

“You’re Fired!” Goes Viral: The Emerging Trend of Broadcasting Layoffs on Social Media

Article By:

David T. Harmon

Mariya Gonor

In a fascinating development reported by The Wall Street Journal, a new trend has emerged on social media platforms: individuals are sharing videos capturing their reactions to being laid off. This trend, as discussed by Joseph Pisani and Ray A. Smith in their article "[Is an Old Stigma Dead? Why People Are Telling Everyone They Were Laid Off](#)," raises critical legal and professional considerations for both employers and employees.

The Employer Perspective: For employers, this trend underscores the importance of confidentiality agreements, particularly if the former employee shares proprietary information in the post. In the age of social media, where information can spread rapidly, ensuring these agreements are comprehensive and enforceable is more crucial than ever. Employers must make their policies sufficiently clear to prevent the unauthorized disclosure of sensitive, company-related information by former employees. At the same time, however, employers must take care not to create overbroad confidentiality and nondisclosure provisions that run afoul of the employee’s NLRA rights, as was highlighted by the NLRB decision in February 2023. A review of such agreements by competent counsel can avoid these dangerous pitfalls.

The Employee Angle: Employees, too, must tread carefully. While sharing layoff experiences on social media might provide a sense of community or support, it’s vital to remember the legal boundaries set by employment agreements, the law, and common sense. Violating confidentiality or non-disparagement clauses can lead to legal repercussions and inadvertently damage the employee’s professional reputation. In addition, some states (Pennsylvania, for instance) require that both parties to a communication consent to being recorded, and failing to obtain such a consent might constitute a serious violation of the law.

Perhaps the most significant concern with these "layoff reaction videos" is their potential impact on future job prospects. Prospective employers might view these public displays of personal or company matters as a red flag, causing them to question the professionalism and discretion of the participants. It’s a reminder that our digital footprints are increasingly scrutinized in the professional world.

This emerging trend of sharing layoff reactions on social media is a double-edged sword. It highlights

the need for both clear and enforceable legal agreements for employers, and a cautious approach for employees in what they choose to share online. In a world where our professional and digital lives intertwine, striking the right balance between expression and discretion has never been more important.

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