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Daily Dash

Googling Job Candidates Can Be a Risky Business



The explosion of social networking Web sites, the power of search engines like Google and video sites all make it tempting to scour the Web for information about candidates applying for open positions at your company. A lot of employers are finding it hard to resist.

If results from a 2006 CareerBuilder.com survey are any indication, Googling apparently is a common practice among hiring managers. According to the 1,100 managers surveyed, one in four (26 percent) say they've used the Internet to research would-be employees. Twelve percent have accessed social networking sites as part of the

screening process.

Fifty-one percent of the hiring managers who researched job candidates via the Internet and did not hire an applicant due to details dredged up during the search. And 63 percent of those who accessed social networking sites said they made a decision not to hire based on what surfaced during the search.

Googling is legal, but experts are clearly divided on the wisdom of the practice. To keep it legal, however, experts say you need prior written consent from the job candidate or employee. They also warn hiring managers to proceed with caution when evaluating whether to use the information found in cyberspace searches.

Antoinette S. Gilbert, an associate labor and employment attorney with [Karen Smith Kienbaum & Associates](#) in Detroit, says in her opinion, Googling is an "an ill-advised practice."

There are legal and illegal reasons to hire someone, she said. The problem with Googling candidates is that the information can be used to discount a candidate in a protected class or may inadvertently allow biases to influence a hiring manager's decision. That's why managers use the same job application and interview questions for each candidate – they help avoid bias or the appearance of any bias, Gilbert said.

"The danger in Googling a job candidate is that you might discover information that could taint an objective decision," she said. "And the same things that you can't ask during a job interview or on an application are the same things that you cannot research."

For example, it's illegal to ask an interviewee whether he or she has ever been arrested. By law you can only ask about felony convictions. So if a hiring manager performs a Google search, discovers that a candidate was arrested – and then bases the hiring decision on that information – that would be illegal.

It also would be a violation of an employee's constitutional right to freedom of association if a manager fired them because of political, religious, or other affiliation with a group – regardless of whether the information was found on the Internet, Gilbert said.

And Googling a job candidate or employee without signed consent also is considered illegal under the Fair Credit Reporting Act, she said. Aside from legalities, there's also the question of accuracy when information is culled from the Web, she said.

"Not everything you read on the Internet is true," Gilbert said.

Hiring managers should be smart about how Internet information is used, but it's unrealistic to expect employers not to tap into the Web for information, said Susan Heathfield, human resources writer for About.com and owner of Heathfield Consulting Associates. Based in Williamston, Michigan, Heathfield's

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firm is a management and organization development company specializing in HR-related services.

"Let's be realistic," she said. "There's no point in the hiring process ... that you're not going to know all about this anyway. I think it's perfectly legitimate to utilize any Web research that is available. But decisions on candidates should be made on qualifications."

Realistically, looking to the Web for background information on a candidate only makes sense for those considered finalists for a position, she said. Searching for information about all candidates who have applied for a position would be inappropriate, cost-ineffective, and time-consuming.

Following a search, hiring managers need to make sure they are not using the information in a way that negatively impact any protected class under the law, she said.

When Heathfield taps the Internet for background on a candidate, she's not looking for information to disqualify a candidate.

"I'm looking to confirm that this is the good candidate we think it is," she said. "I think of it as a final check."

Regardless of how hiring managers proceed, they always need to make sure they obtain signed consent from the job candidate or employee before performing such a search, Heathfield said.

"People are always looking for some reason why they weren't hired," she said.

And while there doesn't appear to be any case history involving this relatively new arena, following some best practices is always a good idea, Heathfield said. For example, employers will want to inform job applicants that part of their background checks may involve an Internet search. Placing this information on the job application in a signed consent statement at the bottom makes a lot of sense.

Mike Spinney, communications director for the Ponemon Institute, agrees that candidates should be forewarned about potential Internet searches in a signed consent form. The Traverse City-based firm researches information and privacy management practices in businesses and government agencies.

If candidates know up front about a potential Internet search, it gives them the opportunity to explain any eyebrow-raising information that an employer might find on the Web.

And sometimes Web searches net important information about a candidate, Spinney said. For example, someone in public relations probably is going to have a Web history of work that they've performed for various clients.

But sometimes, searching the Internet can turn up unflattering—and sometimes useful – information about an employee or job candidate, he said. In one case, a physician recruiting firm discovered that a recently graduated psychiatrist had topless pictures on Facebook. Following the discovery, the firm gave her an opportunity to explain the photographs, but the search ultimately continued without her in the running.

Before employers begin mining cyberspace for information, they need to cover themselves by having candidates sign a written consent form and by having a written policy explaining how information is gathered during background checks, he said.

"It's always a best bet to have a written policy in place," Spinney said.

Written by Jenny Cromie, certified human resources specialist (CHRS)

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