

In The News

# Labor and Employment Chair Eric Gordon Cautions Employers on Newest TikTok Layoff Trend

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An increasing number of employees have been recording their employers in situations where they face disciplinary action or that are related to union activities, and posting the recordings on social media sites, such as TikTok.

Eric Gordon, Labor and Employment Practice Group Chair, explained to *Bloomberg Law News* that this new social media trend should add another layer of consideration for employers when dealing with terminations. While these recording could violate privacy rights and bring possible risks to the ex-employee, Gordon explained that labor board precedent protects video recording, even in two-party consent states, when it's done to protect other workers or capture unlawful activity. Since the act of posting might be considered protected under federal labor law, all employers should conduct themselves as if the termination is going to go viral.

Gordon was quoted, "Employers should be aware of these types of social media trends, which 'take on a life of their own'. Companies should expect that every time they're terminating someone, that interaction could end up on TikTok or YouTube. They need to be conducting themselves as if it's going to go viral, because it might."

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Eric A. Gordon

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Hundreds of in-house counsel, C-level executives, senior-level human resource professionals, business owners, and other senior corporate executives will gather on May 2 during Akerman's annual Labor and Employment Summit to hear more on this trend and other employment law issues most critical to business leaders today.

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