



When Can I Be Fired? - “At-Will Employment”

What is at-will-employment?

An employer can fire you for **any reason at any time** and you can quit at any time for any reason. This is called “at-will employment.” **There are some exceptions to the “at-will” rule.**

Discrimination

It is against the law for an employer to fire you when it is illegal discrimination. It is illegal discrimination when an employer fires you because of your:

- Age
- Marital status (*single, married, divorced, separated, widowed*)
- Familial status (*having kids or being pregnant*)
- Sex
- Sexual orientation
- Gender identity
- Race (*including natural hairstyles*)
- Color
- Getting public assistance
- Disability
- Religion
- Creed
- Membership on a local human rights commission
- National origin (but they can require a residency card)



See our fact sheet [Discrimination and Harassment at Work](#).

Contract Rights to Employment

If you have a job contract, an employer should not fire you unless you break the contract. Your contract may come from an:

- Employment contract
- Oral promise
- Pre-employment offer letter
- Union collective bargaining agreement

Even if you have one of the above, it does not mean that the employer can **never** fire you. Usually, contracts or handbooks state what things you can be fired for and what steps the employer must take before firing you. Talk to a lawyer if you are unsure about your rights.

If you are in a union, you have a work contract called a collective bargaining agreement. This is an agreement between the union and the employer. It can make the employer show “just cause” for disciplining or firing the employee. Check your contract and talk to your shop steward or union representative.

“Whistle Blower” and Retaliation Protection

In many cases the law protects you if you are fired because you stood up for your legal rights or you refused to break the law at work. You should not be disciplined or threatened for doing these things. This is sometimes called “whistle blower” protection or retaliation protection.



The law protects you if:

- You report a violation of state or federal law to the employer or the government “in good faith.” In good faith means that you really **believe** that what you report is true and that it is illegal. But if it is your job to report violations, you might not have a claim.
- You complain to your employer about a violation of your rights. Your employer can’t fire you to get back at you (retaliation) because you stood up for your legal rights at work. You are allowed to do things like file a discrimination complaint or ask for a reasonable accommodation because you are a nursing mother or a person with a disability.
- You were interviewed as part of your employer’s investigation into claims of harassment or discrimination.
- A government agency asks you to take part in an investigation or hearing.
- You refuse to do something illegal at work and you tell the employer about it.

The laws around this can be complicated. Call a lawyer or talk to the Minnesota Department of Labor and Industry at (651) 284-5005 or 1-(800) 342-5354. Go to www.dli.mn.gov/.

Other Protections

You should not be fired for:

- Having your wages garnished or having child support deducted from wages.
- Taking leave that the law says is ok. Like pregnancy and parenting leave, sick leave for yourself, your child or another relative, domestic violence and other kinds of leave. If you need to use this leave, check with your employer to see if you can take it and if you will be paid during it.

See our fact sheets: [Time off from Work: Birth, Adoption, School Events](#)
[Time off from Work: Illness or Death](#)
[Time off from Work: Family in the Military](#)
[Employment Rights: Victims of Violence and Harassment](#)

If you are fired or quit because any of the things above happened, let your employer or human resources know what happened and that it is not ok. If they do nothing to fix the problem, you can get unemployment benefits. See our fact sheet [Getting Unemployment](#). You may also be able to get your job back or sue for damages. Call an employment lawyer.



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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