

# MODERN RESTAURANT MANAGEMENT



## Five Options for When an Ex-Employee Trashes You Online

8.5.2019 | David C. Miller | 3 Min Read

"This restaurant stinks! The food is awful and the manager is worse! Employees are treated like garbage – which is just what the food is!" In the social media age, where everyone has an Internet-wide megaphone with which to amplify their gripes, almost every restaurant has been the target of...

[Full Article >](#)

# MODERN RESTAURANT MANAGEMENT



## Five Options for When an Ex-Employee Trashes You Online

8.5.2019 | By David C. Miller

“This restaurant stinks! The food is awful and the manager is worse! Employees are treated like garbage – which is just what the food is!”

In the social media age, where everyone has an Internet-wide megaphone with which to amplify their gripes, almost every restaurant has been the target of this sort of attack.

It’s bad enough when the complaints come from a dissatisfied customer. But when the accusations are made by an employee, they come with the authority of someone with inside knowledge. The business’s reputation can take a major hit.

Is there anything that can be done?

Here are five options to consider when your eatery – and your livelihood – are taking a beating on line.

### Ignore It and It’ll Go Away

This is what your mom told you to do with bullies at school.

**Pros:** Sometimes responding to a story starves it of air. If you don’t pay attention, neither will other people, and the complaint will just get drowned out in the Internet din.

**Cons:** If it gets traction, you’re behind the game and you may never get ahead of it.



### Take the High Road

This is probably the most common response and the conventional wisdom.

**Pros:** You strike a favorable contrast with your attacker and you are getting a positive message out.

**Cons:** Sometimes the high road comes across as weak or even as a tacit admission of the charges. Simply because it is the most common response, it’s easy for people to dismiss it as stock and, therefore, untrue.

### Hit Back Harder

This is what your dad told you to do to bullies at school.

**Pros:** You might score a knockout if your punches are hard and on target. For example, if you can put out truthful and indisputable evidence that the poster was not an employee or that other parts of her attack are false, you may win then and there.

**Cons:** As the saying goes, never mud wrestle with a pig – you’ll just get dirty and the pig will enjoy it. When a business fights back against an employee, she can look like even more of victim and the business just confirms her accusations.

### Kill Him with Kindness

Some people would say this is a variation on taking the high road. You publicly offer to hear out the accuser and, if there’s anything to it, make it right.

**Pros:** As the ultimate high road move, you can really come out as the grown-up in the room. However, you are at least implicitly admitting of the possibility of truth in the accusations.

**Cons:** If you make this offer, you’d better follow through. If you offer to meet, you have to meet. If the employee shows – or is perceived as showing – that he’s right, even in part, you’d better fix it. If you don’t, you have just proven that you’re a liar and a hypocrite. But if you do, then you may be rehiring or paying money to someone you’d really rather not.



### Do a Gibson’s

Gibson’s Bakery is the Oberlin, Ohio, business that was accused of racism when it resisted shoplifting by Oberlin College students. Gibson’s was widely and thoroughly vilified in social media and otherwise and, reportedly, came to the edge of ruin.

The family-owned business stood on principle and fought back in the courts, filing slander and interference claims against the College (not the students, who admitted they were wrong). Two and a half years after the initial incident, a jury awarded Gibson’s a total of \$44 million in damages. (The judge recently reduced that to \$14 million – which the College is still challenging.)

**Pros:** You may hit it big and win the ultimate vindication.

**Cons:** You may not, in which case you’ve spent hundreds of thousands in legal fees, may owe the other side, and likely have long since lost the business and any shred of a reputation you still had.

Suing them is always a possibility. No one is entitled to slander or libel you. If the attacks have unfairly interfered with business contracts, you may have a tortious interference case. In an unusual case where the attacker is in reality acting on behalf of a competitor, you might even have an unfair trade practices suit. Laws differ from state to state; get an experienced lawyer to advise you and think hard before you go to court.

A lawsuit is likely to draw even more attention to the whole situation and there’s no way to control what a reporter writes. On the other hand, if you have the better story, that could be a good thing. And litigation, even righteous and winning litigation, is tough on lives and the pocketbook.

But sometimes, you just run out of options.



#### David C. Miller

Email | [@BMO\\_Law](#) | [Linkedin](#) | [Website](#)

David C. Miller is a shareholder in the Miami offices of Bryant Miller Olive, P.A. He is Board-Certified in Labor and Employment Law by The Florida Bar and has represented management exclusively in South Florida for more than 20 years.