



Virginia Workplace Law

Twitter Job Search – Does It Discriminate?

By: Karen Elliott. Wednesday, March 21st, 2012

Has your company joined the **Twitter job posting** trend? If it has, you may unwittingly be discriminating against older applicants. While many of the 40 and older set have acclimated to Facebook and Linked-In, Twitter still appeals predominantly to the **under 40 age group**. While Twitter advertising may be economical, if you have 20 or more employees, you may be subject to a disparate impact claim under the **Age Discrimination in Employment Act of 1967** if you rely solely or predominantly on Twitter to advertise your openings.

The EEOC enforces the ADEA and considers the ADEA to prohibit an employer from using neutral employment policies and practices that have a disproportionately negative impact on applicants or employees age 40 or older, if the **policies or practices** at issue are not based on a reasonable factor other than age. While a **2009 US Supreme Court Case** may make age claims more difficult, (requiring ADEA claimants to show that the discrimination was “because of” someone’s age), that doesn’t mean your practice won’t get challenged.

If you are using Twitter to advertise, take a look at your applicant pool. If it is disproportionately under 40, you may need to rethink your advertising strategy.

For those who are older than 40 looking for a job, the message is clear – Twitter up!

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