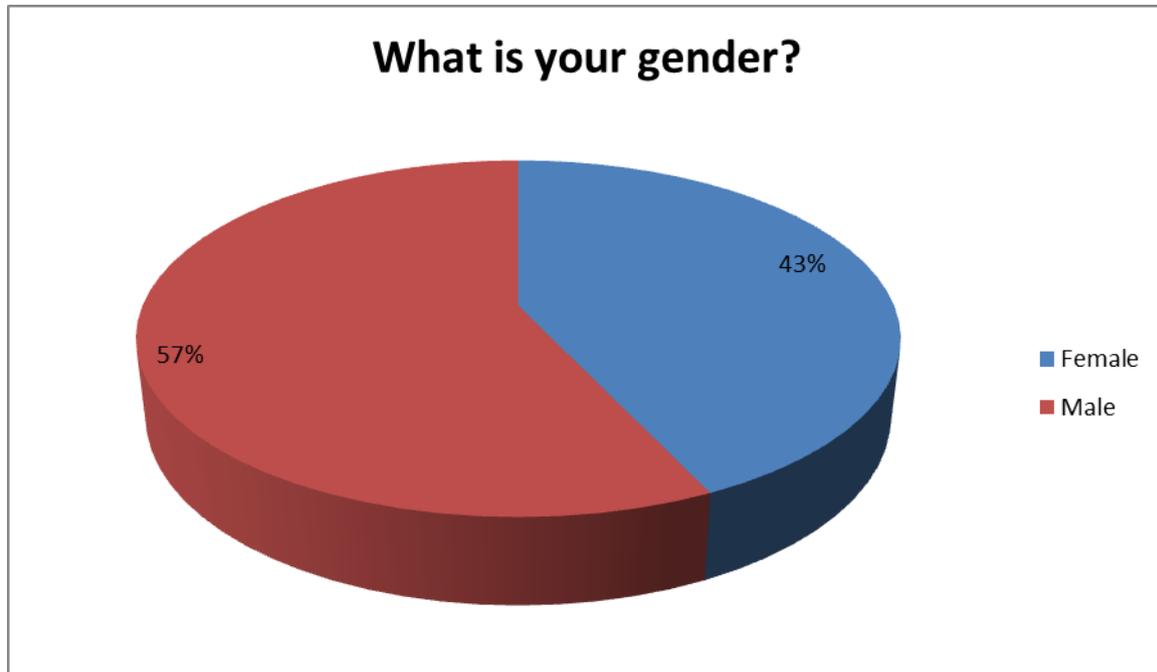
This survey questionnaire consists of 20 questions and is divided into three sections. The first section has two questions that are based on the demographics such as gender and age. The second section contains 4 questions which explores the types of social networking sites used by the participants, what type of activities and how often they are engaged in these activities on their favourite social networking sites. The last section contains 14 questions which seeks an in-depth into participants' opinion on the use of social networks to screen job candidates during the recruiting process.

The sample for this research was selected at random from National College of Ireland and Facebook users who were interest in taking part in the survey. The sample size was 66 participants; the small group of participants consisted of a diverse employment status from in-employment, seeking employment and not seeking employment. 76 participants in total took part in the online survey and 66 of these surveys were completed. 10 were uncompleted it had to be discarded. The participants ranged between the ages of 18 to 59 years of age.

## Section 1

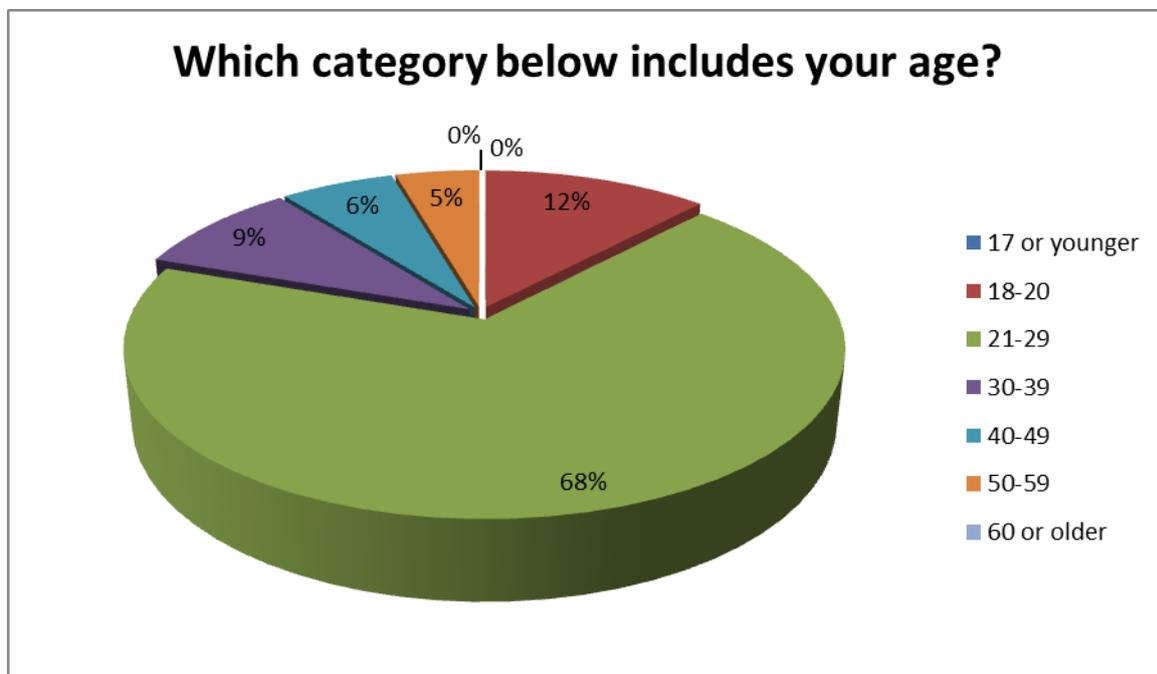
### Q1. Participants Gender

The first question asked was “What is your gender” the response was 66 participants took part in the survey consisting of 40% female respondents and 57% male respondents.



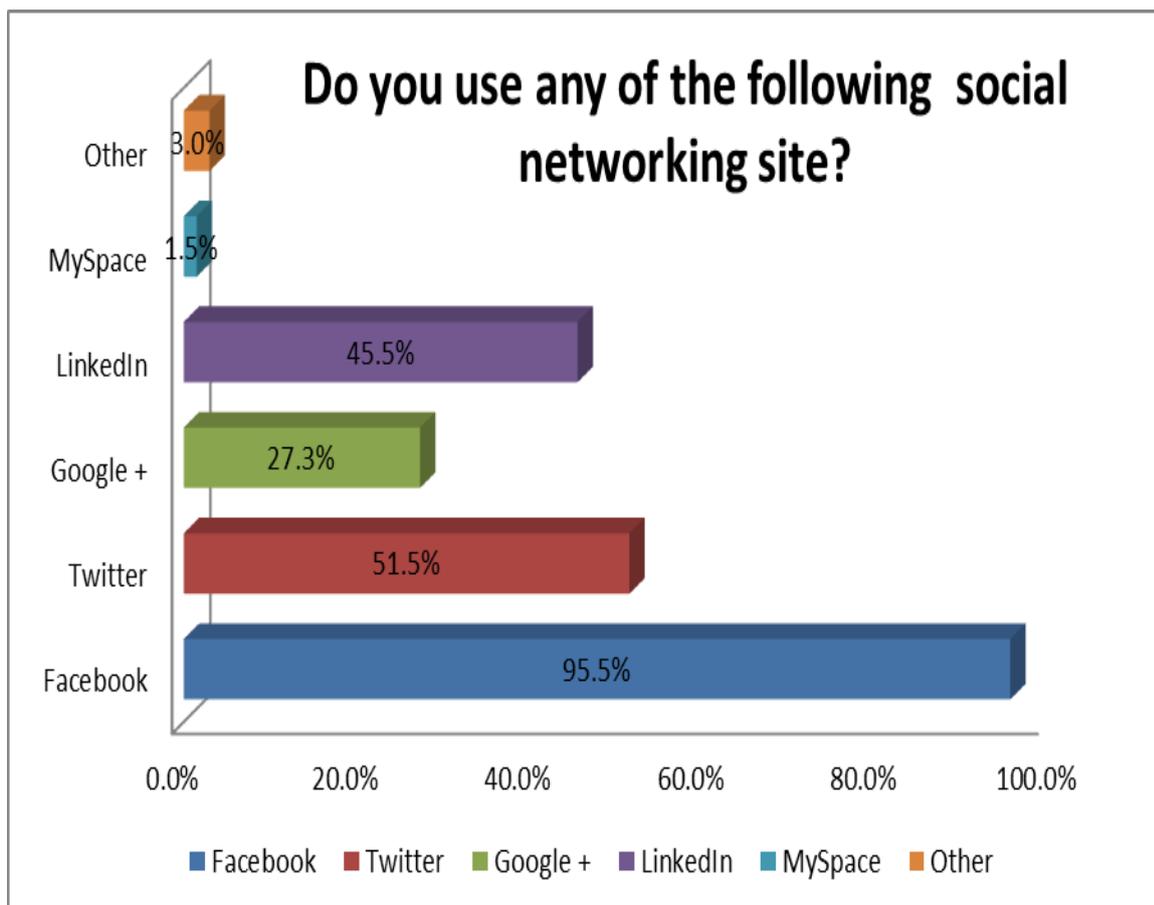
## Q2. Participants Age

The second question was the “participant’s age”, and it was categorised into seven groups. The first group was 17 years of age and below. It was necessary to consider the age below 17 years because the survey was also distributed in NCI there was a possibility that few participants may be 16 years of age. However, from the pie chart clearly illustrate that there were no participants from the age group 17 or younger. The second group was from the age of 18 to 20 years and the survey results shows that 12% of respondents came from this group. Then the third group was between the ages of 21 to 29 years, the research statistics revealed that it has the biggest percentage rate with 68% of respondents. The research statistics also revealed that the 9% of respondents were between 30 to 39 years of age. Then, the 6% of respondents came from age group between 40 to 49 years of age and 5% of respondents were aged between 50 to 59 years of age. There were no participants of the age group between 60 years and over.



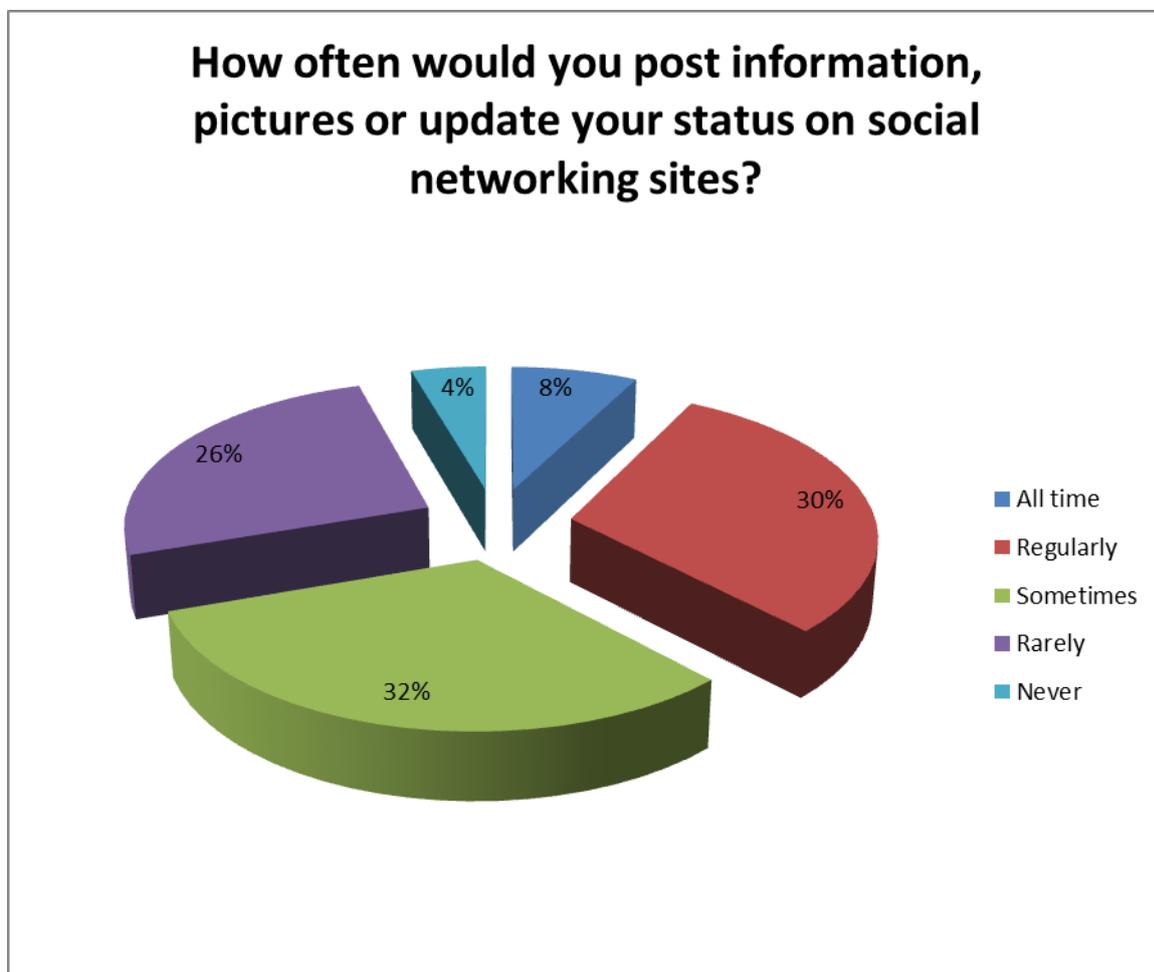
### Q3. Respondents using social networking sites

The question asked was “do you use any of the following social networking sites”. Most people use social network on a daily basis. Thus this question seeks to explore which of the following social networking sites participants use as their favourite or have an account. It should be noted that for this question participants were allowed to select more than one response. The response of individuals who uses Facebook is enormous, according to the research statistics results 95.5% of respondents use Facebook. The graph illustrate that Facebook is the most favoured social networking site. Followed by Twitter with 51.5% of respondents said they use this social networking site, while 27.6% of respondents said they use Google +. 43.4% of respondents use LinkedIn, 1.3% use MySpace, while 3.9% of respondents use other types of social networking site such as YouTube and Instagram etc.



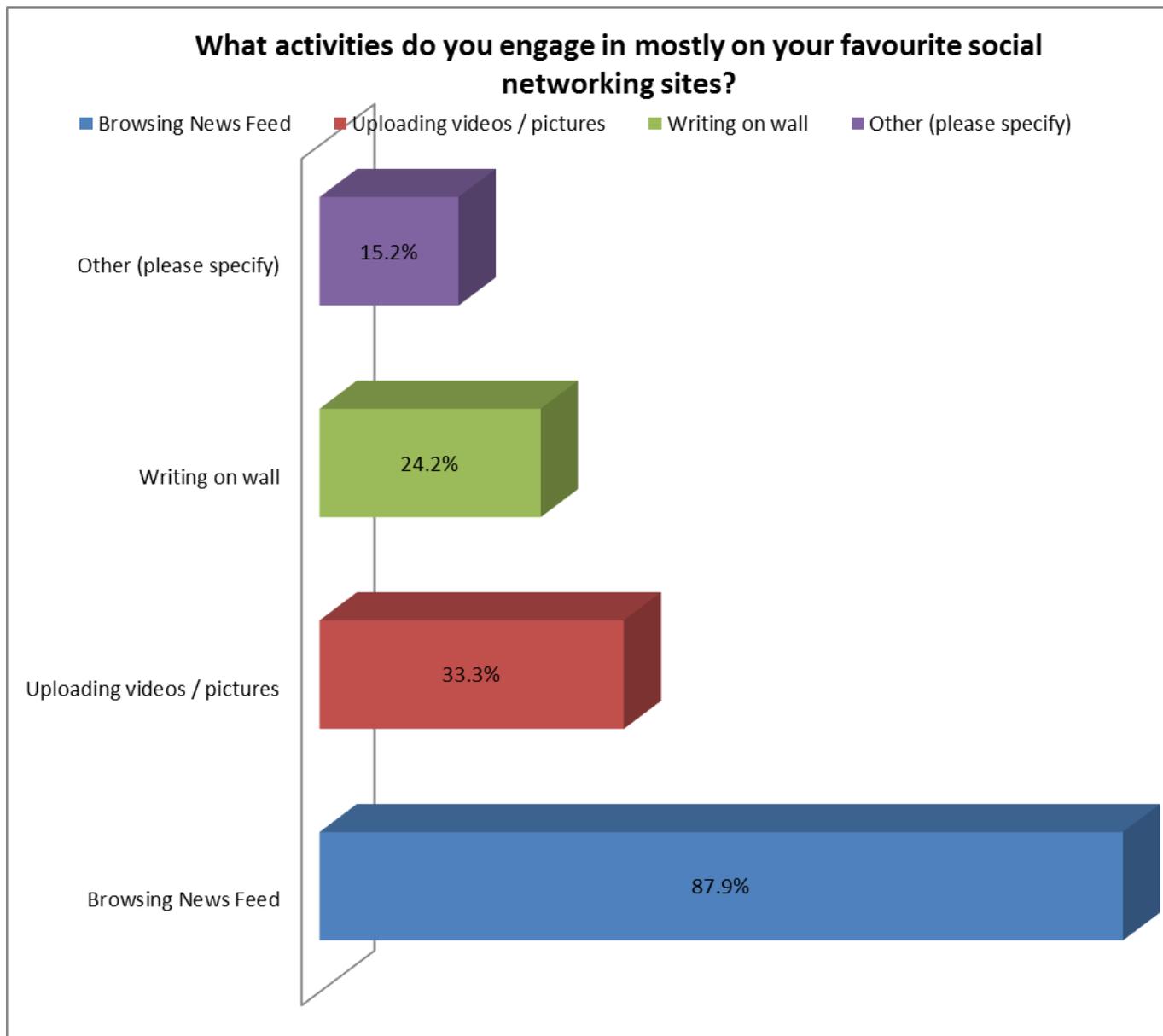
#### Q4. Frequency of performing activities on social networking Timeline

According to the question “how often would you post information, pictures or update your status on social networking sites?”. The question seeks to examine how frequently the participants posted information (such articles, video), pictures, or update their status on social networking sites. 32% of the participants claim that they do these activities sometimes, while 30% of the participants say that they perform these activities regularly. The research statistics also shows that 26% of the participants rarely perform these activities, whereas 8% of the participants say they perform these activities all the time and the research statistics further revealed that 4% of respondents never performed these activities.



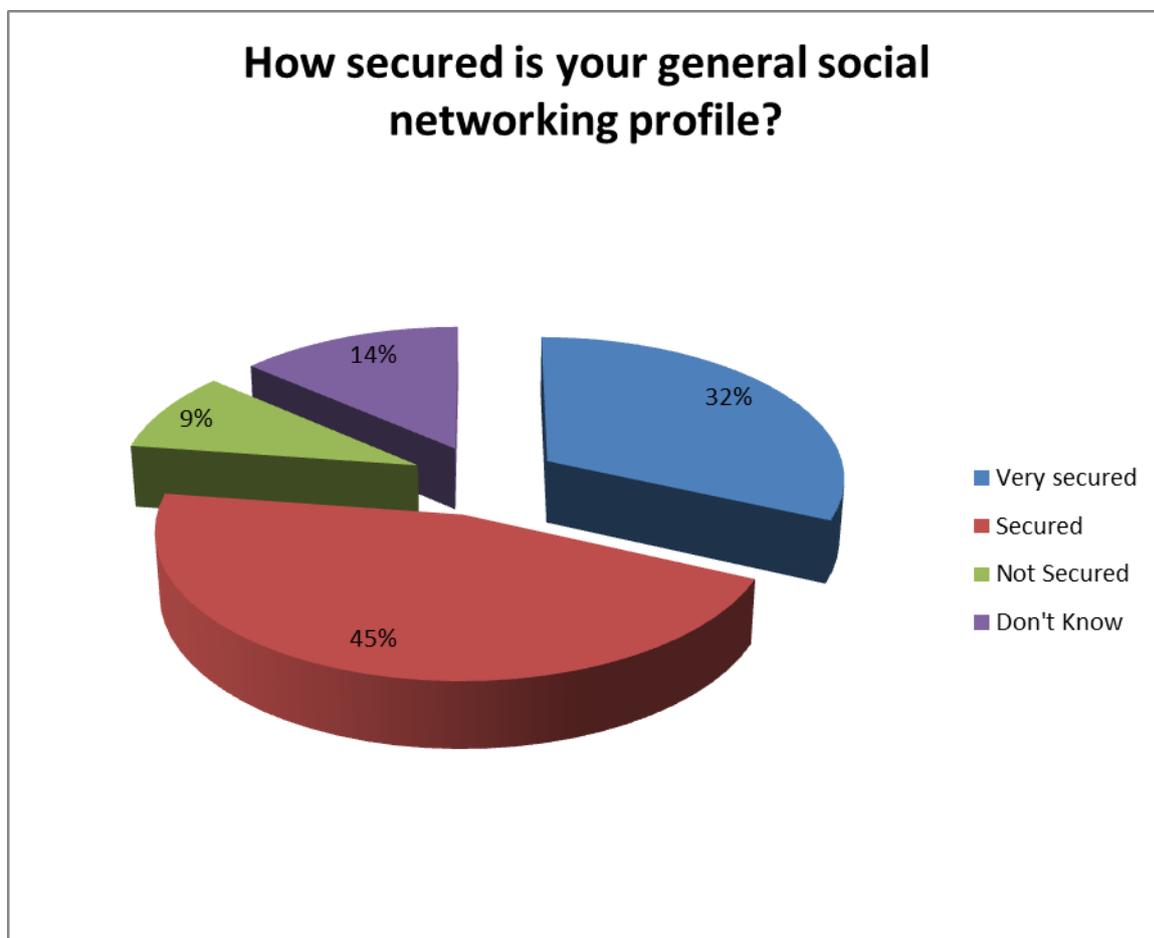
### Q5. Types of activities engaged on social networking sites

It was found from the research statistics that participants spend more time on social networking sites carrying out certain activities than other activities. From the graph below it indicate that 87.9% of respondents spend most of their time on social networking browsing news feed, 33.3% on uploading video and pictures, 24.2% write on timeline and 15.2 engage in other activities such as chatting, twitting.



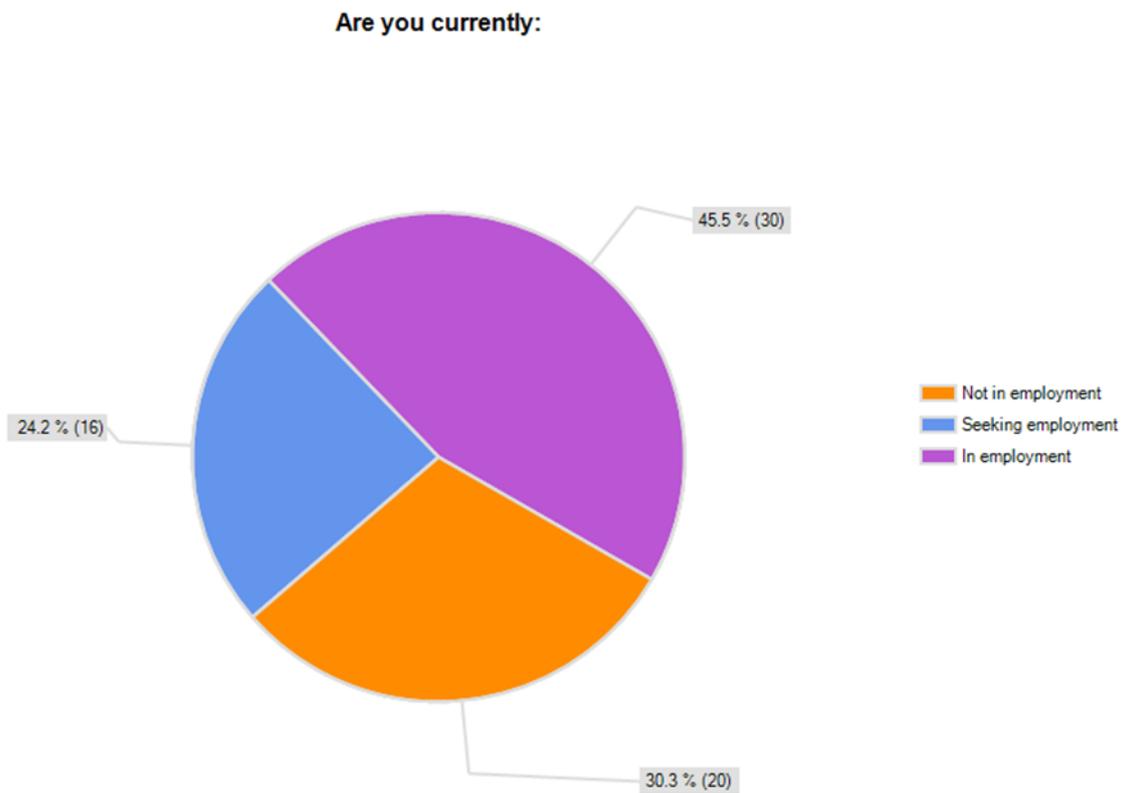
## Q6. Security of social networking sites

Participants were asked “how secured is their social networking profile”. We learned from literature review that social network such as Facebook allows users to have full control over their account by limiting and/or block the viewing of their individual profiles. However, many users have not taken advantage of these controls leaving them exposed to searches carried out by curious employers. Based on the survey results 32% of respondents believe that their social network profile is very secured, 45% of the respondents said it is secured, whereas 9% believe it is not secured and 14% answered they do not know.



### Q7. Job status

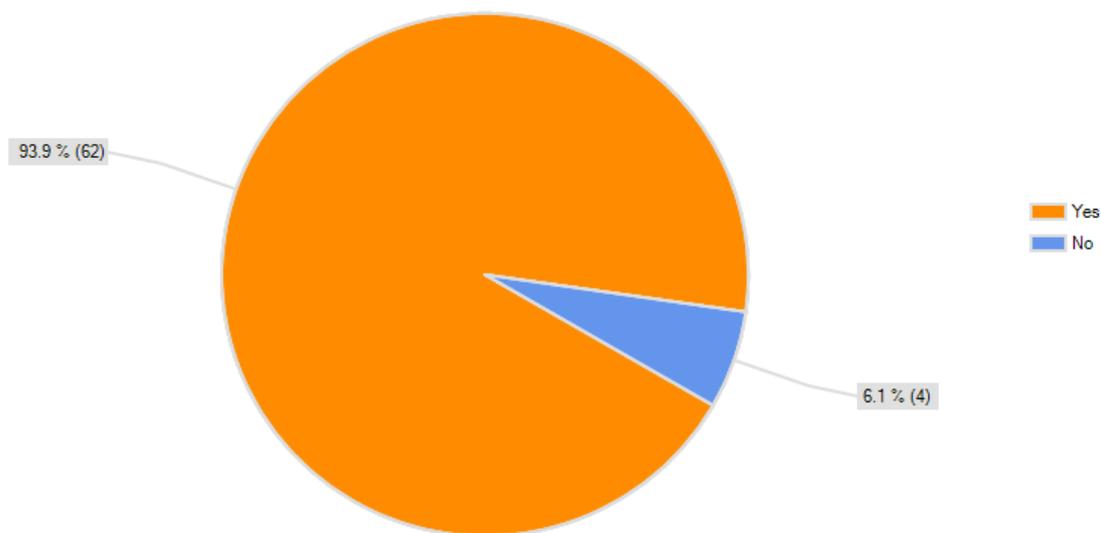
Participants were asked about their current employment status, whether he/she is not in employment, seeking employment or in employment. According to participants surveyed 30.3% said they are not in employment, 24.2% are seeking employment, while 45.5% are in employment.



### Q8. Knowledge on employer's ability to gather information through social networks

Participants were asked “whether they were conscious about employers’ ability to find information through social networking sites” even if the account settings were adjusted to private, merely by entering a specific search string into many search engines. This section seeks to explore participants awareness on fact that employer/recruiter may search their information on social networks. The survey revealed 93.9% of majority said yes they are aware that employers have the ability to find information via social networking sites, whereas 6.1% said no they are not aware of it.

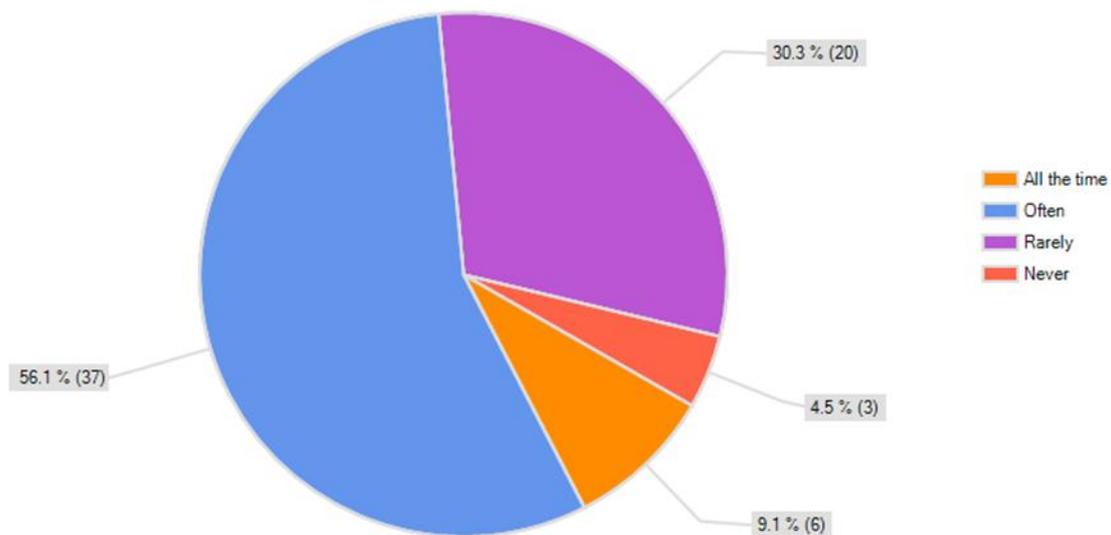
**Are you aware that employer's have the ability to find information through social networking sites?**



### Q9. Frequency of employer viewing job candidates' social networking profiles

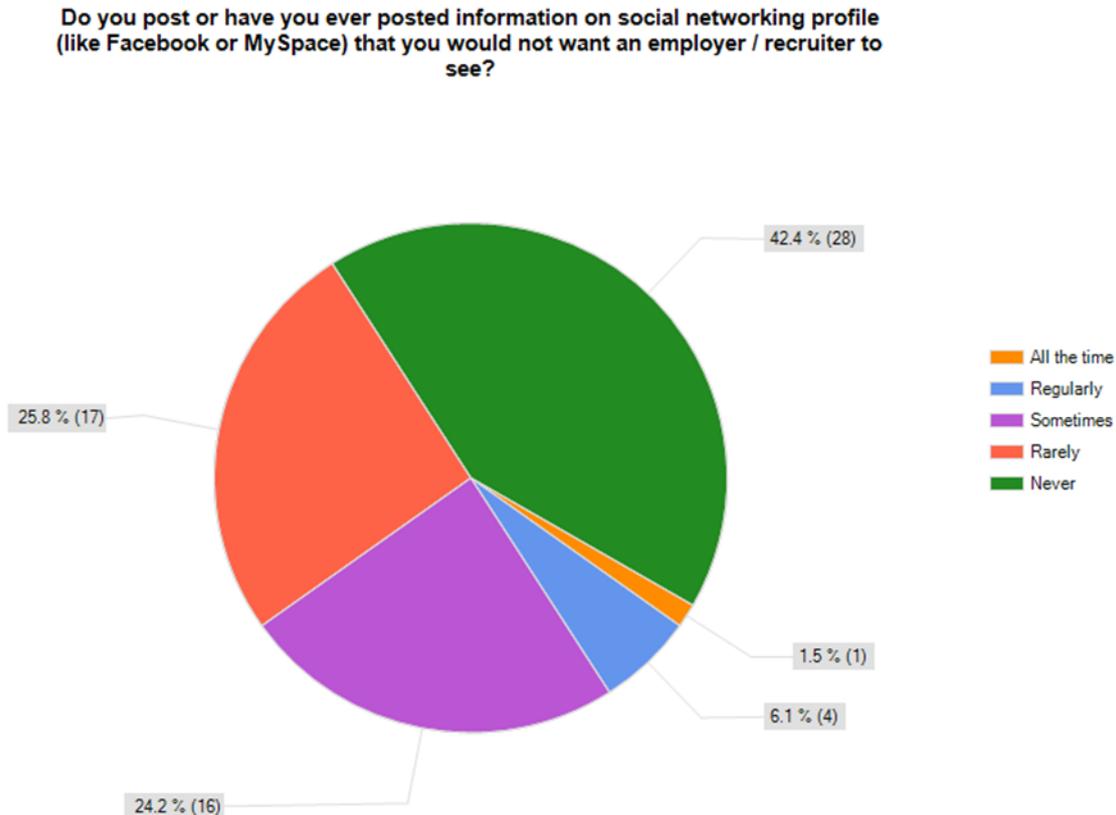
This section explores how frequently participants believe employer would view job candidates' social networking profiles. From the results it was found that 9.1% of respondents say they believe employers view job candidates' social networking profiles all the time, 56.1% of participants believe would view profiles often, which is a huge number this illustrate that people are actually conscious that employers can conduct searches on job candidates' social networking profile. It is also noted that 30.3% of respondents said they believe that employer would rarely view job candidates' social networking profile. 4.5% said employer would never view job candidates' social networking profile.

How often do you believe employers would view job candidates' social networking profiles?



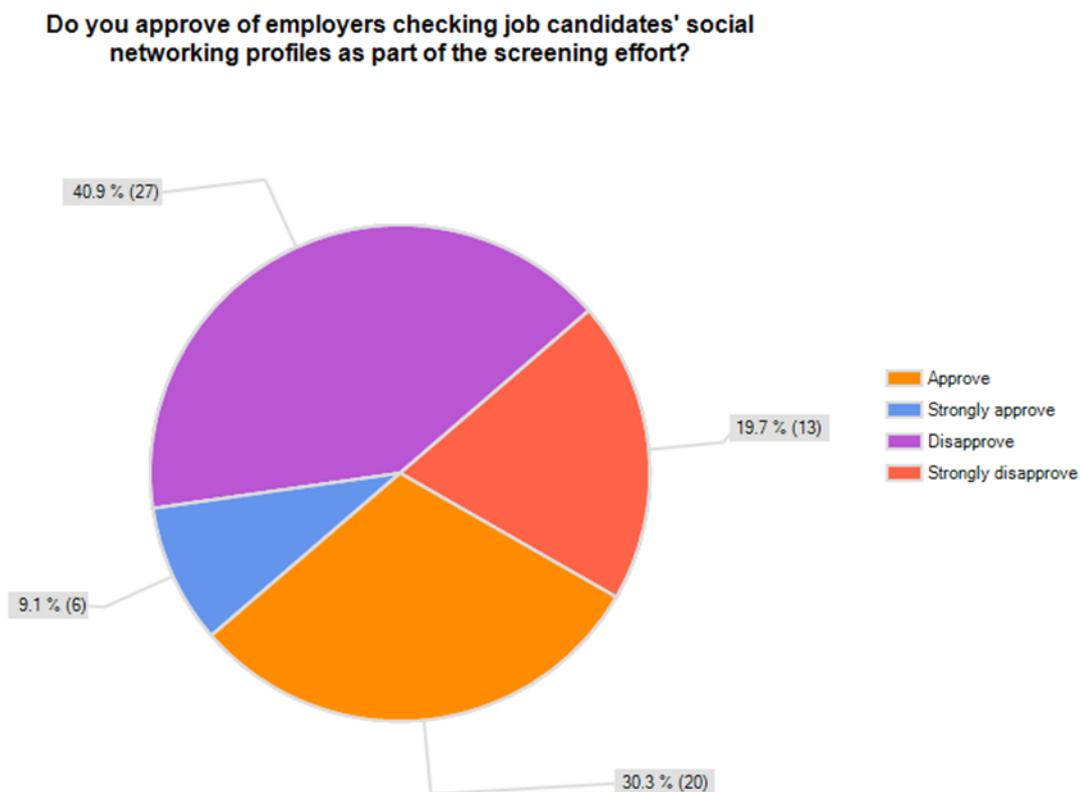
### Q10. Information posted on social networking profile that participants do not want employer to see

We previously learned in the literature review that some of the reasons that employer would not hire job candidates was because candidates posted information such as inappropriate pictures, contents regarding use of drugs or drinking, bad mouthing about their former employer, boss, and colleagues. This question explores whether participants have ever posted information on social networking profile that they would not want potential employer to see. It was found that only 1.5% of respondent post or has posted such information all the time. We also found that 6.1% of respondents said they regularly post or have posted information on social network profile that they would not want employers to look at. 24.2% of participants claimed they do sometimes post or have posted such information, while 25.8% of respondents said they rarely post the kind of information that they would not want employer to look at. It was interesting to know that 42.4% of respondents claimed they have never posted such information on social network that they would not want an employer to see.



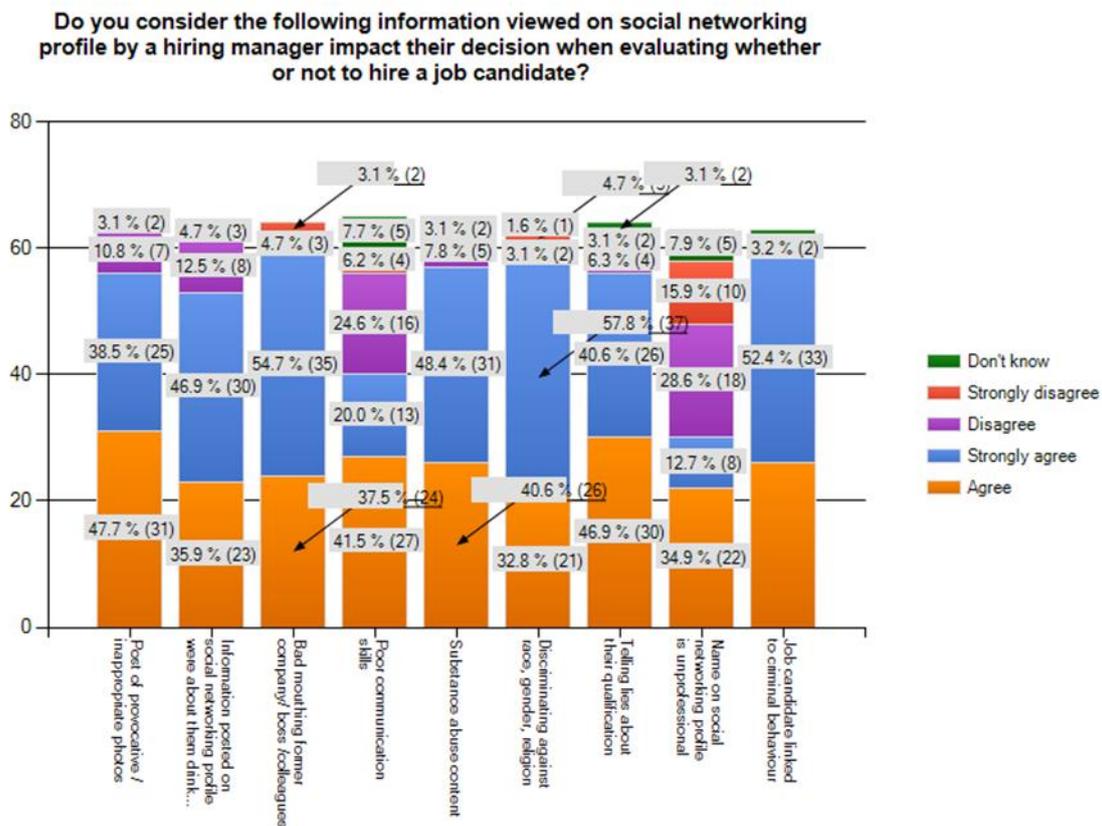
### Q11. Approval of verifying social networking profiles as part of screening effort

Participants were asked from a job candidate's perspective if he/she would approve of employers checking their social networking profile as part of the screening effort in order to be considered for a job, 30.3% approve the idea of screening effort in order to be considered for a job, 9.1% of respondents strongly approve of the idea. We further found that 40.9% of respondents disagree with the idea of screening, and also 19.7% of respondents said they strongly disagree with the idea of screening effort in order to be considered for a job.



### Q12. Information viewed influencing decision on whether to hire or not

The survey inquired as to whether participants would consider the information seen on social networking profile by hiring manager influence decision making when evaluation whether or not to hire job candidate, 47.7% agreed that posting of provocative/inappropriate photos on social networking profile if seen by hiring manager it should impact their decision when evaluation whether or not to hire job candidate, 38.5 said they strongly agree, 10.8% said they disagree provocative/inappropriate photos seen on candidates social networking profile should not be taken into consideration when evaluating job candidates or a job, while 3.1% strongly disagree provocative/inappropriate photos should not influence decision.



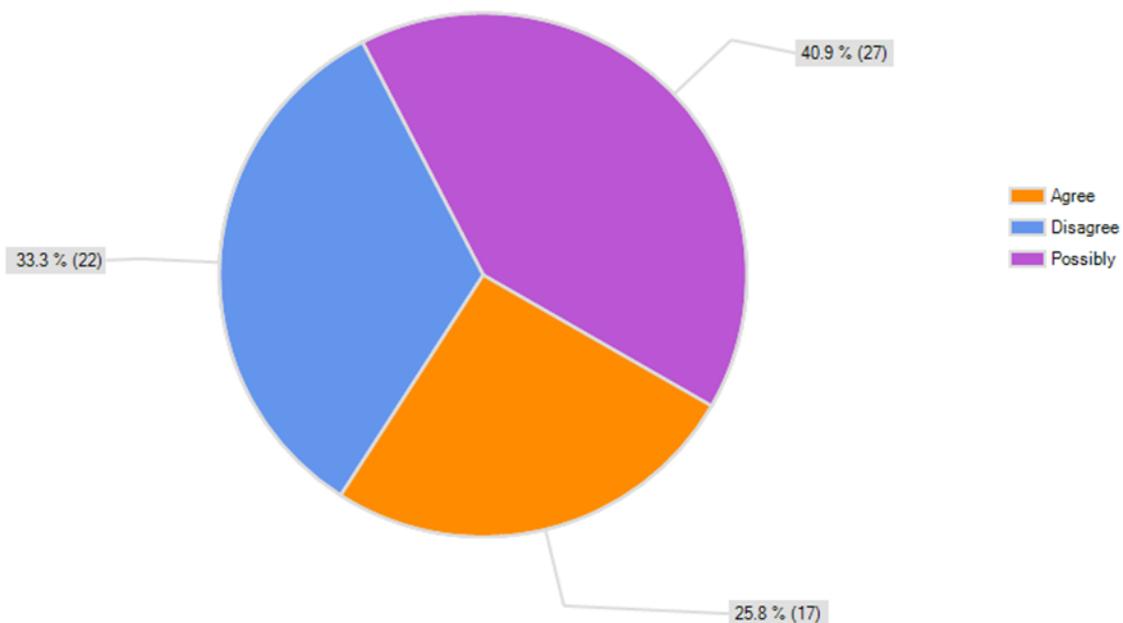
Participants were asked if “information posted by job candidate on social networking profile were about them drinking or using drugs should that influence manager’s decision when evaluating whether or not to hire the candidate, 35.9% of respondents agreed, 46.9% of respondents strongly agreed. The results further shows that 12.5% of respondents disagreed and 4.7% of respondents strongly disagreed.

We further noted that 37.5% of respondents agreed that bad mouthing former company/boss or colleagues on job candidates social networking profile if seen by employer it should influence their decision when evaluation whether or not to hire the candidate, 54.7% strongly agreed, 4.7% disagreed to that and 3.1% said they strongly disagree. When asked about poor communication skills such as poor grammar 41.5% of the respondents agreed it should impact employer's decision when evaluation whether or not to hire job candidate, 20% of respondents strongly agreed, 24.6% disagree to that, while 6.2% of respondents strongly disagree and 7.7% of respondents said they do not know whether it have an impact or not when employer evaluate job candidates on whether to hire them or not. The survey results further shows that 40.6% of participants said they agree if job candidates demonstrate substance abuse content on their social networking profile it should influence hiring manager's decision when evaluation whether or not to hire the candidate, 48.4% strongly agreed, 7.8% said they disagree, meanwhile 3.1% of respondents strongly disagree. Information viewed on job candidate social networking profile such as discriminating against race, gender or religion, survey results revealed that 32.8% of respondents agreed it should impact employer's decision when evaluation whether or not to hire job candidate, 57.8% of respondents strongly agreed, 3.1% said they disagree, 4.7% said they strongly disagree and 1.6% said answered don't know, which means that this one participants did not have an opinion on the statement. Participants were further asked if job candidate tells lies about their qualification on social networks should that impact employer decision when being evaluated, 46.9% of participants agreed, 40.6% strongly agreed, 6.3% disagreed, 3.1% strongly disagreed, again 3.1% of participants strongly disagreed. Participants were also asked if "job candidates' name on social networking profile is unprofessional" should this impact employer's decision on whether to hire or not hire the candidates when being evaluated, 34.9% of respondents agreed, 12.7% of respondents said they strongly agreed, 28.6% said they disagreed, 15.9% said they strongly disagreed, whereas 7.9% of respondents said they don't know they do not have an opinion. Last question from this section was if employer viewed that job candidates linked to criminal behaviour should this information impact employer's decision on whether or not hire the candidates when being evaluated, from the results gathered 41.3% of respondents agreed, 52.4% of respondents strongly agreed, 3.2% said they disagree, 1.6% said they strongly disagree, then the other 1.6% of respondents said they do not know, basically they don't have a view based on this statement.

### Q13. Authorising employer to check social networks profile

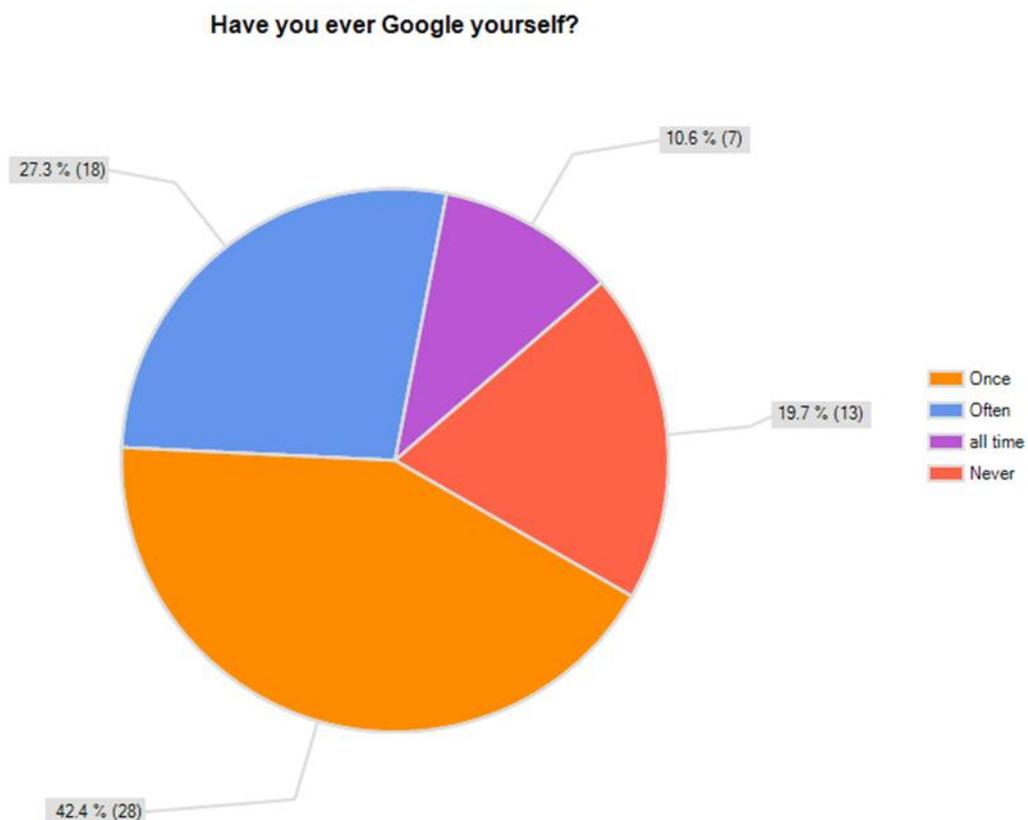
This question inquires if participants thought potential employers have the right to check their social networking profile when being evaluated on whether or not to hire them. Research statistics revealed 25.8% of respondents agreed with the statement, they will let employer see their social networking profile. 33.3% of respondents disagreed with this statement they felt that employer have no right to check their social networking profile. However, it was interesting to see that 40.9% of respondents said possibly

Would you approve an employer to check your social networking profile when evaluating whether or not to hire you?



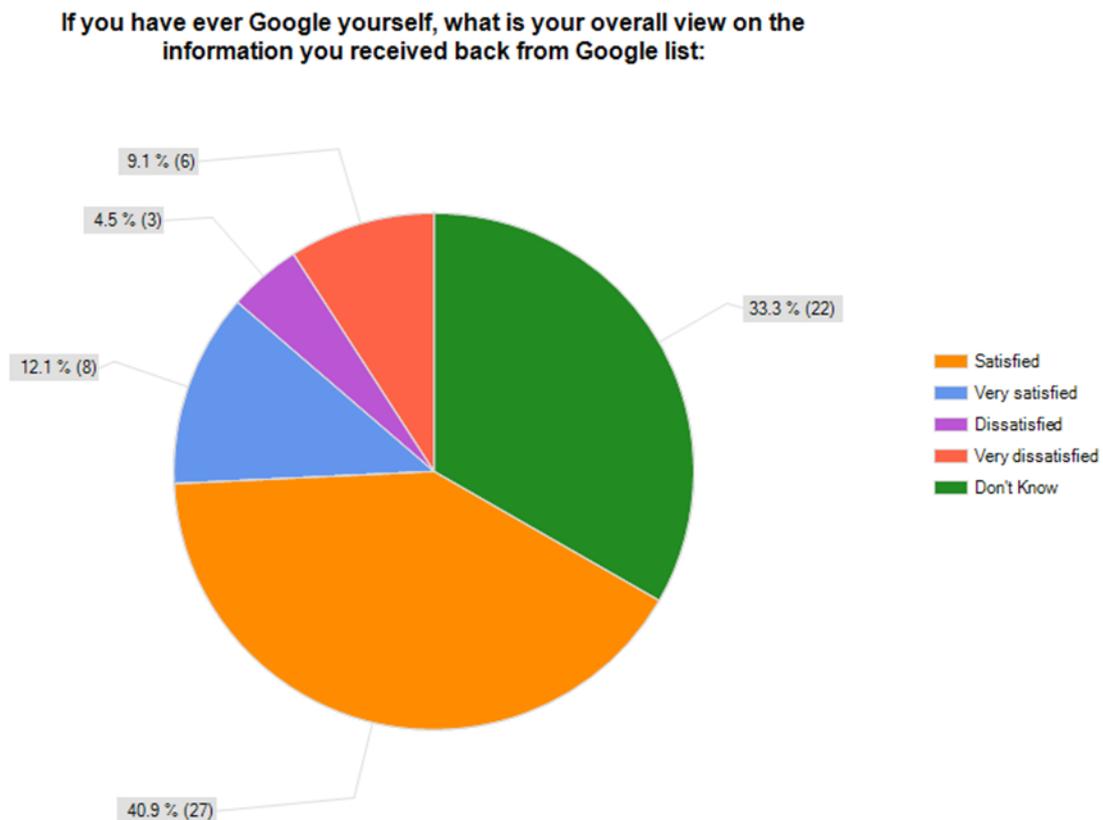
### Q14. Google yourself

One survey question asked if participant has ever Googled him/herself, this is very important because of privacy, brand management or just for resume. Most of social networking sites add new features all the time and most of them have location on setting, that is why it's important the more you change your profile setting especial privacy the more you should check how it will show when Googled. According to the pie chart 42.4% of respondents said they Googled their name only once, 27.3% said they do it often, 10.6% of respondents said they do it all the time, while 19.7% which is 13 out of 66 participants said they have never Googled themselves.



### Q15. Participants' view on information they saw on Google

This question examines participants' satisfaction toward what they found when Googled about themselves. I gave this a try by Googling my full name and I was surprised with what I saw. I could see my middle name, age, college that I'm attending, student number, qualification, my full address, what I wrote or posted on social networking sites even who my friends were. For an individual who does not have a clean image certainly the Internet is not a place to be. According to the pie chart 40.9% of respondents said they are satisfied with the results that comes back from Google and only 12% of respondents were very satisfied with they saw. On the other hand survey results indicated that 4.5% were dissatisfied with what they saw about themselves, while 9.1% said of participants said they were very dissatisfied with information they received back from Google browser. The pie chart also illustrate that 33.3% of respondents stated that they don't know the reason this high percentage might be because some participants have never Googled themselves.

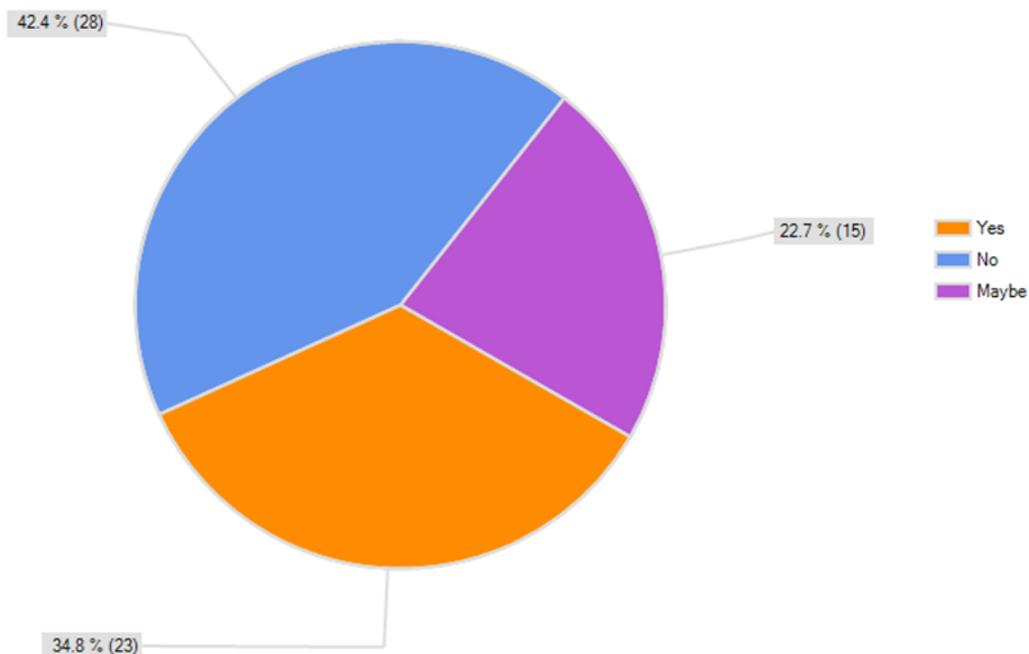


### Q16. Changing of content participant does not want potential employer to see

As we learned in the literature review that a survey conducted by Shafie et al. (2011) suggested that students were not concerned about what potential employer may find on their social network profile, while another study by Peluchette & Karl (2008) revealed that the majority of students were concerned about what employers may find on their profile.

As a result participants were asked whether they would change anything on their profile, 34.8% of the respondents answered that they would want to change any content that they felt were inappropriate for employer to see. However, the bigger percentage was 42.4% of respondents who said they would not change anything on their profile even if they know it may be seen by others regardless of the privacy setting of their profile. The pie chart further illustrate that 22.7% of respondents said maybe they will or maybe not.

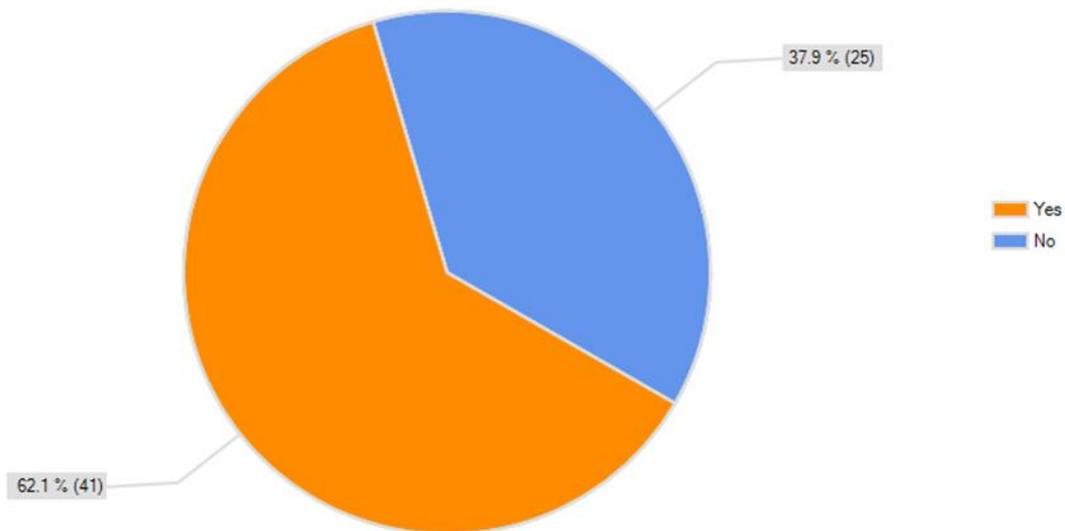
Would you change anything on your profile even if you know it may be seen by others regardless of the privacy setting on your profile?



### Q17. Participants concern about social networking profile privacy

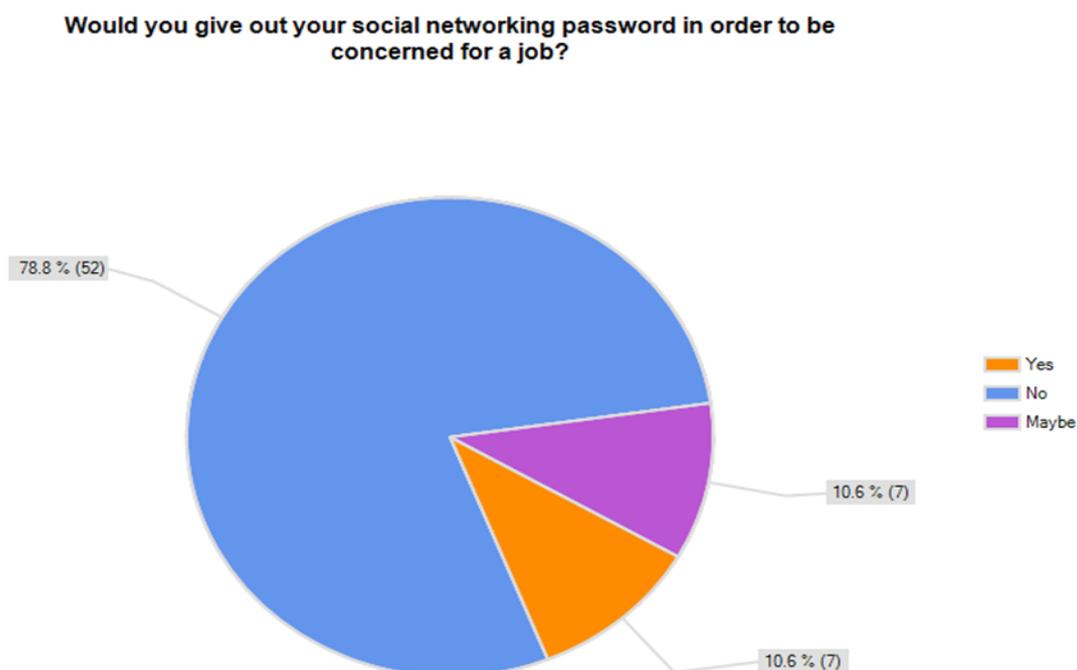
This question seeks to explore whether participants were concerned about their social networking profile privacy. The findings indicate that 62.1% of respondents felt that their social networking profile was not private. The study also indicates that only 25 out of 66 which can be interpreted as 37.9% of respondents who felt that their social networking profile was private.

Are you concerned about the legitimacy of your social networking profile privacy?



### Q18. Give out password for a job

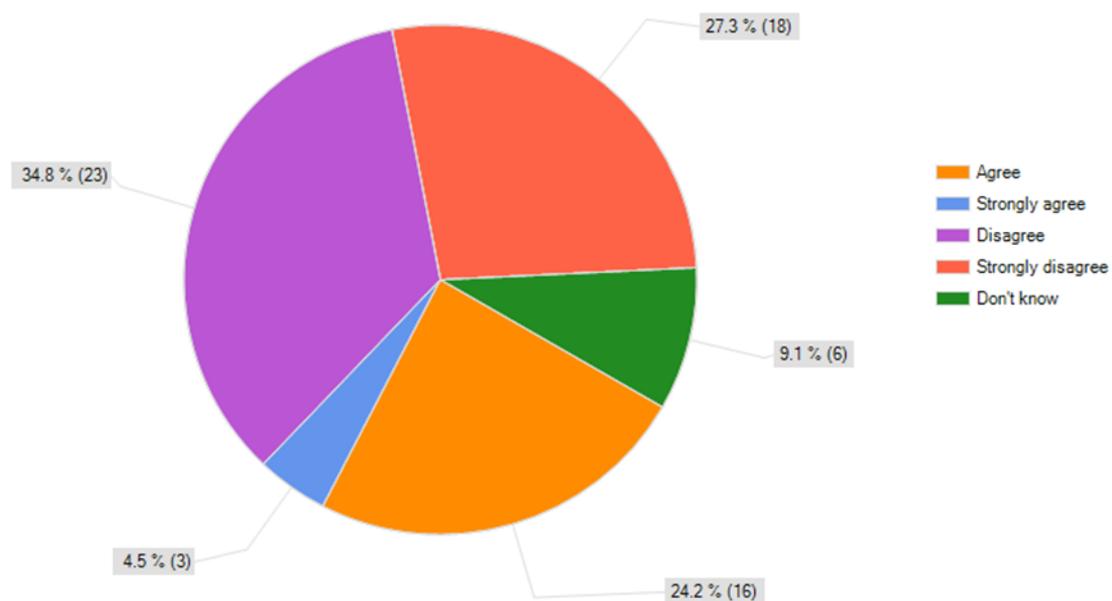
As we said earlier in the literature review that this trend of screening job candidate and asking them to provide their social networking profile password in order to be considered for a job is more popular in the US than in Europe. The writer was very interested to know from the Irish perspective whether they are willing to give out their social networking profile password in order to be considered for a job. The pie chart clearly indicate that the highest percentage is 78.8% of respondents who said no they would not give out their password to be considered for a job, while 10.6% said they will give out their password and the other 10.6% said maybe. When the question was cross-tabbed with respondent job status research statistics illustrated that 3% of respondents seeking employment, 3% of respondents not seeking employment, and 6% of respondents in employment said yes they will give out their social networking profile password to employer in order to be considered for a job. While, 18% of respondents seeking employment, 16% of respondents not seeking employment, and 35% of respondents in employment disagreed that they will never give out their social networking profile password to employer in order to be considered for a job. However, 3% of respondents seeking employment, 3% of respondents not seeking employment, and 5% of respondents in employment said maybe they will give out their password maybe not.



### Q19. Is it ethical to assess based on contents presented on social network profile

This question examines whether participants thought it's ethical for employer to evaluate potential job candidate based on the information they present on social networking profile. The reason for asking this question was because as we learned in the literature review that candidate voluntarily discloses information and posted it on public domain sites. They have a full control of what they public are allowed to view by modifying their privacy setting. Nevertheless, the survey revealed 24.2% of respondents agreed with the statement that it's ethical for employer to evaluate candidate based on the content presented on their social networking profile because they believe that the content presented on social networking gives an insight into the candidate personality. The research statistics also indicated that 4.5% of respondents strongly agreed with the statement, 34.8% of the respondents disagree saying it's unethical for employer to assess job candidate based on the information they presented on social networking profile, 27.3% strongly agreed and 9.1% of respondents who said they do not know because they do not have an opinion on this statement.

Is it ethical for employers to evaluate potential job candidate based on the information they present on social networking profile?



## **Q20. Participants' overall opinion on this new trend of screening job candidates**

Participants were asked what their overall opinion was on this new trend of employers / recruiters searching job candidates' information on social networking sites during recruitment process. This particular question was left as an open-ended question and the feedback received was all mixed opinion. The full opinion from participants on question 20 can be found in the index section p.73-84. However, below are just three of the participants' opinions on this new trend.

One anonymous respondent is for this new trend by saying *"it's fair and if you're irresponsible enough to be promoting unsuitable content on these sites and you have little or no privacy buffer then you have no argument. We all made the decision to set up Facebook/Twitter accounts and unfortunately the majority do not see the potential pitfalls"*.

While, another anonymous respondent was against this new trend by saying *"I think work and social life are separate so Facebook or other social networks should not be a tool used by employers when hiring a new employee as a social networking profile does not truly show the type of person they are"*.

Another anonymous respondent said yes it is a good idea but employer should not use this as reason for to hire a candidate who is qualified for the job.

*"At certain points it is good for company to know about candidate like how they are behaving in their social life, after all what are is bit important factor as they might influence their fellow mates in a company. However, it should not be the reason to reject a candidate, if seen as candidate prospectus because everyone has right to speech and a job need skills, if candidate has it he deserves best"*.

### 3.7.2 Interview with the Attorney

The second part of the primary research included a face-to-face interview with employment law attorney, Catherine O'Flynn a partner Fry one of Ireland's largest law firms. The interview took place in an office at William Fry in Dublin 2. iPhone voice memo was used to record the conversation. The interview with the attorney O'Flynn was scheduled for half an hour only because of Mrs O'Flynn busy schedule. Within the period she was able to answer all of the 3 questions that were asked.

O'Flynn was initially asked to give her own opinion what exactly employers are looking to find in candidate's social networking profile that a resume alone is no longer sufficient. O'Flynn explained as an employment lawyer employers don't really tell her what they are looking for or whether they could do that. O'Flynn said "I'm an employment lawyer, my advice to my client is you shouldn't be doing that and I kind of leave that to them as to what they do with that advice".

She explained there are two main reasons why she does tell them not to do it. First, "is because of the equality legislation". She described that there are "nine grounds under which a perspective candidates can be discriminated against. Not just an employee and obviously "when you look someone's social network media you would see more on that, than what you would normally see on a standard CV". She warned if you don't offer a candidate a job because of something you saw on a site you leave yourself open to a complained and that candidate if they agree they are not getting the job because of something on their social media site. She then mentioned that candidates can make a claim against the employer and they can be awarded almost €14,000 and it would be very difficult to disprove your allegation, said O'Flynn. The particular challenge for employer O'Flynn said is "how do you prove you didn't give them the job because of something else or how do you disprove it wasn't because they were a member of certain religious organisation or a certain nationality, or gender". She further added, "I think they are now much of employers looking at candidate's social media to get some sort of a feel for their candidates and that is fine, but it's just a bit of mind feeling really".

The second reason O'Flynn explained is "data protection", because the data protection commission in Ireland is quite against the idea of screening candidates in this way and because obviously enough a lot of this information on some social media will constitute confidential information. "There are all kinds of rules about how you retrieve that, and keep

that information”, said O’Flynn. What the commission would say “is you should really have the person’s consent to do this kind of search”. So, first of all “employers aren’t going to ask people if they can consent to it”, but second of all is “a real consent where a candidate has a choice of consenting if they feel that if I don’t consent I really do not going to get this job. So it not really a real consent you know”, O’Flynn added.

O’Flynn thinks that the data protection commissioner will ask the question, well was it really necessary for the position to look at their social media sites unless you can say “yes it was”. At the same time, O’Flynn said you can be in difficulties as well. She said my advice to them will be “don’t do it, I leave it up to them what they do with that information”. She further mentioned, that candidates screening hasn’t been a huge issue in Ireland yet, but obviously there is all these social media will become more and more an issue. For example, we can kind of look at the State and see what is happening there and all the legislation they are governing to stop the employer from asking candidate’s login details and that kind of thing, she added. O’Flynn explained, in the US they are so much far, further advanced in their law than we are. So given there are very restructure view in it and that is getting employers in some kind of difficulties “I might take a very conservative approach here”.

The attorney was also asked comment on the legal and ethical implications of using social networks as a tool in screening job candidates. Her response was ethical is shown by that example in the UK, the youth police commissioner. “You should not forgive someone’s stuff that they did in their past”, people do not have the right to make mistakes anymore,” said O’Flynn. She commented that it’s big issue and it’s a very interesting from a legal perspective. “I just think that you can get yourself into trouble doing it. However, “if you feel it’s really necessary, say the employer is a social media site, yeah than I think it is fine to look at and see if that candidates have one of your sites and do they use it regularly and that kind of thing but other than that it’s going to be difficult to say why you have to look it up”. O’Flynn explained, employer screening potential candidates, we haven’t had anything in this jurisdiction really. There haven’t yet been any reported cases of employer screening potential candidates. She however, mentioned that they only got three cases to do with social media but they all involve employees such as the Awear case, Bibo case and insurance company case. They all involved the existing employees, we haven’t had any case on screening candidates, O’Flynn added.

When asked whether she thinks employers in Ireland are checking candidates social networks profile in secrecy. O’Flynn said that she totally agrees, “for sure employers are doing it but they are not talking about it”. She said in State employers have gone a little bit further during interviews they have asked candidates for their login details.

The attorney was asked her personal opinion on whether this emerging trend would become more and more the norm here in Ireland. O’Flynn said she thinks employers are all doing it and recruitment companies are all over social media and that kind of things. However, she thinks it may become legislated if it becomes a problem, if anybody challenges whatever.

O’Flynn was also asked whether candidates should be aware that their employers are closely observing their social network profiles. She said in terms of candidates cope yourself on in terms of whatever you put up on social media sites. The attorney commented that people aren’t overly concerned with employment prospect when they are putting stuffs on social media a site, which is very surprising. She further added, similarly, employers don’t seem to be concerned about leaking of confidential information on that. O’Flynn recommended that we have to “catch up with other jurisdiction in terms of social media”. She further indicated that in her opinion on the topic definitely it will become “a bigger issue”. There isn’t much in Ireland I think, she added.

From a data protection perspective O’Flynn said you know anyone can make a data protection access request stuff that employer or company hold on you but at the moment internet search isn’t captured by that but that can change, that can be captured by that. So it can be the case in future you can find if an employer had carried search on you. So that will be kind of interesting to keep an eye on but at the moment it’s not captured yet so that can be a development so bear in mind.

The attorney was further asked whether there is a legislation law in Ireland prohibit employer from screening candidates. According to the attorney there is no legislation law at present that prohibit employer from such practice. The attorney advised that employers just have to fit it in with existing equality legislation and existing data protection and look at those two pieces would be the best way to do it. The interesting thing is that everyone is doing it they have to be a little bit clever as to how they are doing it from an employer perspective. According to the attorney, data commissioner stated “if you are going to do it you should tell the person in advance” and it’s whether or not employer would do it, O’Flynn added.

## 4. Conclusion and Future Research

### 4.1 Conclusion

This research study attempted to explore the Irish perspective on the use of social networking sites as a tool for employer in screening job candidates during the recruiting process whether participants are aware of social networks pre-employment, should they be conscious of the fact that employer have the ability to search candidates information and whether participant would disclose their login details for a job and highlights the ethical implications that can occur from conducting this type of practice. The literature on the use of social networking sites as a tool for candidate's pre-employment screening and the ethical implication that can be presented was reviewed and the survey and interview were carried out and analysed. Overall the survey provided a valuable insight into the Irish perspective on the use of social networks to screen potential candidates, while the interview highlighted the ethical and legal implication from carrying out such practice.

The birth of the Internet and Web 2.0 technologies such as Google, Facebook, Twitter, employer and hiring manager now have ability to search online information of the individual in question. Employer use of social networking sites as tool in the screening job candidates during the selection process is one way for employers to conduct a kind of background check on future employees. Attorney strongly agreed that employers in Ireland are using social network as a tool for candidate pre-employment screening but they are not talking about it and obviously employers can see more of social networks than on a standard CV. Conducting such practice can be beneficial to employers because learning about potential job candidates on social network site such as Facebook is both efficient and cost effective, since recruiting, hiring and training of new employees is hard work, time consuming, cost a lot of money and energy. This will allow them to avoid these mistakes in hiring and this type of screening can also help employer reduce chance of a potential law suits long before they even offer the job, which is important especially for these jobs that require them to handle highly confidential information or work with vulnerable children. At presently, the use of social networks as a tool in screening prospective candidates is unregulated in Ireland.

However, this does not permitted employers from carrying this type of practice. Numerous possible dangers exist when social network is used as a tool for screening job candidates. The attorney advices her clients not to do it because of two main reasons; first is because of the equality legislation. This can lead to a significant amount in lawsuits based on the nine grounds under which a perspective candidate can be discriminated against. The second reason not to conduct media search is due to the data protection. Also the research revealed that ethical implications can be presented because not all job candidates have a social network profile. Job candidate's information on social networks can be misunderstood, and it can easily allow the possibility for individual biases to affect hiring and screening decisions. Employers can face lawsuit if their decision on not to hire the individual in question is based upon any of the discriminatory grounds that are covered under the employment equality legislation and this in turn may damage the organisation's image.

Based on the findings of the survey answered by the participants revealed that the majority of the respondent said yes they are aware that employers have the ability to find information on social networks. Most of the participants do feel that it's unethical for employer to assess job candidate based on the information they presented on social networking profile, because not only that candidates are protected by the equality legislation but participant felt that employer should not use this as reason for not to hire a candidate who is qualified for the job. It was very interested to learn whether the Irish participants were willing to give out their social network profile password in order to be considered for a job. The survey indicated that the highest percentage of respondents said no, they would not give out their password to be considered for a job.

## 4.2 Future Research

Although the research study revealed that the majority of employers in the Irish workplace do not use social network as a tool in screening candidate during the selection process or they are not talking about it. According to employment law attorney O'Flynn, she can only remember about three cases but it involved the existing employees, however, she hasn't come across any case on job applicant pre-employment screening yet. O'Flynn feels Ireland still has to catch with other jurisdiction in terms of social media. She definitely thinks it will become a bigger issue; we just have to wait and see how this practice will evolve in the future.

Because this practice of employers using social networks to screen prospective candidates during the selection process is still relatively new, higher education professionals should definitely keep an eye on this topic and the future research should determine the long-term of benefits, liability and privacy violations of organisations engaging in such type of practice, while continuing discussing about the ethical, legal implication of social pre-employment screening. If this emerging trend would ever become a norm here in Ireland, the future research study should focus on Irish organisations that are engaging in this type of practice, or pre-employment screening services companies such as [RecruitSafe.ie](http://RecruitSafe.ie).

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## Appendix A

### Participants Survey

#### MSc Management Thesis Questionnaire

This questionnaire is part of research for a Masters of Science Degree in Management at the National College of Ireland. It is in the use of Social Networking Sites as a tool for employers/recruiters in screening job candidates during the recruiting process. This new trend is popular in the United State but not so popular in Ireland, therefore the research focuses primarily on Irish perspective on this issue. The results of this questionnaire would only be used for this academical research.

The questionnaire is an anonymous therefore, does not require any of your personal details.

The questionnaire may take between 5 to 8 minutes to complete.

Your contribution is of great value to this research, so I truly appreciate your time and effort. Thank you so much.

Vela Tecassala

vela.tecassala@student.ncirl.ie

#### \*1. What is your gender?

- Female
- Male

#### \*2. Which category below includes your age?

- 17 or younger
- 18-20
- 21-29
- 30-39
- 40-49
- 50-59
- 60 or older

#### \*3. Do you use any of the following social networking sites?

- Facebook
- Twitter
- Google +

**\*4. How often would you post information, pictures or update your status on social networking sites?**

- All time
- Regularly
- Sometimes
- Rarely
- Never

**\*5. What activity do you engage in mostly on your favourite social networking sites?**

- Browsing News Feed
- Uploading videos / pictures
- Writing on wall
- Other (please specify)

**\*6. How secured is your general social networking profile?**

- Very secured
- Secured
- Not secured
- Don't know

**\*7. Are you currently:**

- Not in employment
- Seeking employment
- In employment

**\*8. Are you aware that employer's have the ability to find information through social networking sites?**

- Yes
- No

**\*9. How often do you believe employers would view job candidates' social networking profiles?**

- All the time
- Often
- Rarely
- Never

**\*10. Do you post or have you ever posted information on social networking profile (like Facebook or MySpace) that you would not want an employer / recruiter to see?**

- All the time
- Regularly
- Sometimes
- Rarely
- Never

**\*11. Do you approve of employers checking job candidates' social networking profiles as part of the screening effort?**

- Approve
- Strongly approve
- Disapprove
- Strongly disapprove

**\*12. Do you consider the following information viewed on social networking profile by a hiring manager impact their decision when evaluating whether or not to hire a job candidate?**

|   | Agree                 | Strongly agree        | Disagree              | Strongly disagree     | Don't know            |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Post of provocative / inappropriate photos  | <input type="radio"/> |
| Information posted on social networking profile were about them drinking or using drugs | <input type="radio"/> |
| Bad mouthing former company/ boss /colleagues   | <input type="radio"/> |
| Poor communication skills   | <input type="radio"/> |
| Substance abuse content   | <input type="radio"/> |
| Discriminating against race, gender, religion   | <input type="radio"/> |
| Telling lies about their qualification  | <input type="radio"/> |
| Name on social networking profile is unprofessional                                     | <input type="radio"/> |
| Job candidate linked to criminal behaviour  | <input type="radio"/> |

**\*13. Would you approve an employer to check your social networking profile when evaluating whether or not to hire you?**

- Agree
- Disagree
- Possibly

**\*14. Have you ever Google yourself?**

- Once
- Often
- all time
- Never

**\*15. If you have ever Google yourself, what is your overall view on the information you received back from Google list:**

- Satisfied
- Very satisfied
- Dissatisfied
- Very dissatisfied
- Don't Know

**\*16. Would you change anything on your profile even if you know it may be seen by others regardless of the privacy setting on your profile?**

- Yes
- No
- Maybe

**\*17. Are you concerned about the legitimacy of your social networking profile privacy?**

- Yes
- No

**\*18. Would you give out your social networking password in order to be concerned for a job?**

- Yes
- No
- Maybe

**\*19. Is it ethical for employers to evaluate potential job candidate based on the information they present on social networking profile?**

- Agree
- Strongly agree
- Disagree
- Strongly disagree
- Don't know

**\*20. What is your overall opinion on this new trend of employers / recruiters searching job candidates' information on social networking sites during recruitment process?**

Thanks for taking your time to complete this survey. It is much appreciated.

Vela Tecassala

.....  
vela.tecassala@student.ncir.ie

## Responses to survey Q.20

| Page 3, Q1. What is your overall opinion on this new trend of employers / recruiters searching job candidates' information on social networking sites during recruitment process? |  |                       |
|---|--|-----------------------|
| 1   | it can help employee and employer.   | May 12, 2013 2:23 PM  |
| 2   | I believe that social networking is a part of your private life. If I had a diary that I shared thoughts of with friends I would not expect a potential employer to demand to see it or secretly view it.  | Apr 25, 2013 4:31 PM  |
| 3   | Bad trend. The employer should only be concerned about the skills delivered by the candidate and whether or not he/she can do the work assigned to them. I am afraid his/her social life and social contacts fetch nothing for an employer. ( as we never wish to drink a beer and sleep in the offices...lol)   | Apr 25, 2013 6:21 AM  |
| 4   | I believe it is a good way for employers to decide on the right candidate for the job but at the same time it may in some cases have a bad effect as the employer is in a way 'judging a book by its cover' and the photos and content on social media, may be misleading and may not represent the person accurately. Also people can pretend to be anyone on the internet.   | Apr 25, 2013 5:54 AM  |
| 5   | Helpful in screening candidates's information but strongly invaded personal privacy  | Apr 25, 2013 5:01 AM  |
| 6   | I don't think it should be done, but if it will overall affect their organisation image. I always change my password once they have viewed the info it would be linkedin profile not facebook, I wouldn't give them my facebook password.  | Apr 25, 2013 3:56 AM  |
| 7   | ivasion of private lives social networking is something u use to communicate with frends it shuld not be used by employers to stalk there candidates   | Apr 24, 2013 10:53 PM |
| 8   | Good for employers sometimes bad for jobseekers  | Apr 24, 2013 7:37 PM  |
| 9   | I think it is unfair as people are entitled to a personal life and sometimes posts are just a joke and do not depict the real person.  | Apr 24, 2013 2:23 PM  |
| 10  | A social networking profile is a personal page and does not reflect how professional a person can be or how good they may be at their job. It is a place they can relax and not have to worry about what other people may think because the people that will see the information they post has been pre approved via friend requests. My privacy settings do not allow anyone to see my wall posts or my pictures unless i have accepted a friend request from them. If an organisation attempting to hire me requested access to view my facebook page, i would tell them to stuff their job, if they do not know how to keep things professional and need to pry into the personal lives of their employees, that organisation would be terrible to work at in my opinion. | Apr 24, 2013 2:15 PM  |
| 11  | it's supposed to make it harder to get a job in dire times   | Apr 24, 2013 1:42 PM  |
| 12  | At certain points it is good for company to know about candidate like how they are behaving in their social life, after all what they are is bit important factor as they might influence their fellow mates in a company. However, it should not be the reason to reject a candidate, if seen as candidate prospectus because every one has right to speech and a job need skills , if candidate has it he deserves best .  | Apr 24, 2013 1:18 PM  |
| 13  | It is not good all the time to rely on the information that is drawn from social networking profile of an employee   | Apr 24, 2013 12:22 PM |
| 14  | It is a good way of viewing applicants past experiences and qualifications as  | Apr 24, 2013 11:30 AM |

|    |  |                       |
|----|--|-----------------------|
|    | well as references and a full list of their skill set (on LinkedIn) which is generally too lengthy to type in a CV. However, some employers have been known to cross the line. Everybody goes out and has fun with friends but this is generally a completely different persona than that of the person while in work. It's wrong for employers to judge an applicant based on their social life unless the research shows use of illegal substances, racial abuse, etc. |                       |
| 15 | It was always going to happen.   | Apr 24, 2013 11:28 AM |
| 16 | I think it's fair and if you're irresponsible enough to be promoting unsuitable content on these sites and you have little or no privacy buffer then you have no argument. We all made the decision to set up Facebook/twitter accounts and unfortunately the majority do not see the potential pitfalls.  | Apr 24, 2013 11:28 AM |
| 17 | They have to see what type of employee they are possibly employing. It can save alot of time down the road if the employee turns out to have a drug problme which is something they may pick up from their Facebook page.  | Apr 18, 2013 6:28 AM  |
| 18 | Can't blame them recruiters for they have a job to screen candidates and are remunerated by the companies that employ them. Corporations with a stakeholder view are seeking employees with shared values and cannot afford to employ those who have the potential to bring the firm into disrepute, through loss of client funds etc if they are under the influence of drugs or alcohol or due to criminal or anti social behavior                                     | Apr 17, 2013 9:11 AM  |
| 19 | I think work and social life are separate so facebook or other social networks should not be a tool used by employers when hiring a new employee as a social networking profile does not truly show the type of person they are.   | Apr 13, 2013 9:23 AM  |
| 20 | Employers in todays tough economic situation can choose from a wide pool of highly qualified candidates. Employers are using soical networking as another tool to choose the best possible candidates to fill the position available.  | Apr 13, 2013 5:21 AM  |
| 21 | People should not put unsuitable videos ir pictures on social networking sites if people adhere to this possible employers should not find any info about candidates which would effect them getting a job or not.   | Apr 12, 2013 6:02 AM  |
| 22 | .....  | Apr 12, 2013 4:59 AM  |
| 23 | I think employers can have a look at your profile, you should be aware of that if your looking for a new job, but employers should be entitled or ask for no more(eg.such as your password)  | Apr 12, 2013 2:28 AM  |
| 24 | It is smart, a quick way to get to know the employee but not in relation to most of the details it is irrelevant to whether they can effectively do a job.   | Apr 11, 2013 5:54 PM  |
| 25 | Don't approve of it really   | Apr 11, 2013 2:32 PM  |
| 26 | Pathetic   | Apr 11, 2013 7:10 AM  |
| 27 | I  | Apr 11, 2013 4:12 AM  |
| 28 | they should take a look if they want but dont base their full opinion of the person on their social networking ste   | Apr 11, 2013 1:48 AM  |
| 29 | I find it highly inapropriate.   | Apr 10, 2013 3:20 PM  |

|    |   |                      |
|----|---|----------------------|
| 30 | i think it is a good idea because when you go for an interview you will be on your best behaviour but when you are on your FB you say your mind and show your real character  | Apr 10, 2013 3:16 PM |
| 31 | It is a tool to find out a socialite about the employee   | Apr 10, 2013 2:36 PM |
| 32 | It's really bad   | Apr 10, 2013 1:33 PM |
| 33 | I understand that it is possible for employers to do so but it is unfair to presume a person is a particular way because of their social networking profile.  | Apr 10, 2013 7:34 AM |
| 34 | It is an invasion of people's privacy, but can be prevented by the user.  | Apr 10, 2013 6:22 AM |
| 35 | Unnecessary, Employers should hire someone based on personality, interview completion, and in good faith  | Apr 10, 2013 3:18 AM |
| 36 | i do not like it  | Apr 9, 2013 2:48 PM  |
| 37 | they shouldnt be looking at a possible employees social networking sites (except maybe linkedin) what that person does in their own time is their own business  | Apr 9, 2013 1:00 PM  |
| 38 | I have no problem with it. If people are concerned about being qualified in the eyes of employers then they should expect their social network profiles to be viewed. The option to make profiles private or delete inappropriate pictures or comments is an option that is always open to the potential candidate. | Apr 9, 2013 11:48 AM |
| 39 | I feel it is ok and should be done  | Apr 9, 2013 11:19 AM |
| 40 | a really good idea I think  | Apr 9, 2013 11:06 AM |
| 41 | People can be Bias about themselves so it is a bad form of recruitment, the recruitment should be based on several interviews and testing   | Apr 9, 2013 8:31 AM  |
| 42 | Good because shows them who the person really is  | Apr 9, 2013 6:20 AM  |
| 43 | Alright   | Apr 9, 2013 5:29 AM  |
| 44 | Don't have one  | Apr 9, 2013 4:43 AM  |
| 45 | feel it is an invasion of privacy issue but if employers are using as a tool to asses future employees before they employ , it is there choise , but after employment staff member fully employed then it becomes a issue   | Apr 9, 2013 4:09 AM  |
| 46 | They should be allowed to see a candidates social life to see what sort of person they are.   | Apr 9, 2013 4:02 AM  |
| 47 | It is Essential and Appropriate. But may not necessary be Cumplatory.   | Apr 9, 2013 3:53 AM  |
| 48 | Pain especially with not having or wanting a facebook account   | Apr 9, 2013 1:48 AM  |
| 49 | I think that's totally unnecessary! Its private life. Whatever we post on social networking sites like facebook shouldn't bother them.  | Apr 8, 2013 4:10 PM  |
| 50 | I think it is completely unethical to request too see information posted on   | Apr 8, 2013 3:14 PM  |

|    |  |                      |
|----|--|----------------------|
|    | social networks, if this information is not posted publicly. Also, If the information is not posted publicly, then I don't consider such tactics as being any different to snooping on peoples personal emails and/or traditionally posted private mail / letters. Furthermore, as well as being unethical, it is an extremely poor security practice to give ones password(s) to anyone, not to mention being contrary to the terms & conditions of any password protected website. |                      |
| 51 | Gives a basic view about the person one is about to be considered for a particular role ..   | Apr 8, 2013 3:12 PM  |
| 52 | Gives them a better insight to what a person might be like   | Apr 8, 2013 3:07 PM  |
| 53 | good   | Apr 8, 2013 2:56 PM  |
| 54 | Slight invasion of privacy   | Apr 8, 2013 2:41 PM  |
| 55 | It depends on the type of candidates, there can be a need for it in certain circumstances  | Apr 8, 2013 2:09 PM  |
| 56 | If it will impact the company's image and reputation then it can be taken into account but people should be allowed to have their own lives outside of work.   | Apr 8, 2013 1:29 PM  |
| 57 | I find it worrying as it crosses the line between private and professional life. It's also worrying as something posted when a candidate was quite young and naive may come back to haunt them as adults.  | Apr 8, 2013 12:31 PM |
| 58 | I agree with the new trend but it needs to be monitored and used wisely as to not conflict with the applicants Facebook/ social network privacy and personal life too  | Apr 8, 2013 11:47 AM |
| 59 | maybe yes not sure   | Apr 8, 2013 11:41 AM |
| 60 | I don't think it should be done  | Apr 8, 2013 11:29 AM |
| 61 | Na   | Apr 8, 2013 11:21 AM |
| 62 | It is immoral and candidates private life should only be the concern of the employee and those whom they wish to share it with   | Apr 8, 2013 10:48 AM |
| 63 | Very good  | Apr 8, 2013 1:22 AM  |
| 64 | I think employers have the right to ensure that a potential employee is clean  | Apr 7, 2013 6:17 PM  |
| 65 | N/A  | Apr 7, 2013 3:59 PM  |
| 66 | Many cases its unreliable. Some1 May have the craziest pictures very outgoing from weekends which is just to release the stress for the hard work theyv put in. People are going to start setting up unused accounts with appropriate images for employers   | Apr 7, 2013 3:44 PM  |

## Appendix B

### Reported Cases of employers who used social networks to screen candidates

For the purpose of this dissertation I have selected three reported cases that really stood out to me of employers who used social networking sites to screen candidate. However these reported cases took place in other jurisdiction countries such as the UK and US. Social networking has become a vital tool for employer for screening potential job candidates and in some cases employers have gone as far as requesting for social networking profile username and password to gain access into candidate private profile. These cases are briefly discussed about in the literature review.

#### Case: 1

“The UK’s first Youth Police and Crime Commissioner, Paris Brown (17), recently resigned from her post following criticism of messages posted by her on Twitter when she was aged between 14 and 16. Her tweets painted an unattractive picture she called Gays as ‘fags’, immigrants as ‘illegals’. The Police and Crime Commissioner responsible for recruiting Ms Brown has been criticised for not carrying out checks on social media before Ms Brown’s appointment. The Commissioner has suggested that such checks are likely to be part of future recruitment processes”.

#### Case: 2

Robert Collins was on a 3 months leave because his mother had died, but when he decided to return back to work as a Maryland correction officer. When Robert had to go through recertification process for a position at the state prison, he never thought he would be asked if he had a social networking account and he should provide his username and password. The Maryland Department of Public Safety and Corrections had a new policy that required them to request social networking sites password so that they could filter out job candidates with gang affiliation or unsavoury personal past times. Because, Robert really needed the job he agreed to give out his personal password on Facebook and left feeling violated of his privacy. He then decided to contact the American Civil Liberties Union who told him that they were not aware of this practice. They called the social networking password policy a terrifying and illegal invasion of privacy. The ACLU then reviewed the policy, and decided to make it clear that giving out a password was voluntary. A year later a bill was passed to prohibit employers, public agencies from demanding job candidates or employees’ social networking site passwords (Scott, 2012).

**Case: 3**

This case study is based on a student named Stacy Snyder, a senior at Millersville University was dropped from her job as student teacher at a high school after the staff at the high school where she was student teacher looked at her MySpace page and denied her teaching credential when officials from the university were made aware of a photograph and post on her MySpace.com. (Snyder vs. Millersville University, 2008). Ms Snyder's post also contained what the New York Times described as a 'surprisingly innocuous' picture (Snyder v. Millersville University, 2008), which shows her wearing a pirate hat while drinking from a plastic cup and her picture caption reads 'A Drunken Pirate' (Anon., 2007). The page also contained a posting that could be interpreted as a negative comment about her supervising teacher at the high school. The Millersville University restricted the student-teachers from posting comments about the high school staff on their web pages or directing their students to personal web pages; both directives were completely ignored by Ms Snyder (Ethics.iit.edu, 2013). Apparently, the high school administration was already frustrated with what they viewed as Stacy's poor subject knowledge, her poor grammar skills, and her informal behaviour toward her students. So the staff decided that she was not an acceptable candidate for a teaching degree rather the decided to award her a degree in English (Ethics.iit.edu, 2013). Snyder sued Millersville University claiming that they violated her First Amendment right which protected the text and photograph in her MySpace posting (Snyder v. Millersville University, 2008). The United States District Court ruled judgement against Ms Snyder, based on the fact that she was acting as an employee of CV at the time rather than as a student at Millersville University, when she was a student teacher (Snyder v. Millersville University, 2008).