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Submission date: 09-May-2020 04:00PM (UTC+0300)

Submission ID: 1320285420

File name: termination_e.edited.docx (16.51K)

Word count: 662

Character count: 3664

Employee Termination

Student's Name

Instructor's Name

Date

Employment Termination

An employee has a right to challenge termination of employment by legal means if they feel the termination was handled wrongfully. The employee may also feel that they did not deserve the termination arguing from their performance and discipline and work. The most legitimate reasons that may trigger an employee to challenge a termination and are protected by law are discussed below.

An employee might feel offended and forced to challenge the decision of termination if there was discrimination in the process. Discrimination does occur from various factors ranging from age, disability, gender, race, genetic information, sexual orientation and political affiliation. In these circumstances, if the employee can produce evidence and state facts showing there is discrimination in the process, he or she may have the power to challenge the termination (Gertz, 2017). The evidence may include similar or different treatment of other employees, supervisors making comments on taking actions that portray biases in the way they handle different people and circumstantial evidence.

If an employee is asked to commit an illegal act and declines, which in turn leads to termination of employment, the individual is justified to challenge the decision. An employer has no right to fire an employee at will for refusing to commit an illegal act. However, when this happens, an employee challenges the termination by producing evidence that the firing from solely from the case in question.

When an employee is terminated from employment for violating the company policy, there is a provision in which the termination can be challenged (Steingold, 2017). Company policy violation can be the centre of manners associated termination. The court may try to cover

the employee by checking the employee's record at the institution, mitigating circumstances, and evidential power and whether or not the employer documented the termination as dictated by law.

Whistleblowing the negative or the shortcomings of an organization an employee is working under can result in termination of employment. A whistleblower is an individual who reports a defilement of the law, an ethical practice, malpractice, exploitation, waste of funds or a hazard to public welfare (Gertz, 2017). The false claims act contains anti-retaliation provisions that make it illegal for employers to fire whistleblowers providing what they said is the truth and proven. Employees who successfully substantiate the false act retaliation cases are enabled to reinstatement and compensation of their dues for days outside work.

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Situations Where an Employee has no Recourse

Harassment to other employees and customers is one of the major situations in case of termination, and the employee has no recourse (Mishra, 2019). Sexual harassment, especially to the female employees, can cause immediate termination from employment and the law too does not permit such. Also, the use of offensive or vulgar language in the job premises can cause termination and further severe disciplinary actions.

Thrilling rebelliousness to a manager or a supervisor can cause termination from employment, and there is no recourse in such a situation. It is assumed there is no employer-employee relationship and therefore, not a good working environment (Gertz, 2017). In a situation where there is no mutual respect between a supervisor and a junior staff, communication is not up to standard, and the productivity of the company is doomed. An

employee terminated from extreme insubordination to a manager has no grounds to challenge the termination.

Violence at the workplace and threatening of colleagues and other staff also comes in. Violence, such as fighting in the company, can cause immediate termination and other disciplinary actions (Mishra, 2019). Termination from violence even though challenged at a court of law, it is rare to see the light of the day.

References

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- ¹ Mishra, S. (2019). Redundancy of Employment. *Ct. Uncourt*, 6, 6.
- ¹ Steingold, F. S. (2017). *The Employer's Legal Handbook: How to Manage Your Employees & Workplace*. Nolo.

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