

United States Senate

WASHINGTON, DC 20510

December 22, 2017

Mr. Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, California 94025

Dear Mr. Zuckerberg,

Recent news reports document the use of social media platforms and networking sites by companies to advertise employment opportunities to specific groups of users based on common characteristics, including age. By targeting employment advertisements to specific age groups, certain users may be denied the ability to view job opportunities. We write today to express our concerns related to such targeting and to inquire as to the use of age-based advertising tools in hiring practices.

The Age Discrimination in Employment Act (ADEA) has prohibited age discrimination in the hiring and employment of workers ages 40 and older for 50 years. Age discrimination, however, continues to occur, and changes in technology and the methods employers use to recruit, hire, and manage workers have introduced new avenues by which employers may engage in illegal conduct. For example, while targeted online job postings can benefit both employers and workers, this technological advancement can also become an avenue for discriminatory practices if not properly managed.

The Senate Aging Committee spent the past year studying America's aging workforce, and this month we released a report that highlighted both opportunities for employers to harness this aging talent pool as well as challenges older workers face. As America's workforce continues to age, it is imperative that protections for older workers are enforced and updated when necessary. To combat age discrimination and ensure that individuals are evaluated based on their ability to do a job, not based on their age, we have introduced the Protecting Older Workers Against Discrimination Act. This legislation would restore the legal standards that existed before a 2009 Supreme Court ruling weakened the ADEA by requiring that workers facing age discrimination meet a higher burden of proof in court than workers facing discrimination on the basis of sex, race, national origin or religion. As Chairman and Ranking Member of the Aging Committee, we are determined to protect older workers.

To help us better understand and evaluate the responsibilities of social media platforms when advertising employment opportunities, we request answers to the following questions by January 31, 2018:

1. What demographic criteria or other user characteristics can companies select when targeting job opportunities to a specific audience of users on your platform? Please include any descriptive variables or ranges which may be selected, such as age ranges or specific geographic regions.

2. Is there a process by which such employment advertisements are approved by your company? If so, what is that process and how has that process changed over time?
3. What safeguards, if any, are currently utilized by your company to prevent employment discrimination based on age by employers advertising on your platform?
4. What safeguards, if any, are currently utilized by your company to prevent employment discrimination based on other protected characteristics including sex, race, national origin and religion?
5. How many employment opportunities targeting users based on age have been advertised on your platform per year for the last five years? Please include the age criteria used for targeting the advertisements.
6. What, if any, additional steps are you considering or do you plan to take to address age discrimination in employment advertisements on your platform?

If you have any questions about this request, please contact [REDACTED] of the Majority staff at [REDACTED] or [REDACTED] of the Minority staff at [REDACTED]. Thank you for your attention. We look forward to hearing from you soon.

Sincerely,



Robert P. Casey, Jr.
Ranking Member
U.S. Senate Special Committee on Aging



Susan M. Collins
Chairman
U.S. Senate Special Committee on Aging

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December 22, 2017

Mr. Sundar Pichai
Chief Executive Officer
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043

Dear Mr. Pichai,

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December 22, 2017

Mr. Jeffrey Weiner
Chief Executive Officer
LinkedIn Corporation
2029 Stierlin Court
Mountain View, California 94043

Dear Mr. Weiner,

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