Thesis: Employers should not monitor the social media accounts of their employees or potential hires, because such monitoring could cause legal trouble for a company, in addition to discounting highly qualified candidates on the basis of behavior that has nothing to do with work. Finally, employers, as humans, cannot be expected to disregard a value and moral difference between themselves and an employee, and thus should not put themselves in that position to begin with.

I. Reason #1: Companies can get into legal trouble for monitoring

A. “Internet searches also put employers at risk of liability. An employer who learns that an applicant is gay, Moslem, disabled, or over 40 years old, and then hires someone else may face discrimination charges” (Weber)

1. Once the information is obtained, it’s very difficult to disprove that it was used in making a hiring decision

B. “these monitoring actions may backfire, leaving companies vulnerable to claims of discrimination, invasion of privacy, or violation of antimonitoring or off-duty conduct laws” (Dexter)

1. Companies should avoid the legal hassle that monitoring can cause, because it hurts them in the long run

II. Reason #2: Companies will lose qualified employees for reasons that have nothing to do with work

A. “What's more, companies frequently reject qualified applicants because they don't like what they find out about them online. The majority of employers in a recent survey (77%) said they now conduct Internet searches of prospective employees, and over a third (35%) have rejected job applicants because of information they found. I have spoken to otherwise fair employers who refuse to hire anyone who has party pictures on their Facebook page.

1. Unless this behavior affects someone’s ability to do their job, they should be allowed to have a life

B. On the other hand, 32 percent say they found information that caused them to hire a candidate, including:

Candidate’s background information supported job qualifications –42 percent

Candidate’s personality came across as good fit with company culture – 38 percent

Candidate’s site conveyed a professional image – 38 percent

Candidate had great communication skills – 37 percent

Candidate was creative – 36 percent

1. Some of these traits are not immediately visible online

III. Reason #3 Employers cannot control their bias when it comes to different values and morals

A. “Even if a company itself is neutral, the subjective feelings of the person tasked with monitoring employees’ social media could easily lead to discrimination, especially in the highly polarized environment of the U.S. People should be able to share their views on gay marriage, for example, with their friends on social media, without running afoul of an employer who disagrees with them.” (Kumar)

1. Disagreements have a place in this country and should not be cause for firing or refusal to hire

B. “Some employers use this power to control the private lives of their employees.” (Maltby)

1. Even activities which are legal, but others disagree with can get an employee fire. This controlling atmosphere is unconducive to progress and privacy.

IV. Counter claim: Companies must protect their interests

A. Sometimes that can bring workplace tensions and complaints, sometimes it can damage a company's reputation in the marketplace, and sometimes it can lead all the way to lawsuits or regulatory action (Weber)

1. Employees represent the interests of the company

V. Rebuttal:

A. “more serious infractions are unlikely to be shared on social media and therefore never appear on the radar of the company anyway.” (Dexter)

1. The monitoring is counter productive and doesn’t protect the rights of the employees