

Under what circumstances can an employee challenge a termination?

Q. If an employee believes he has been terminated unfairly, does he have a legal right to challenge the termination?

A. Yes. It is not illegal to be terminated “unfairly,” but there may be another basis for a claim. Most commonly, employees who are terminated sue for discrimination based on their membership in one or more protected classes, such as race, sex, color, national origin, religion, age, disability, sexual orientation or ancestry.

Another potential cause of action is wrongful discharge. If an employee believes he or she has been terminated in violation of a public policy (e.g., being terminated in retaliation for taking workers’ compensation leave), he or she may be able to bring a wrongful-discharge action.