

Tactics for Managing Negative Online Feedback

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys at Offit Kurman. And today we are talking about online reputation and the law. So, obviously lots of platforms out there, Nextdoor, Glassdoor Google Reviews, Yelp, all different types of resources that we all use I would say, I use a lot to look for services, and I look at the reviews and try to see if the company is good that I'm looking at. So it's a really common thing for people to be leaving reviews, whether it be customers that have been at the business or employees. The Glassdoor one's obviously very employee-centered.

And it can be great when the reviews are great, but sometimes obviously the reviews are not great or someone gets on there who's angry and starts posting things because they're frustrated with their experience. So I know I often get calls from clients saying, "What do I do about this? This isn't true.

This is [00:01:00] hurting my business. What can I do about this?" So what are some things that, employers and companies should be thinking about as it relates to when employees are coming and leaving reviews, or customers or people who have interacted with their business in some way and they're not so great?

Russell Berger: Yeah. So One of the questions that I often get, or the comments from a client that I often get is, "Somebody said this online about me. Send them a cease and desist. Let's go after them." And it's kind of a knee-jerk request, and when we get into the conversation, the question I often pose is, one, like maybe we can technically send a cease and desist.

Maybe it gets more into defamatory, we did our episode a few weeks ago on that. Defamatory, unlawful, disparaging, not unlawful, so therefore not much you can actually do about it. But you can, send a cease and desist and you can set boundaries. But the question I always ask clients is, "If I send this letter, which is easy enough to put together, what reaction does it cause in this person?"

Because we're probably not gonna file a lawsuit. It's gonna be really expensive to [00:02:00] chase them around. How much are you willing to invest in this? Because really what the goal is to try to get this person to go away and to not make it worse. And, yeah, in some occasions you want them to take something down.

But, a Lot of the time it has to be a kind of a practical assessment of, how is this person who we either want to take something down or want to stop posting going to react, and are they going to respond to a forceful letter from a lawyer? Are they going to respond to not getting any attention, and is it gonna be like starving them of oxygen and they'll go away that way?

Or is it something in between? So I think the starting point to these conversations has to be, okay, what are your goals and what do we think is the best path of getting to that goal?

Sarah Sawyer: Yeah and Really examining what the meat of the argument is to have it taken down or to send that cease and desist.

'Cause in addition to the practical aspects, if the post is something that is, very obviously opinion, and sometimes by trying to address it [00:03:00] directly and head-on like that, exactly to your manner, so sometimes you make it worse because sometimes people, it makes them wanna do more, it makes them more aggressive about something.

Also, it just might not be the right fit to have someone's opinion taken down. Instead, it might be the right fit to handle it from a marketing and PR-type perspective. Because obviously, if you've got five reviews and one of them's bad that stands out. If you've got 20 reviews and one of them's bad, that's really...

it can be a lot more balanced. The other thing I've also seen work sometimes too is that, the approach that you approach that person who has left a review can sometimes bring them into the fold to talk to you directly instead of taking to online. So sometimes maybe it is something that you want to address.

You find something online, it is really negative, but you would like the opportunity from whoever left it to actually handle it head-on with them. And sometimes that can lead to them leaving us, replying to their own review saying, "Actually, the company set it straight with me. They resolved this issue, and so I just wanna [00:04:00] say, here's my revised review," right?

Or, "Here's my revised comment on this." I think it's a great point, Russell. You just have to figure out what is the goal, what are the ways to get there and how to best, you know, approach that person to try to get what you want ultimately. And sometimes the answer is to do nothing, even though that's really painful to do sometimes, especially when something's out there that is really upsetting you know is incorrect, and you really don't want it out there.

Russell Berger: Yeah. And To your point, there are professionals that are online reputation management specialists and they can help kinda navigate those aspects of it. But I think, too, one of the points you made, we often see if you're on the comments section, responses from the business saying, "Please reach out. We'd love to discuss this with you directly." And I think that's part of, oftentimes can be a good part of a plan here. Because, while sometimes there are legal options available I would say it's probably a small percentage of the time that the legal solution is ultimately, the one that carries the day and, gets that business closer to its actual goals.

Sarah Sawyer: Yeah. And part of that's also the expense of [00:05:00] it. Definitely very expensive, so well, thanks Russell, and we'll see you next time.

Russell Berger: Thanks, Sarah.