

8 Lessons from America's worst employers of 2021

The actions of employers are front and center in the news these days. Small slip-ups (and large ones) can quickly put your company in the news for all the wrong reasons. While sometimes, a genuine mistake can get blown out of proportion, other times it's difficult not to sigh and groan as you see decisions clearly made in poor taste.

For each of the past five years, I've gathered examples of greed, discrimination, mistreatment, abuse, and general awfulness from the workplace — and compiled them in a list of the Worst Employers of the Year. 2021's crop of nominees was a bumper one. However, despite the clear inappropriateness of these actions, each nominee also offers a lesson for businesses on behavior to avoid and concerns to watch out for.

Here are last year's top (or bottom, depending on your perspective) nominees, counted down from 8 to 1, along with a key lesson you can learn from their misbehavior.

#8: The Penny Pincher

Auto shop pays former employee his final wages by leaving 91,500 oil-coated pennies in his driveway, and then posts on its website about teaching the worker a lesson for complaining about his pay.

The lesson: There is nothing technically illegal about paying an employee in pennies. Legal tender is legal tender. But being a jerk is still being a jerk. [It's also gotten this employer in hot water with the Department of Labor](#). As is often the case, an employer wins the battle over the underlying conduct but loses the war over the subsequent retaliation.

#7: The Singing Supervisor

Employee sings an inappropriate song about menstruation and keeps his job after stalking a complaining female co-worker.

The lesson: Stalking is criminal. Criminals who use their jobs to commit their crimes should not keep their jobs. Employers who think differently belong on this list.

#6: The Deportation Threatener

Bakery threatens to deport any undocumented workers who support the union during an organizing campaign.

The lesson: Unless you want to buy yourself an unfair labor practice charge with the National Labor Relations Board, avoid threatening pro-union employees. Also, how about we don't knowingly hire undocumented workers?



#5: The (Not) Better Boss

CEO downsizes and fires 909 employees 18 days before Christmas over a Zoom call, and within days of the company receiving a three-quarters-of-a-billion-dollar cash infusion.

The lesson: There is no event more traumatic for an employee than termination. These individuals deserve a face-to-face discussion. At all costs, avoid firing by a letter, phone call (or, worse, voice mail), email, text message, Facebook post, Tweet, or any other not-in-person communication, including Zoom. In the world of COVID and remote work, it might be unavoidable. But these people deserve to learn their fate in a manner other than a mass virtual meeting with hundreds of soon-to-be-former co-workers.

#4: The Transphobic Terminator

Manager fires trans employee after months of harassment because she offended his Christianity.

The lesson: LGBTQ+ employees have the same legal rights as all other employees. An employer's religion does not trump their right to work free from discrimination and harassment.

#3: The Cosby Suite

Star employee names his hotel room at a conference the "Cosby Suite" and uses it to groom potential conquests.

The lesson: Harassment is harassment, regardless of the perpetrator. No one gets a free pass, no matter how integral they are to an organization. If you want harassment to stop, you need a culture that doesn't tolerate it, and that culture starts at the top. These employees should be made an example of and held to account, not given a free pass because they're "the boss" or a "high performer." The law certainly won't give you a pass for excusing their behavior.

#2: The Stillbirthing Leave Spurner

School district denies maternity leave to a teacher after she suffered the tragedy of delivering a stillborn baby.

The lesson: Denying bereavement leave is one level of bad. It's a whole other level of evil, however, to tell a mother that she can't take any time off following the death of her newborn baby to grieve. These employees should be given sufficient time to grieve.

#1: The Enslaving Employer

Hindu temple lures Indian men from marginalized communities and forces them to work nearly 90 hours a week for \$1 an hour.

The lesson: 2021 marks the third consecutive year that an allegation of slavery or human trafficking took

home top honors. It's awful that these atrocities still exist, and that people make others suffer for greed, profit, or other motives.

Do you know of any employer worthy of nomination on 2022's list of Worst Employers? Please email them to jhyman@wickenslaw.com. Your nominee just might find its way into this column next year.

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