

# EMPLOYMENT AT-WILL



## **What is Employment At-Will**

In almost every state in the US, most employment is considered to be “at-will”. This means an employer can legally terminate your employment without notice, at any time, and for any reason or for no reason at all. You can be fired at-will even if you worked for the employer for a long time and performed your duties well. While this may be unjust, it is often still legal. But there are some exceptions to at-will employment ...

## **Exceptions to Employment At-Will**

### **1. DISCRIMINATION**

Employers cannot terminate you because of your race, sex, age, religion, national origin, disability or certain other protected categories, If you believe you were terminated from your employment because of discrimination, please ask for EJC’s Discrimination Fact Sheet.

### **2. RETALIATION**

If you were terminated for “whistleblowing” or telling your employer they are breaking the law, complaining about discrimination, filing certain kinds of complaints or grievances, trying to unionize or collectively trying to fix a situation at work with a group of your fellow co-workers, then you may have experienced an illegal retaliatory termination.

### **3. UNION CONTRACT**

Union contracts may limit the reasons you can be terminated from a job, such as only for “good cause” and may also require that employers follow certain rules before they can terminate your employment. If you are a member of a union, contact your union representative for assistance.

### **4. EMPLOYMENT CONTRACT**

If you have a written contract of employment that specifies the length of your employment, the employer may not be able to terminate you at will. This would depend on the specific language of your contract.

### **5. EMPLOYEE HANDBOOK**

Some employee handbooks may be a legal employment contract. If the employee handbook is a contract and it states that employees can only be terminated for certain reasons, such as “good cause,” this may prevent the employer from terminating you at-will. The handbook may also require the employer to follow certain rules before terminating your employment.

### **6. IMPLIED EMPLOYMENT CONTRACT**

In cases where there is no written employment contract, there may be an implied legal agreement for the employer not to fire you at will. This is based on the specific facts of your employment, such as: the number of years you worked for the employer; if you received promotions, salary increases, bonuses; if the employer made statements that your job was secure; the employer only typically fires an employee for good cause; the employer usually follows certain rules or processes before terminating an employee. This exception is extremely limited and applies to very few situations.

## **What if my employer has a probationary period?**

Most employers use a probationary period to test your skills and see if you are a right fit. However, there is nothing that prevents an employer from legally firing you even after you have passed the probationary period. In some cases, passing the probationary period may mean you have access to certain protections against termination at will, such as the union contract and/or rights under an employee handbook.

*Continued on the next page . . .*

**Where can I go for help with my employment issue?**

If you are a low wage employee, contact EJC for a free legal assessment of your specific case. EJC operates several legal clinics currently in Northwest and Southeast DC. For more information on our legal clinics, visit [www.dcejc.org](http://www.dcejc.org).

***\*This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Maryland, Virginia, and DC. Because laws and procedures frequently change, the Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights.***

**EMPLOYMENT JUSTICE CENTER**

**Main Office:** 1413 K St. NW, 5th Floor, Washington, D.C. 20005

**Legal Clinics:** Every Wednesday at 1525 7th St. NW, starting at 6 p.m. (line starts at 5:00p.m.)

**Phone:** 202-828-9675 **Fax:** 202-828-9190 **Email:** [justice@dcejc.org](mailto:justice@dcejc.org)

[www.dcejc.org](http://www.dcejc.org)