

# ACLU: Facebook allows gender-biased job ads on its platform

18 September 2018, by Barbara Ortutay



## Targeting Information

You're seeing this ad because **City of Greensboro** wants to reach **men ages 25 to 35 who live or were recently near Philadelphia, Pennsylvania**. This is information based on your Facebook profile and where you've connected to the internet.

This undated image provided by the American Civil Liberties Union shows a Facebook advertisement for jobs at the the City of Greensboro's police department. The ad placed by the city was targeted to "men ages 25 to 35 who live or were recently near Philadelphia." Such targeting information is available to Facebook users when they click on "why am I seeing this" on a drop-down menu on the ad. The ACLU accused Facebook of discrimination, saying the company violated federal and state laws prohibiting businesses from excluding women from job ads. In a complaint filed Tuesday, Sept. 18, 2018, the ACLU also lists 10 employers that it claims have placed discriminatory ads including the Greensboro ad. (American Civil Liberties Union via AP)

Facebook is allowing job ads on its platform that

exclude women, according to the American Civil Liberties Union.

In a complaint filed Tuesday with the Equal Employment Opportunity Commission, the ACLU lists 10 employers that it claims have placed ads on Facebook that violate federal and state discrimination laws. Changes Facebook made to its ads systems this year to prevent discrimination based on race, ethnicity, religion and other characteristics didn't extend to gender, the group said.

Facebook responded quickly, saying that there is "no place for discrimination" on its platform and that it will defend its practices once it can review the complaint.

The ACLU and the Communications Workers of America labor union say the ads target potential job applicants based on gender. This includes women as well as people who do not identify as either men or women, or "non-binary" people.

The complaint was filed on behalf of three women, living in Pennsylvania, Ohio and Illinois, who allegedly were not shown ads for jobs in traditionally male-dominated fields, even though they appeared qualified for those positions. The ads, which appeared over the course of several months in 2017 and 2018, were for jobs such as tire salesman, mechanic, roofing worker and security engineer, said Galen Sherwin, senior staff attorney at the ACLU's Women's Rights Project.

The ACLU says that the women, as well as the union's other female and other non-male members, have "routinely been denied the opportunity" to receive job ads and recruitment on Facebook that their male counterparts received. Targeting job ads by gender is illegal under Title VII of the Civil Rights Act of 1964.

In one of the ads in the complaint, the City of

Greensboro, North Carolina is advertising jobs at its police department. The ad shows a photo of two policemen and says the department is hiring "year round" with a starting salary of \$38,222. The ad placed by the city was targeted to "men ages 25 to 35 who live or were recently near Philadelphia." Such targeting information is available to Facebook users when they click on "why am I seeing this" on a drop-down menu on the ad.

A representative for the city of Greensboro did not immediately call Tuesday. Other ads had a similar format and while the text of the ads shown in the complaint is neutral, the images, when they have them, include only men.



This Feb. 19, 2014, file photo, shows a Facebook app icon on a smartphone in New York. The ACLU is accusing Facebook of discrimination, saying the company violated federal and state laws prohibiting businesses from excluding women from job ads. In a complaint filed Tuesday, Sept. 18, 2018, with the Equal Employment Opportunity Commission, the ACLU also lists 10 employers that it claims have placed discriminatory ads. (AP Photo/Patrick Sison, File)

Facebook already tells advertisers that their ads must not discriminate, or encourage discrimination against people based on "personal attributes such as race, ethnicity, color, national origin, religion, age, sex, sexual orientation, gender identity, family status, disability, medical or genetic condition."

In April, the U.S. Department of Housing and Urban Development filed an administrative complaint saying Facebook's advertising tools allow landlords and real estate brokers to engage in housing discrimination. Facebook said at the time that it prohibits such discrimination and that it has been working to strengthen its systems.

But Tuesday's complaint says Facebook has "long known" that employers and employment agencies were using its platform to discriminate on the basis of gender. Instead of eliminating this behavior, the ACLU said Tuesday, Facebook has encouraged it.

"They have been on notice for quite some time," Sherwin said. "They should have paid closer attention. They had plenty of opportunity to fix this."

According to the complaint, Facebook has "consciously decided not to stop itself or employers from targeting employment ads that exclude female users from receiving the ads."

In addition, while companies can actively choose to exclude women from seeing their job ads, a popular Facebook advertising tool called "lookalike audiences" can also lead to similar results, the ACLU says, even if it is not intended.

It lets advertisers target people who "look like" their existing customer base, but are not customers yet. When it comes to job ads, a company can target potential employees with similar characteristics—including gender—to their existing employee base. This, the ACLU says, is illegal.

"Their machine learning is supposed to flag (ads for) employment, housing or credit," Sherwin said. "But it isn't working. Whatever mechanism they have in place is not up to the job."

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APA citation: ACLU: Facebook allows gender-biased job ads on its platform (2018, September 18) retrieved 19 May 2022 from <https://phys.org/news/2018-09-aclu-facebook-gender-discrimination-ads.html>

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