In our time racial discrimination has become one of the most important issues of the world and while anti-discrimination policies and behaviour has become an everyday part in employment processes, social media until recently had been mainly unaffected by legislation or litigation that re-establishes the boundaries of acceptance. In the past, free speech was the most valued aspect of social media, however, social media companies are starting to become more aware of the dangers of discriminating content. If discriminating language can exist on social media without being checked, it can easily influence impressionable users in their opinions. For many, social media has become the main source of news and misinformation can lead to terrible misunderstandings and problems in society. Twitter took the first step to protect from this by posting a link to a comment of President Trump with factually correct information (rather than the information of Trump's post) (Edelman, G., 2020). This essay will evaluate why different laws are necessary when dealing with racial discrimination on employment websites and social media. This will be done by discussing the difference in inherent purpose of the two and why that calls for different laws, followed by an analysis of the negative consequences of greater regulation on social media and lesser regulation on employment websites. Lastly, this essay will analyse how difficult it would be for a government to enforce a change in laws and how that can explain the inactivity until now.

It is firstly essential to explain a few terms of the question. Discrimination is the mistreatment of a person based on stereotypes or inherent characteristics. This includes active and inactive discrimination and any other way to limit the opportunities of a certain type of person (UK Government, 1970). It is important to note that this question is only referring to the types of discrimination that are considered to be unfair and unjust, like discrimination based on unchangeable characteristics (skin colour) and not for example discrimination based on intelligence, as that is a socially acceptable method to differentiate between people. Also while the question specifically mentions racial discrimination, both gender discrimination and racial discrimination when using the term discrimination. This is because both types are treated almost identically under the law and share many similarities (UK Government, 1970).

As mentioned in the introduction, employment websites and social media are different in purpose.

Employment websites are only a means to an end, simply a tool used in the process of finding a person best suited for a certain job. As equality of opportunity is one of the fundamental values of a modern society, it is legally necessary for companies to make sure the process of finding a suitable candidate is handled as fairly as possible. The Equal Pay Act obligates companies to provide an equal chance for all applicants and to not judge them on unfair grounds like race, gender, ethnicity and other immutable characteristics (UK Government, 1970). Such characteristics do not in any way define an employee's ability to to carry out a job and should not be part of a judgement of someone's abilities. That is why the suitability for a job should only be judged by other characteristics like previous qualifications, experience and education. Breaking the laws of the Equal Pay Act can lead to lawsuits against the discriminating company which can cause great financial losses, both as part of the lawsuit and the following damages done to the reputation of the company. Therefore, it is in the best interest of both the state and private companies to enforce anti-racial discrimination laws as they uphold essential values and prevent financial losses for both parties.

Opposite to employment websites, social media websites have no extended purpose. Their service is the provision of a platform that imitates real life conversations, but on a larger scale. This is different from employment processes, therefore the circumstances and situations on social media cannot be subject to the same laws that apply to employment websites. As a result, websites like Facebook hold free speech as the most important value. Zuckerberg explained that, "these platforms [Facebook, etc.] have decentralized power by putting it directly into people's hands", and explained that social

media and free speech had become the needed fifth power in a state (Facebook, 2019). Finally everyone was equal and could speak out for what they believe in. He acknowledges that social media can give a platform to evil acts, yet he insists that if the same laws as in real life are applied, free speech should be allowed until the point at which it is considered hate speech or an attempt to incite violence, because censorship on social media is counterproductive (O'Sullivan, 2020). The dimension of online anonymity has only increased the ignorance of racial discrimination on the internet and pushed the borders of free speech to their very extremes. However, as it is only the users of the social website that use racist language, it is difficult to apply suitable laws. To what extent is the platform responsible for the abusive language used? Is it up to the platform to censor posts or only up to the government? Due to this ambiguity, free speech is so strongly protected on social media, as neither platforms nor government were willing to tackle this difficult task and take on the responsibility.

I will talk about the negative effects it would have if the two were treated the same to give another perspective to answer the question.

If people were not protected from racial discrimination and companies could be completely free in their decision-making process, it could cause unfair treatment of minorities and discrimination. To function as efficiently as possible companies could employ only one type of person, in the name of teamwork. However, this could lead to an endless cycle in which top roles are only filled with one type of character/personality which then only employ people similar to them, meaning a process of systematic discrimination is introduced. Additionally, diversity is lost. This means companies miss out on many original and different thoughts that would have been brought in by a greater diversity in the workforce. Afterall, only in arguments ideas can be tested and if employees were too similar (in upbringing, social class) criticism and alternatives could be lost.

On the other hand, the effects of introducing measures to control what is said on social media can have drastic effects as well. It is important to note the difference between illegal posts and comments which social media websites are required to remove, and plain racist, offensive or discriminating comments or posts that are still legal. Any measures to try to censor the latter can be perceived as an attempt to dictate one's perspective on social media users by the government and will, in western societies, lead to protest and massive social upheaval. State control is especially unpopular with extremist users, as they see it as a sign of the government trying to impose autocratic tools of oppression. Often extremists don't feel they are heard or taken seriously by the government, therefore attempts to quiet them would only provoke them and cause more radical and frequent posts. Additionally, one essential part of democracy is the equality of all and the right to express yourself (USHistory.org). If the government was to take that right away from those perceived as too radical or racist, wouldn't that defy the purpose of democracy. A strong democratic society must be able to resist the comments of those that do not support democratic values. Even those most supportive of tolerance would not necessarily agree to a state censorship of racism and extreme comments, as they can see the hypocrisy in doing so. It seems equally difficult for the companies to censor content themselves, as can be currently seen in the dispute between the Trump administration and Twitter. It seems the debate over free speech and hate speech is an unsolvable stalemate. Boundaries have to be established carefully and over a period of time, if not, then it can easily have an opposite effect and make social media an even more hostile environment for minorities.

The last point I want to discuss is the actual enforcement of laws if they would change. To bring the change to the real world will prove to be more difficult than the change of the law on paper.

The enforcement of a less restrictive equal employment act will be much easier than its introduction. Afterall, it is allowing companies more autonomy in their employment process. And while it might not be difficult to convince companies to accept the new act, it would certainly be met with resistance by

those previously protected by it. Especially with the current political climate surrounding the topic of racism, protests against the changes would be certain (Anti-Bias Education, 2020). The introduction of these acts will definitely cause a great loss of confidence of the population in the government which can then lead in a loss of votes in the next elections. For that reason, it is highly unlikely that a government would ever introduce something like this, even if they wanted to. The act would be too unpopular and definitely end the party's country leadership at the next elections. The UK would most likely also have to face criticism from other nations on the international stage. If the change would go through, the UK would distance itself from the rest of the democratic countries in Europe, possibly even worsening trade relationships, making economic recovery after Brexit and the pandemic even more difficult.

However, the enforcement and introduction of control on social media, without the creation of true censorship is one of the most difficult tasks of our time. Not only because control is often misrepresented and misunderstood as censorship, but also because the sheer size of the internet makes it almost impossible to successfully control the content on social media. From a logistical standpoint, it will take a government a lot of resources and money to introduce a comprehensive measure of control. The number of users on social media and anonymity makes it difficult for governments to ban certain users, punish individuals (for criminal behaviour) and control content. It would be impossible to do without significant changes to the laws protecting the privacy of individuals. Additionally, it would be difficult to enforce it from a legal perspective as well. Since social media platforms are accessible all over the word, what laws would the platform be required to abide by? Would that be centralised to the location of the headquarters or individual for each country? What if by abiding by the law in one country makes it illegal in another? And can the companies legally hand over information to the government without breaking the terms of privacy? To all these questions, no completely correct answers exist yet, which is the reason why no government has attempted to conservatively control/censor social media and why the laws for racial discrimination will remain different between social media and employment websites for an undetermined time.

For both employment websites and social media, convincing arguments exist as to why the laws for them should be changed to some extent, however that is not an answer to the question. And while change could be beneficial to society, undoubtedly making laws the same for employment websites and social media websites would be as wrong and useless as setting the speed limit the same for the motorway and a busy street in London. Both are different in their uses and purposes and attempting to treat them the same would be a great display of ignorance to the reality of our world. While in an utopian society we could expect respect and tolerance in all aspects of life, it would be foolish to expect the same in reality. The law must be individual to situations to give the greatest benefit to society and therefore what is illegal in one case is legal in the other. That is why racial discrimination is prohibited in employment yet tolerated on social media.

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