

# Termination for criminal wrongdoing? Don't bad-mouth the recently departed

You're surely on safe legal grounds to fire an employee for conduct that breaks the law, aren't you? Of course you are.

But that doesn't mean you're free to talk about the circumstances.

Always consult your lawyer before making public information about such a termination.

It's rarely a good idea to tell anyone inside your organization about allegations of criminal wrongdoing unless they have a genuine need to know. *Reason:* You're at risk of being slapped with a defamation lawsuit.

**Recent case:** Laurence had an employment contract that allowed him to collect a severance payment upon termination unless he was fired for cause. When he was pressured to quit, he refused. The employer then brought in an outside auditor and soon Laurence was terminated for alleged theft, other crimes and general incompetence.

Laurence sued, alleging that the accusations of his alleged wrongdoing had been circulated inside and outside the firm. He said this amounted to defamation.

The court said his lawsuit could go forward. It noted that falsely accusing someone of committing a crime is defamation per se and doesn't require proof of reputational harm. (*Biss v. Gehring-Montgomery*, ED PA, 2017)

**Final note:** Never publicly state why someone is being terminated, especially if the allegations involve possible criminal charges. It's better to make no comment and let authorities sort things out.

While it may be tempting to make an example of someone you believe stole from the company, your best bet is almost always to let the criminal justice system handle it.