



April 25, 2025

“Ghost” Job Postings

Introduction

“Ghost” job postings are online job postings for positions that do not exist, or that employers are not planning to fill immediately. Media reports from as early as 2003 indicate that potential ghost jobs have long concerned applicants, but coverage and discussion of the issue has increased in recent years.

Potential harms reported by job seekers include unproductive use of their time applying for nonexistent jobs, sapping their confidence. Media reports recount job seekers’ frustrations with receiving no replies to numerous applications and resulting suspicion of job postings.

This In Focus describes reasons ghost job postings may appear, concerns about ghost jobs contaminating official measures of job openings, existing laws relevant to ghost jobs, and related legislative proposals.

Reasons Ghost Job Postings Appear

There are multiple possible reasons why companies may post jobs they have no immediate intention to fill. For example, employers may use such postings to

- evaluate the potential pool of candidates for future job postings or collect resumes for hiring at a later time;
- suggest they are growing—either to signal to existing employees that they are replaceable or that their workload may soon be more widely shared, or to attract potential investors;
- demonstrate they have recruited a diverse pool of applicants, even though they plan to hire an internal candidate; or
- look for extraordinary potential employees.

In some cases, employers may interview applicants when they have no intention of hiring anyone.

Some ghost job postings are not deliberate. Changed circumstances may alter employers’ intent to hire. In addition, ghost jobs can result from actions taken by third parties, such as online job boards automatically copying postings from other websites. If an employer hires someone for a position, the employer may remove the posting from the website where it was originally posted, not realizing it was copied elsewhere.

Staffing agencies may also invent and post job openings to show employers they could recruit talented people. Fraudulent scammers may advertise fake positions at fake companies or impersonate actual employers.

Ghost Jobs in Official Statistics

There are no official statistics on the magnitude of ghost jobs. Official statistics on job openings in the United States are measured by the Bureau of Labor Statistics in the Job Openings and Labor Turnover Survey (JOLTS). This survey includes thousands of employers every month and asks them about job openings, newly hired employees, and job separations. It measures job openings as the total number of positions open on the last business day of the month. It counts only job openings for which

- a specific position exists and there is work available for that position (either full or part-time),
- the job could start within 30 days, and
- the employer is actively recruiting outside workers.

These criteria mean that if employers answer the JOLTS questionnaire honestly, the job openings measured in JOLTS are unlikely to be ghost jobs. Many of the potential incentives for ghost job postings do not apply to JOLTS reporting. For example, JOLTS reporting is confidential, so signaling or messaging through reporting would be fruitless. The Bureau of Labor Statistics also monitors survey data for discrepancies between job openings and new hires. There may be ambiguity, however, in the intensity of “active recruiting” to fill a position.

JOLTS data have been available since December 2000. Job openings in these data reached record high levels in 2022, but have since declined to levels observed in 2018 and 2019. This recent decline in “true” job openings may exacerbate job seekers’ concerns over “ghost” job postings.

Ghost Jobs in Industry Surveys

A September 2022 survey of managers conducted by a business lending firm drew media attention to ghost job postings. Subsequent surveys by the same and other firms involved in recruiting have also received media coverage, along with analyses of job postings conducted by recruiting software and workforce intelligence companies. Some analyses have expressed skepticism regarding the incidence of ghost jobs.

The firms behind these studies market hiring-related services, including job posting verification tools. They have released varying levels of information regarding the methodologies of the surveys and analyses, making it difficult to assess the quality of ghost job prevalence estimates based on these data.

Relevant Existing Laws

Deceptive job advertisements may violate federal consumer protection law. Section 5 of the Federal Trade Commission (FTC) Act prohibits “unfair or deceptive acts or practices in

or affecting commerce.” The FTC has enforced this provision against deceptive representations regarding money-making schemes, including deceptive potential earnings claims in cases involving gig work. It has also acted against scams based on fake job placement services. According to the FTC’s Consumer Sentinel Network database, reports of job and employment agency scams nearly tripled from 2020 to 2024. The FTC’s Impersonation Rule may apply to scams where a job posting misrepresents the poster’s identity or affiliation. In February 2025, FTC Chairman Andrew Ferguson directed the FTC to form a Joint Labor Task Force. Chairman Ferguson included deceptive job advertising as a topic for the task force to address, highlighting misrepresentation of pay and benefits.

Extending FTC enforcement efforts to ghost jobs would likely present legal challenges. An employer’s intent to hire for a given position is not easily discoverable and may be subjective, making proof of deception difficult. For unfairness, Section 5(n) requires substantial injury to consumers that is neither reasonably avoidable nor offset by countervailing benefits. The harms to consumers from ghost job postings, while real, are less direct and quantifiable than when an applicant is defrauded or deceptively induced to work.

States also have laws regarding unfair or deceptive acts or practices, modeled to varying degrees on the FTC Act. The interpretation and enforcement of these laws varies by state.

While employers generally do not have a legal duty to respond to job applicants, differing responses based on protected characteristics could violate Title VII of the Civil Rights Act of 1964 or other employment laws.

Legislative Proposals

While Members have drawn attention to ghost jobs, no bills explicitly addressing ghost job postings have been introduced in Congress. If a Member believes legislation to deter ghost job postings is warranted, a possible approach could be to establish certain requirements for employers or other entities regarding job postings and to specify that violations are to be treated as violations of Section 5 of the FTC Act. A further option, used in some consumer protection statutes, would be to provide that statutory violations are to be treated as violations of FTC trade regulation rules, triggering enhanced FTC enforcement options.

State-Level Proposals

State legislators in at least three states have proposed legislation regarding ghost job postings in their current legislative sessions.

In New Jersey, legislators introduced identical bills in the General Assembly and Senate in June 2024. Each has been reported from the labor committee in the respective chamber, with different sets of amendments. The bills would mandate that employers disclose whether a job posting is for an existing vacancy and, if so, provide an estimated timeframe for filling the position. Employers would also be required to remove job postings within two

weeks of the position being filled, and to notify third-party job posting companies, which would in turn be required to remove filled listings. Finally, employers would have to provide certain notices regarding the status of a position to applicants interviewed by the employer. Violations would be subject to civil penalties.

Concerns noted at the committee hearings on the New Jersey bills and in the adopted amendments include the potential burden on smaller employers, consideration for positions with high turnover and constant hiring, application to public sector hiring, and defining the terms “interviewed” and “filled.”

In Kentucky, a bill introduced in January 2025 would prohibit the posting of ghost jobs and require disclosure of whether a posting is for an existing vacancy or an anticipated future vacancy, with civil penalties for violations.

In California, a bill introduced in March 2025 would require all private employers who publicly advertise job postings to include a clear, legible statement “disclosing whether the posting is for a vacancy for the advertised position or not.” Violations would constitute unfair competition under state law and the California labor commissioner would enforce the law. The Assembly Committee on Labor and Employment passed the bill with amendments by the bill’s author responding to concerns raised by committee staff and a business group.

Legislation in Canada

The Canadian province of Ontario has enacted legislation and regulations regarding ghost jobs that are scheduled to take effect in 2026. These measures will require most employers to disclose whether a job posting is for an existing vacancy and to provide follow-up information on a position to interviewed applicants.

Other “Ghost” Employment Phenomena

While this In Focus addresses online job postings for positions that do not exist or that employers are not planning to fill, “ghost” terminology is sometimes used in other employment phenomena not addressed here. For example, employers who do not respond to applicants may be said to be “ghosting” jobseekers. This “ghosting” of job applicants could result from a ghost job posting, or from an employer failing to respond to some applicants for legitimate positions. Applicants are left in the same position whether the employer “ghosts” them or “ghosts” all of the applicants for a position. In other contexts, a “ghost job” can refer to a corrupt arrangement where an ostensible employee is paid without being expected to perform any meaningful work. “Ghost work” can also refer to the unseen work underlying apparently automated processes, such as identifying objectionable online content.

Elizabeth Weber Handwerker, Analyst in Labor Policy
Alexander H. Pepper, Legislative Attorney

IFI 2977

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.