

Public-policy exception means at-will status doesn't always apply

Pennsylvania employment law presumes that employees who don't work under a specific employment contract are at-will employees, meaning they can be fired for any or no reason (as long as the firing doesn't violate a specific law).

But Pennsylvania law also provides for a remedy based on wrongful discharge in violation of public policy.

A federal court interpreting Pennsylvania law has concluded that firing a worker for calling in a complaint to OSHA provides protection under the public-policy exception.

Recent case: Muriel worked at a call center infested with bed bugs and other insects. Her doctor said she should take off work until her bug bites healed. Muriel called OSHA to report the infestation. Shortly afterward, the employer fired her for job abandonment.

She sued, alleging wrongful discharge under the public-policy exception to at-will employment.

The employer argued she could have pursued an OSHA retaliation complaint, but didn't and therefore was precluded from arguing wrongful discharge under Pennsylvania law.

The court disagreed, refusing to say that OSHA's process was the only remedy for being fired after reporting a health and safety violation. (*Beck v. CNO*, ED PA, 2018)

Final note: The court noted that OSHA isn't really equipped to adjudicate a termination in the same way that the EEOC or the Pennsylvania Human Relations Commission can. By allowing a wrongful termination claim, courts are giving workers full recourse for a retaliatory discharge, including a jury trial.