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# Social Recruiting Guide: How to Effectively Use Social Networks and Avoid Legal Risks

## Introduction

Social networking sites such as Facebook and LinkedIn are some of the most powerful tools available to recruiters today. Facebook has more than 146 million U.S.-based members<sup>1</sup> and regularly surpasses Google in site visits per day. LinkedIn has increased its number of registered users from 4,500 in 2003 to more than 161 million worldwide in 2012—with 61 percent of those users in the U.S.<sup>2</sup> As usage continues to skyrocket, more businesses are recognizing the fact that high-quality candidates can be reached faster and at a lower cost by using social networks than by using traditional recruiting methods. While social networks can give recruiters a competitive edge in locating and engaging the best candidates available, adding these new sourcing options also brings potential legal pitfalls. Organizations need to be aware of these risks and how to mitigate them while leveraging this important tool to reach your recruiting objectives.

Your company may see the potential for social recruiting or may be using tools today, but a social recruiting strategy needs to be part of overall company goals and objectives to deliver true return on investment (ROI). If you're not sure where to start, this paper will outline why social recruiting is becoming an imperative for companies today and how you can get started in reaching highly qualified candidates and passive job seekers while building company brand recognition and reducing sourcing costs.

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<sup>1</sup> Peter Corbett, "2011 Facebook Demographics and Statistics—Including Federal Employees and Gays in the Military," *iStrategyBlabs*, [istrategylabs.com/2011/01/2011-facebook-demographics-and-statistics-including-federal-employees-and-gays-in-the-military/](http://istrategylabs.com/2011/01/2011-facebook-demographics-and-statistics-including-federal-employees-and-gays-in-the-military/), January 3, 2011.

<sup>2</sup> "About Us," *LinkedIn Press Center*, [press.linkedin.com/about](http://press.linkedin.com/about).

## Social Recruiting Benefits

Because people are your greatest asset, you need to find a means to connect with the best candidates within your industry. Social recruiting puts your organization in the mix with candidates that you would otherwise not be able to reach. This doesn't mean you need to completely replace your existing recruiting processes with social networking. Rather, you need to leverage these new tools and add them to your other means to enhance and improve your results.

When you make social recruiting a strategic initiative to find and hire potential employees, you can:

- **Be the employer of choice.** When your company establishes an online presence, you send a positive message out to potential candidates that your company is connected and understands how to communicate with them. Being the employer of choice means candidates want to work for you and spread that message across social networks, magnifying your brand and message.
- **Reach higher-quality candidates.** Individuals who frequently use social networks tend to be early adopters of innovation and also tend to be more technically savvy.<sup>3</sup> These are the traits many companies look for in potential candidates. Social networks offer a fast way to connect with these individuals.
- **Increase ROI.** You can dramatically reduce sourcing costs and increase ROI through social networks. Posting and sharing job openings for free through Facebook or LinkedIn is more likely to deliver results than a single description on a job board that charges, so the potential value far exceeds the cost.
- **Find hard-to-reach candidates.** When competition for talent is fierce, identifying the best can be challenging. Social networking enables you to reach out to passive or hard-to-find candidates that likely could not be reached using other sources.

"Companies using social recruiting best practices realize that social media should not be used as a replacement for current talent acquisition strategies but, rather, as an extension and enhancement."

Bersin & Associates

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<sup>3</sup> Dr. John Sullivan, "The Many Benefits of Social Network Recruiting: Making a Compelling Business Case," *ERE.net*, [ere.net/2009/11/02/the-many-benefits-of-social-network-recruiting-making-a-compelling-business-case](http://ere.net/2009/11/02/the-many-benefits-of-social-network-recruiting-making-a-compelling-business-case), November 2, 2009.

## Where to Start

It is important to understand how to best leverage social networking Websites because it can seem daunting with all the tools available today—and the increasing choices sure to be available tomorrow. However, sites and tools are only part of the equation.

### Seven Questions to Consider to Prepare for Social Networking

As with any initiative, you want to spend some time thinking about your objectives so you can reach them. It is a good idea to take a step back and ask a few questions before you dive into the social networking pool. According to the Human Capital Institute (HCI), there is a simple seven-step thought process you should go through before you get started with social recruiting, which involves answering the following questions:<sup>4</sup>

1. What are our organization's corporate goals—not human resources (HR)—related?
2. What does our workforce plan look like in relation to those corporate goals?
3. Where do we have talent gaps based on our workforce plan?
4. What kinds of technology are attractive to the types of candidates we need?
5. What level of resource commitment are we willing to make?
6. How will we keep our content fresh?
7. When do we start?

What is your digital footprint? A digital footprint is a trail left by an entity's activity in a digital environment. It is the size and influence of your company's online presence. Your company's digital footprint may be passive, meaning the internet controls what is being said about your company, or active, meaning you control the information. It is a good idea to understand how people view your company's digital footprint so you can use it to your advantage.

### Take Steps to Launch Social Recruiting

Once you and your team have answered these questions, you can take the following steps to plan for and launch social recruiting:

- **Establish a plan.** The answers to the seven questions above will form the basis of your social recruiting plan. You will know which sites and tools to use, how much time to spend on social networks, and how to keep your content up to date.

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<sup>4</sup> Human Capital Institute, Dustin Cann, "What's Your Social Recruitment Strategy?," *HCI Blogs*, [hci.org/lib/what-s-your-social-recruitment-strategy](http://hci.org/lib/what-s-your-social-recruitment-strategy), March 10, 2010.

- **Check your brand image.** Search on the internet for your company name or for open jobs to see who is promoting your jobs. This will give you a good idea of what is being said online about your brand. Determine who seem to be your advocates and detractors. Use this information to control how candidates perceive your brand. Continue to monitor your brand image as you build your social recruiting program.
- **Engage with potential candidates.** Participate in your social networks by establishing a dialogue with potential candidates. Be real, mean what you say, and say what you mean. The type of individual who uses social networking tools expects your company to be transparent and approachable. If you hide behind an anonymous profile, potential candidates might not trust your communications.

## Legal Considerations

HR professionals need to be cognizant of any potential legal ramifications from the use of social networking for recruiting. Many experts believe that a significant amount of legal risk depends on whether or not the use of social networks is motivated by the intent to discriminate or on whether the practice has an unintentional and unjustified adverse impact on members of a protected class. In addition, the use of social networks can lead to disqualification from government contracts through failure to comply with regulations issued by the Office of Federal Contract Compliance Programs (OFCCP).<sup>5</sup>

The potential legal risks for organizations using social recruiting are outlined below, along with methods to mitigate those risks:

### Disparate Impact

Although social networks are a valuable resource for tapping into high-quality candidates, they do not represent the total labor pool available. For example, according to the media analytics firm Quantcast, only 7 percent of LinkedIn's members are African-American and only 8 percent are Hispanic (versus 78 percent who are Caucasian).<sup>6</sup> Relying too heavily on social networking sites leaves your organization open to potential lawsuits that might allege discrimination on the basis of age and race. Look at your overall sourcing program to ensure that all classes, regardless of age, race, gender or disability, get the opportunity for employment with your company.

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<sup>5</sup> Taleo Research, "Social Network Recruiting: Managing Compliance Issues," April 2010. (Taleo was acquired by Oracle in June 2012.)

<sup>6</sup> Quantcast, [quantcast.com/linkedin.com](http://quantcast.com/linkedin.com), updated July 2, 2012.

## Candidate Screening

Using social networks to screen potential candidates can also open your organization up to potential legal risks. It could be argued that information candidates previously posted on Facebook or tweeted on Twitter—such as religious or sexual preference, social activities, or family situation—were used against them in the screening process. The mere appearance of discrimination based on any of these criteria could create problems. Your company needs to ensure it can demonstrate that hiring decisions are made based on job relevance and by using assessments, tests, or an inventory of skills.

## Compliance with Office of Federal Contract Compliance Programs

It is important that your organization uses a method to provide adequate records for OFCCP auditors. According to Paul Mollica, formerly a partner at Meites, Mulder, Mollica & Glink in Chicago, a judge or a jury draws an inference that if you didn't maintain the required records, the records must have been prejudicial.<sup>7</sup>

It is therefore imperative to rely on software applications that ensure compliance with audit trails and easy access to information such as the date the candidate applied, equal employment opportunity (EEO) job category, stage within the recruiting process, gender, race/ethnicity, and reason for rejecting each candidate.

## Measuring Results

While you might understand the value of social recruiting, you need to show executives and management that your strategy affects the bottom line. Is there a way to measure results? Can you show how you saved money or drove value?

First, you need to understand where you are today with your recruiting efforts overall to begin understanding how social recruiting delivers value. Set benchmarks by tracking key metrics on your current sourcing and recruiting efforts. The right recruitment software application will provide you with this information automatically. To determine the right metrics for your organization, refer to your answers to the questions outlined in the “Where to Start” section of this paper. Some key metrics used in demonstrating the value of social recruiting include:

- Candidates per source
- Cost per source
- Hire per source

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<sup>7</sup> Ann All, “Pros and Cons of Recruiting Via Social Channels,” *IT Business Edge*, [itbusinessedge.com/cm/blogs/all/pros-and-cons-of-recruiting-via-social-channels/?cs=36142](http://itbusinessedge.com/cm/blogs/all/pros-and-cons-of-recruiting-via-social-channels/?cs=36142), September 25, 2009.

- Cost per hire
- Time to hire

For every organizational objective, you can establish a measurement to determine whether or not you met that objective. Present this information to executives and management in a dashboard view. Charts and graphs are much easier to understand than numbers on a page. Again, the right recruitment software application will provide this information in a dashboard format automatically. Proper social recruiting efforts will improve your metrics over time, and you will be able to demonstrate the impact visually.

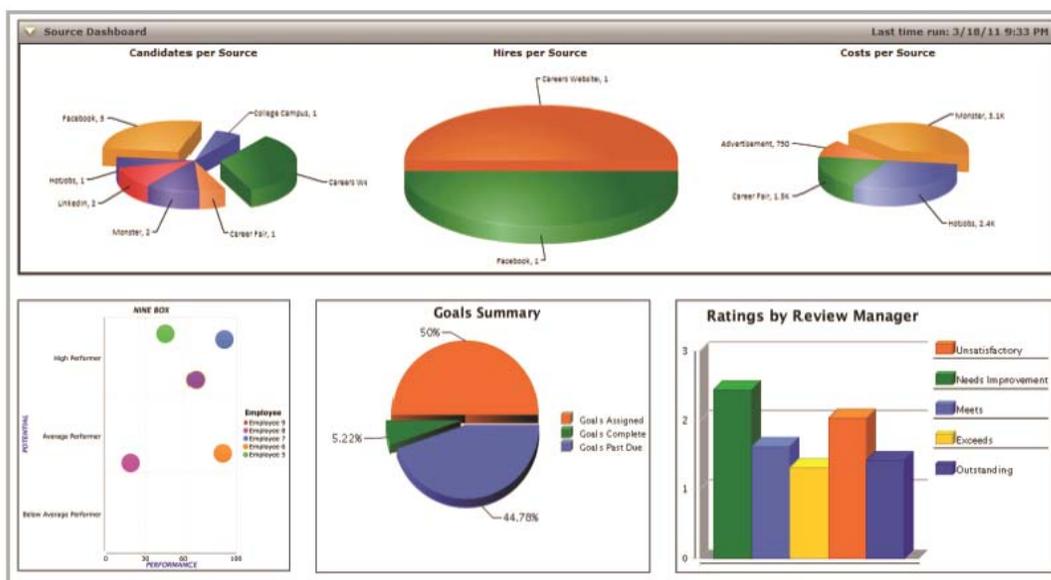


Figure 1. Graphical displays of key metrics allow easy tracking and communication of progress.

## Conclusion

Social networking is a powerful tool that allows recruiters to reach a pool of qualified candidates that they might not otherwise be able to reach. Establishing your company’s presence within social networks also says a lot about your company to potential candidates, heightening the perception that your company wants to connect with them. Social recruiting is another strategy you can use to find the best candidates before your competition finds them, but it is not a be-all-end-all solution. It must complement your other recruiting programs. The legal risks are real and should be considered as you look at your overall recruiting strategy. Once you educate yourself, establish your plan, and begin engaging with potential candidates, you can dramatically improve your recruiting results through the use of social networks.



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