



Social Insight, Legal Foresight:

Your Handbook for Social Media Screening



Social Media Screening

White Paper



Introduction

Did you know that between 70 and 90 percent of employers in the United States incorporate some form of social media screening before they hire a candidate? While resumes, interviews and often reference checks are the staple of a recruiter's life, social media has become an almost equally important hiring tool. What better way to get to "know" a candidate than to review their social media posts? After all, social media was created for the sole purpose of connecting people and it has evolved to become a resume for an individual's life. Over the past decade, the share of the US population using social media has climbed from just over 50% to almost 80% of the population.

You are already doing it

A survey by CareerBuilder showed that while 70% of all employers use social media to screen their candidates, the more astonishing number is, of those employers, more than 50% said they found something that made the employer not hire the candidate. Other studies on this topic put this percentage closer to 69%.

Studies have shown that most employers, and more specifically the hiring managers, are simply logging onto their personal Facebook or LinkedIn accounts and casually browsing the candidate's social media posts. This approach can create a slew of legal issues and put your company at risk of violating EEOC protected class information as well as Fair Credit Reporting Act (FCRA) rules. In other words, your hiring managers are putting the entire company at risk of a potential class action lawsuit. The best way to avoid these potential legal issues is to outsource this function to a company which offers FCRA certified reports. This not only ensures you will abide by government rules and regulations, but you can ensure that the process is both consistent and fair.

Is it legal?

Since we know already from above that over 70% of employers are doing some form of social media screening, albeit in an ad-hoc manner, it's beneficial to put in place a more sound and repeatable process across all of your divisions to ensure every hiring manager is following the same process. This is to the benefit of both the company as well as the candidate. The worst thing is having one of your hiring managers looking at an incorrect social media profile - one that they believe to belong to the candidate they are considering hiring when in reality it's an entirely unrelated profile.

At this point you might want to say to yourself "well it's simply not worth doing social media background screening." Many companies have come to this same conclusion, mainly due to the amount of misinformation that is out there. But we are here to clear this up and tell you that in fact, **social media screening is perfectly legal.**

What you need to know

The FTC ruled on social media screening in an opinion letter in 2011 and came to this very conclusion. But you should be aware of some caveats.

- Only access public posts. This one is important. You can only view posts which the candidate made publicly.
- Get permission from your candidate. This is required based on FCRA guidelines and is no different than any other background check.
- Don't ask for passwords to their social media accounts or accept friend requests. This can violate many state's social media privacy laws.

If you follow the three items above and outsource this function, you are well on your way to ensuring you are staying legal and can start benefiting from the information surfaced in these reports.

Benefits of social media screening

There are numerous benefits to performing social media screening on your candidates. Below are the top three reasons why you should be doing social media screening on your candidates.

1. **Protects your brand.** No company wants to hire someone that doesn't reflect their core values and, by their individual actions, can tarnish the company's brand.

2. **Protects your employees.** Workplace safety is no longer just in the domain of your corporate security folks. Human resources should take responsibility to ensure the employees they are hiring do not represent a threat to other employees.

3. **Reduces turnover costs.** Studies have shown that the average cost of hiring a toxic employee and then having to replace that employee is over \$12,800. When factoring in lost productivity by the team, this cost can soar.

The Social Media Report

At Ferretly, we believe the customer should decide what candidate characteristics and behaviors they care about, not some third-party company. Because we have incorporated artificial intelligence to analyze every post and image content, we can provide a more broad-based, and thorough analysis.

Of course, we have human analysts which augment the AI to ensure identity and accuracy. With artificial intelligence and sentiment analysis, you simply get more detail than any service which provides a human-only analysis, and at lower cost.

Ferretly uses machine learning and natural language processing to flag posts based on 11 behaviors plus optional keyword flagging. Ferretly analyses original posts, comments, replies, likes, and shares for your subject. In addition, we perform image and meme analysis. Using keywords, you can customize the flagging based on text and image content. All of this happens in typically under 30 minutes and we deliver the most comprehensive report in the industry for your candidates.

We also are the only service in this space which gives you the power to perform your own social media background checks in an easy, self-serve dashboard. Our platform is easy to get started and highly intuitive.

Behaviors Surfaced

Below are the behavioral attributes surfaced by Ferretly and the associated definitions.

Disparaging

Name calling or derogatory statements toward an individual about their physical characteristics such as weight, height, looks, intelligence, etc.

Drug/Alcohol Mention

Statements related to drugs and/or drug use including slang words, street names and phrases.

Drug Image

Images of pills, syringes, paraphernalia. It may include smoking, drinking, and injections.

Gory Image

Images of disfigurements, open wounds, burns, and crime scenes.

Nudity Image

Images of explicit nudity, adult content, and pornographic content.

Prejudice

Derogatory, abusive and/or threatening statements toward a specific group of people typically on the basis race, religion or sexual orientation.

Profanity

Obscene language, cursing, swearing or in general cruder vulgar words and phrases

Politics/Government

Statements focused on government policies, actions or specific politicians or ideologies. These often focus on specific issues such as abortion, environmental, immigration, government regulations, etc.

Self-harm

Indications of wanting to hurt oneself or take one's own life intentionally. This could also be mentions of suicide or suicidal behaviour in others.

Suggestive

Includes expressions relating to sexual misconduct that could be considered sexually demeaning or sexual

Threats

An intent to inflict harm or loss of another person's life.

Keywords

Flags posts based on matches to custom keywords provided. Keywords can be designated negative, positive or neutral.

Conclusion

With between 70 and 90 percent of employers using social media to make hiring decisions, you should not feel like you are doing anything wrong...on the contrary, reviewing publicly posted information about your candidate is the best way to discover if your next hire is the best fit for your organization. In order to stay legal and avoid EEOC violations, you should centralize this function internally and always outsource to an FCRA certified provider.

If you want to learn more visit us at: www.ferretly.com