

Employers Must 'Walk a Fine Line' Using Social Media in Employment Decisions

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Social media can be both a blessing and a curse. This modern-day innovation has opened up the lines of communication like never before. Despite the perks of social media, some may be experiencing nostalgia for the good ole days, for the days when it was easier to keep their private lives to themselves.

Social media has become a frequent topic of discussion in the area of employment law. Employers are using social media as a helpful tool when conducting background checks, but this helpful tool comes with its own risks. Although Facebook offers information that employers may find valuable, it also may provide information regarding a person's race, color, national origin, gender, age, religion, genetics and the like, which should not be considered in employment decisions. There may also be information about an employee's own health condition or that of a family member that could give rise to special considerations on the part of employers. The question is, should employers use or not use social media in employment decisions?

The answer to that question is the same as the answer to many legal questions...it depends. As of right now, there is little legislation (although that fact appears to be about to change) prohibiting employers from using information received from a social media background check when making employment decisions, but if employers choose to take this avenue, they have to walk a fine line.

Social media may help in making employment decisions, but the law is still evolving in this area. Employers should think twice before adopting a practice of using social media and consult an employment attorney before doing so.

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