AT-WILL VS. JUST CAUSE & THE UNION DIFFERENCE

KNOW YOUR RIGHTS

AT-WILL EMPLOYMENT DEFINED

If you are an at-will employee, your employer can terminate you at any time for any reason with no notice. This includes bad reasons (except where legal protections exist – more on that below) or no reason at all. Your employer can also change your terms of employment without notice – that means pay, benefits, and workplace policies can all change at any time when you are at-will.

WHO IS AT-WILL?

In every U.S. state except Montana, at-will employment is the default. This is relatively unique to the U.S.! Most countries require an employer to have a good reason to terminate employees; this is known as "just cause" employment.

WHAT ARE PROTECTED CLASSES?

According to the U.S. Equal Employment Opportunity Commission, "Applicants, employees and former employees are protected from employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history)." These are considered protected classes and your employer cannot terminate you for any of these reasons, even if you are currently at-will.

WHAT IS PROTECTED CONCERTED ACTIVITY?

In addition to the protected groups listed above, federal law also protects employees engaged in protected concerted activity. According to the National Labor Relations Board: "You have the right to act with co-workers to address work-related issues in many ways. Examples include: talking with one or more co-workers about your wages and benefits or other working conditions, circulating a petition asking for better hours, participating in a concerted refusal to work in unsafe conditions, openly talking about your pay and benefits, and joining with co-workers to talk directly to your employer, to a government agency, or to the media about problems in your workplace."

If you are working to organize a union in your workplace, you are engaging in protected concerted activity, and it is illegal for your employer to retaliate in any way against you.

HOW CAN A UNION HELP?

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THE BEST WAY TO ENSURE THAT YOUR JOB IS PROTECTED IS BY GETTING TOGETHER WITH YOUR COWORKERS AND FORMING A UNION.

NO ONE WANTS TO WORRY THAT THEY'LL BE FIRED IF THEIR MANAGER HAS A BAD DAY OR THE RULES SUDDENLY CHANGE.

When you have a union, you will negotiate a contract with management based on the priorities and needs of union members. Most union contracts include a progressive discipline structure, which means that employee discipline (including termination) has to progress through each step in order.

HERE'S AN EXAMPLE OF A PROGRESSIVE DISCIPLINE STRUCTURE FOUND IN A UNION CONTRACT:

1. Verbal counseling
2. Written reprimand
3. Final written reprimand
4. Suspension or working suspension
5. Discharge

Union contracts usually also include time limits for disciplinary action – in other words, a manager couldn't punish you for something that happened 6 months ago if they did not bring it to your attention right away. Contracts can also set forth rules for how long a reprimand can remain on an employee's record, preventing management from acting on grudges or old issues.

YOUR JOB IS **MORE SECURE** AND YOU ARE **BETTER PROTECTED** WITH A UNION CONTRACT.