

Are Twitter's Layoffs Legal?

By Ross Stone

Big tech companies play a crucial role in everyday life. Individuals around the world interact with their family and friends on Facebook, follow their favorite trends on Twitter, and purchase a variety of goods on Amazon. Unfortunately, these companies have laid off tens of thousands of workers over the past couple of weeks.¹

Big tech executives blame these layoffs on complementary factors such as “overzealous hiring during the pandemic, a slowdown in e-commerce activity and people spending less time online as in-person events return.”² Mark Zuckerberg, the CEO of Meta Platforms Inc., personally took responsibility after laying off about 11,000 employees earlier this November.³ “[T]he macroeconomic downturn . . . [has] caused our revenue to be much lower than expected. I got this wrong,” Zuckerberg stated.⁴ Shortly before Amazon announced plans to cut around 10,000 jobs, Jeff Bezos, the founder of Amazon, pledged that he would someday donate the majority of his wealth in an attempt to avoid controversy.⁵

To no surprise, the big tech layoffs have been met with much scrutiny. Francisco Rodriguez, who was recently laid off from Twitter, has already filed a proposed class action claim in a California federal court.⁶ Rodriguez claims Twitter failed to comply with the Worker Adjustment and Retraining Notification (WARN) Act, which requires employers with more than 100 employees to provide 60 days’ notice before engaging in substantial layoffs.⁷ In place of providing a 60 days’ notice, employers can opt to provide laid off workers with 60 days of severance pay.⁸ However, Twitter neither provided notice nor paid severance to the thousands of laid-off employees.⁹ While Twitter has not publicly responded to this matter, Rodriguez’s lawyer, Shannon Liss-Riordan, stated Twitter is seemingly making an effort to comply with the WARN Act by offering severance agreements to laid-off employees in exchange of refraining from joining Rodriguez’s cause.¹⁰

As more people return to their pre-pandemic activities, big tech companies may continue engaging in mass layoffs. Semil Shah, a partner at venture capitalist a firm, estimates that up to

¹ Gerrit De Vynck, *Layoff Spree in Silicon Valley Spells End of an Era for Big Tech*, THE WASHINGTON POST (Nov. 14, 2022, 11:30 AM), <https://www.washingtonpost.com/technology/2022/11/12/tech-facebook-twitter-layoffs-dotcom/>.

² *Id.*

³ Kurt Wagner, *Meta to Cut 11,000 Jobs; Zuckerberg Says ‘I Got This Wrong’*, BLOOMBERG L. (Nov. 9, 2022, 3:47 PM), <https://www.bloomberglaw.com/product/blaw/bloomberglawnews/tech-and-telecom-law>.

⁴ *Id.*

⁵ Sophie Alexander, *Bezos Makes Charity Pledge as Amazon Is Said to Plan Job Cuts*, BLOOMBERG L. (Nov. 14, 2022, 1:01 PM), <https://www.bloomberglaw.com/product/blaw/bloomberglawnews/tech-and-telecom-law>.

⁶ Joe Schneider, *Twitter Sued by Fired Contractor for Failing to Give Notice*, BLOOMBERG L. (Nov. 17, 2022, 11:55 AM), <https://www.bloomberglaw.com/product/blaw/bloomberglawnews/tech-and-telecom-law>.

⁷ Daniel Wiessner, *Explainer: Will Twitter Layoffs Violate U.S. Law?*, REUTERS (Nov. 6, 2022, 10:59 AM), <https://www.reuters.com/legal>.

⁸ *Id.*

⁹ Schneider, *supra* note 4.

¹⁰ Wiessner, *supra* note 5.

50,000 tech employees within Silicon Valley may be looking for new jobs soon.¹¹ On the bright side, other employers are looking to hire tech professionals. Jaguar Land Rover is currently seeking to hire 800 people to improve the autonomous driving features in their automobiles.¹² Barclays also has more than 3,000 open roles across the globe for workers specializing in engineering and innovation.¹³ Despite the layoffs in big tech, the evolving world will always have demand for tech professionals.

¹¹ De Vynck, *supra* note 1.

¹² Harry Wilson & Siddharth Philip, *Fired by Musk or Zuckerberg? The Old Economy Welcomes You*, BLOOMBERG L. (Nov. 18, 2022, 8:54 AM), <https://www.bloomberglaw.com/product/blaw/bloomberglawnews/tech-and-telecom-law>.

¹³ *Id.*