

Insights



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Pay Data Pitfalls: What We Can Learn From Facebook’s Discrimination Case

By [Bret A. Cohen](#), [Robert O. Sheridan](#), [Timothy Harvey](#)
New York Law Journal

In an article published by *New York Law Journal* on Nov. 1, Bret Cohen, Robert Sheridan, and Timothy Harvey discuss capitalizing on big data’s various applications, while avoiding its inherent risks.

“Businesses who fail to harness the power of big data risk falling behind competitors. However, those looking to use big data applications to assist in talent recruitment and other employment practices can learn from the mistakes of others already employing big data and avoid issues presented by big data algorithms,” they state. “Whether a company plans to use big data analytics for advertising, recruiting, employee performance monitoring, business operating costs, or the many other potential big data applications, having a strategic big data plan can help mitigate risk on the front end and reap valuable returns on the back end.”

Cohen, Sheridan, and Harvey discuss how big data in hiring practices can help companies when determining the ideal job candidate, but warn of the risk of discrimination claims if that data is not carefully scrutinized.

To minimize risk, the attorneys stress proactively compiling and analyzing information and big data analytics to spot potential red flags that may indicate disparate wage practices. “Performing a ‘self-audit’ and identifying these red flags can help a company factor in neutral, job-related employee performance metrics, like job grades; service time; and employees’ talent scores for past performance and future potential,” they explain.

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