

FIRED? REDRESS MAY BE LIMITED

By Attorney Michael H. Wald

Your rights as an employee of a company are very carefully protected by both state and federal laws. However, there are some aspects of employee-employer relations that are generally misunderstood by the working population as a whole. Especially in Texas, recourse may be limited.

Let's say for instance that you walk into the office or the plant on Monday morning and the boss tells you to come into his office. Once in there, you are politely told that your services are no longer required by the company. In other words, you've been sacked, canned, let go, you know, just plain fired!

The boss owes you an explanation, right? Well, perhaps ethically, or morally, but not legally! Remember, you live in the state of Texas, and Texas is one of the states in the country that allows the dismissal of an employee for any reason, or none at all. This is called the "employment at will" doctrine.

As with most laws, there are some exceptions to the rule. For instance, you cannot be fired due to your race, religious affiliation, ethnic background, or sex. You also cannot be fired for your personal dealings in labor union activities, nor for any complaints you may have filed with the Equal Employment Opportunity Commission (EEOC), nor may you be released for contacting the Labor Department, the Occupational Safety and Health Administration, or any other of the scores of agencies designed to help the working man or woman.

Both the EEOC and the Labor Department will handle most complaints with confidentiality. However, if your company was to be contacted about an issue that could be directly traced back to

you, that could present a problem. As previously mentioned, you cannot be fired for contacting one of these agencies, but if your employer was to discover, or perhaps suppose, you were the culprit, it could cause you problems in the workplace.

Employers are generally smart people; they are not going to release an employee for any reason that could come back to haunt them. Hasn't everyone in your office or plant been late to work once, or gotten back from lunch five minutes late? If he's filed a complaint, he'll be fired for one of these legitimate reasons, not for filing the complaint.

Another problem area is with sexual harassment. There is a growing number of cases in this area. In order to win you must prove that the harassment is directed either specifically at you or your specific sex. For example, take the use of offensive or obscene explicit sexual language in the workplace. It would be considered sexual harassment if this type of language was used for instance only in the presence of one sex. However, if your boss has a foul mouth, and talks that way to everyone, then it may not be considered sexual harassment in a legal sense, no matter how offensive it may be in the work environment, because no discriminatory effect could be shown.

Employees do have rights, though, just as employers do. They must, however, be pursued carefully. If you feel your rights have been infringed upon, or your not getting a fair shake in the workplace, contact either one of the several state or federal government agencies with programs to assist you or contact a lawyer.

You work hard for your money. If you're fired, you'll have to work at least as hard, probably harder, to get redress. In this area, more than most, your active involvement will be required along with the agency or lawyer you get to help you.

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