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BLOGS

Archives;Discrimination;Social Media & Technology

Are Your Online Hiring Practices Setting You Up for a Class Action Lawsuit?

On the 20th of this month several well-known companies, including T-Mobile, Amazon, and Cox Media Group, were named parties in a [class action lawsuit](#) filed in California related to their online hiring practices. The plaintiffs in the lawsuit are seeking class-action status to represent Facebook users age 40 or older who may have been denied the chance to learn about job openings. The action alleges that advertisements were placed on Facebook that restricted who could see the advertisements by age. This new area of attack by the plaintiffs bar targets advertisements on all social media sites used in the recruitment of employees and will impact a broad range of industries.

The issues in the lawsuit came to light due to the fact that some social media sites have a feature that allows the user to see why they were identified to receive a specific advertisement. This feature allows the user to see language under a particular advertisement that may state that the potential employer intends the advertisement to reach a certain type of person. In the California action the complaint included images of employment recruitment advertisements with the information the user sees when the user clicks on the advertisement. One such image reads: You're seeing this ad because Amazon Fulfillment Jobs wants to reach people ages 18 to 54 who live or were recently near Silver Springs, Maryland. In these cases, it is alleged that restrictive advertisement reflects direct evidence that companies target younger applicants in violation of laws that prohibit age discrimination.

The California lawsuit was filed on the same day that [The New York Times](#) and ProPublica published a joint investigation raising fairness concerns about advertisements aimed at younger groups of applicants on Facebook, Google, and LinkedIn. The genie is definitely out of the bottle on this issue. Employers should review their online hiring practices to make sure that they are not inadvertently providing evidence of discriminatory intent in their advertisements.