

Fired workers also have rights

So, you were just laid off or fired without any reason at all. You are really angry and feel that you were wrongfully terminated from your job. Do you have any legal recourse?

That depends. The first question to ask is whether you have a written contract. If you do, the contract usually has a provision in it to address the issue of termination of your employment, whether the termination occurs as a result of "cause" or for no reason at all. The contract may give a date that the employment will end or the employment may be for the length of the stated term of the contract. If the termination of your employment is prior to the date stated in the contract, there may be a penalty provision in the contract that would allow your employment to be terminated without any cause at all, if there is a payment to you for a certain amount stated in the contract. If, however, your employment was terminated for "cause," the contract may specify that you lose any further legal rights to any future employment or any compensation for lost wages or benefits. "Cause" is a term that is usually defined in the contract.

Let's say that you do not have a written contract. Do you have any legal recourse? You might have an oral agreement. You will only be considered as having an oral agreement if all of the major terms are fully defined, such as length of employment, pay, benefits, job description and the like. In the event that you can prove such an agreement, if you are fired before the end of the term, you may have a cause of action for damages against your former employer.

Most employees do not have either a written or oral contract. Instead, they are known as "at will employees." An "at will" employee can generally be fired or laid off for any reason at all. There is no set time limit for their employment. Such an employee may find that they do not get along with the boss or the company brings in new management or your boss doesn't like the way you dress and the boss lets the employee go. The other side of that coin is that the employee can also quit at any time with no notice at all. This means that if the employee finds a better job, he or she can quit without giving any notice.

The law has modified the ability to fire an employee for any reason or no reason at all by discrimination rules. Both the federal and state laws prohibit the discrimination in the employment relationship based upon race, sex, creed, age or numerous other criteria. In the event that such discrimination can be proved, the law will give compensation to the terminated employee, but it is not an easy path.

So, you were laid off (not fired for cause) and you were an "at will" employee and there was no evidence of discrimination. Are you entitled to severance? Generally, an "at will" employee is not entitled to severance benefits. However, if the company that you worked for has a written severance policy or if there is a pattern of such benefits having been paid to departed workers in the past, you may also be entitled to such benefits.

It is not easy being on either side of the employment scenario in today's economy. Whether you are an employer or employee, you need to be aware of your legal rights in the employment arena.

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