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WHAT DOES “AT-WILL” EMPLOYMENT MEAN?

In Mexico and other countries, it is illegal for a boss to fire a worker without any justification. But here in the United States, the laws are different. Here we have what is called “at-will” employment.

At-will employment is a legal term with a specific meaning. It means that a worker can be fired for any reason, or without a reason. The law in the U.S. gives this right to the employer, unless the reason is one of those prohibited under the law against discrimination (age, sex, race, nationality, etc.). The majority of the workers not affiliated with a union are at-will employees.

When someone is an at-will employee they can lose a job (Job A) after they have spent money to move or after they have quit another job (Job B). The majority of workers in those cases does not have legal recourse against their employers. At-will employment also means that a worker can quit his job for any reason at any time.

One exception to the law of at-will employment is if the employer has promised to the employee a certain amount of work, even if there is not a written contract. For example, if a boss spoke with a worker before she began to work, and she was promised at least two weeks of picking strawberries, but later the boss fired her after only one week of work, it is possible that it was an illegal dismissal. (In cases like this, consult with a lawyer, because not all cases are the same.)

Labor contracts offer more protections, and, by consequence, the workers under the labor contract are not at-will employees. Moreover, some individual labor contracts and personnel manuals have binding promises that the employer must meet (for example, a promise to fire a worker only for certain reasons or only after procedures are followed).

An example: You get a new manager at work, and the new manager wants to hire a new person. You are fired, even though your work is satisfactory, to make room for the new person. You have neither a labor union contract, nor a binding agreement that would prevent the employer from firing you at will. In this case, the firing is legal, unless one of the situations mentioned above apply.