

13.11: Termination Laws

Learning Outcomes

- Discuss laws surrounding termination



At-will employment is recognized by every state. At-will employment is the idea that an employee or an employer has the right to end employment at any time and for any legal reason. While this may sound as though it lets companies off the hook, in actuality, “any legal reason” still sets parameters for companies to follow. Therefore, it is still important for employers to follow legal and ethical precautions when conducting their termination process.

There are some exceptions to at-will employment. For example, a signed contract regarding an employment relationship may outline additional parameters employers need to operate within. A contracted employee may complicate things for employers trying to fire them. Unions can also complicate terminations by enforcing additional guidelines. If employers consider all of these exceptions and can legally justify their termination decisions, they are less likely to face a lawsuit.

There are also a handful of laws in place to protect employees. Check out the information below to learn more!

- **The Civil Rights Act of 1964:** The Civil Right Act of 1964 made it illegal for companies to discriminate based on “race, color, religion, sex, or national origin (source: [Equal Employment Opportunity Commission](#)).” This was a huge step forward for social justice in the United States and laid the groundwork for future antidiscrimination legislation. There are now laws in place to protect women and minorities against wage discrimination, to protect workers over the age of 40 from ageist discrimination, and to protect people with disabilities from discrimination in the workplace.
- **Equal Employment Opportunity (EEO):** EEOs are laws put in place to protect people from discrimination in the workplace. They enforce laws like the Civil Rights Act of 1964 and use the Equal Employment Opportunity Council (EEOC), a federal agency, to promote and enforce antidiscrimination laws.
- **Family and Medical Leave Act (FMLA):** FMLA allows employees to take up to 12 weeks of unpaid leave per year to care for their family. This time can be used to care for a sick family member, for maternity/paternity leave, or for personal health issues. This protects employees from getting terminated for missing work to care for themselves or a family member.
- **OSHA Whistleblower Protection Program:** There are a number of federal statutes in place to help protect whistleblowers from facing repercussions for coming forward with information about a company’s unlawful behavior.

In addition to the laws discussed above, there are certain rights granted to individuals who have been terminated from their job and are now unemployed. For example, when terminated, some individuals may lose their only source of health insurance. To help ensure they still have access to healthcare, terminated employees have the right to choose to continue their health coverage for a limited period of time. Unemployment benefits are another option for individuals who have been fired. If a person can prove they were terminated by no fault of their own, and meet the other requirements, they may be eligible for unemployment benefits and compensation.

? Practice Question

<https://assessments.lumenlearning.co...essments/18203>

Sources

Title VII of the Civil Rights Act of 1964. Accessed October 25, 2019. <https://www.eeoc.gov/laws/statutes/titlevii.cfm>.

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