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Quick Question and Answer

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by Gill Brown, director, heading up the employment law team

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Question: Are there any risks to using social networking sites to vet job candidates?

Answer: If you do use social networking sites to vet job candidates, it could land you in hot water, warns Gill Brown, head of Phillips' employment law team.

Employers should avoid using social networking sites including Facebook and Myspace to vet job candidates as it could leave them vulnerable to discrimination claims, warns Gill.

Using these sites to canvass more information about an employee or an interview candidate is potentially risky for any employer.

For example, it is possible to obtain information about a person's sexual orientation or religious beliefs that can impact or is perceived to impact on the decision made to recruit or not recruit that person - this can lead to discrimination claims.

The Employment Practices Data Protection Code states that an employer should only use vetting where there are particular and significant risks involved to the employer, clients, customers or others, such as working with children or vulnerable people. So my advice to employers is that you should not place reliance on information collected from social networking sites as it is potentially unreliable.

ENDS