

## Wrongful Termination Checklist

Wrongful Termination is generally defined as any firing that is done (a) in violation of local, state, and/or federal laws, (b) in violation of the terms and conditions of an employment agreement, and/or (c) in violation of public policy.

Use the following checklist to determine whether or not your termination may have been illegal:

### A. Discrimination

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Federal law prohibits discrimination against you based on your age, disability, gender, national origin, race, religion, and/or sex. If you feel that your termination was due to any of the following circumstances, you may have a valid claim for wrongful termination on the basis of discrimination:

- There is direct evidence (i.e. direct statements by your employer either verbally or in writing) that you were terminated because you are a member of one of the protected classes listed above.
- There is clear circumstantial evidence that your employer routinely discriminated against one of the protected classes of individuals of which you are a member.
- There is clear evidence that your employer routinely treats employees of one protected class differently from employees of the same protected class (e.g. discriminates against older or younger employees).
- Your employer, and/or a supervisor or superior, took actions, or made statements, that indicate he or she is biased toward one group of employees over another as witness by other employees.

### B. Harassment

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Federal law also prohibits harassment that creates a hostile work environment for employees. If you feel that your termination was due to any of the following circumstances, you may also have a valid claim for wrongful termination on the basis of harassment in a hostile work environment:

- Your employer, and/or a supervisor or superior, made offensive comments to you and in front of others related to your age, disability, gender, national origin, race, religion, and/or sex on a repeated basis.
- Your employer, and/or a supervisor or superior, make unwelcome sexual advances toward you and/or your romantic relationship, or its termination, caused you to be treated differently or caused your employment termination.

### C. Retaliation

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It is also illegal for your employer to punish you for your participation in certain protected practices. These protected practices include reporting illegal behavior and/or participating in any investigation of alleged illegal behavior. You may have a retaliation claim given the existence of the following circumstances:

- Your employer, and/or a supervisor or superior acted negatively toward you, and/or engaged in punishing behavior, because you reported alleged violations to your employer, supervisor or superior, or governmental enforcement agency.
- You participated in an investigation of an alleged, illegal practices by your employer; or you were advised by your employer not to participate in such an investigation.
- You were admonished or punished for exercising any of your legal rights as an employee.

### D. Breach of Contract

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You may also have a breach of employment contract claim given the existence of the following circumstances:

- Your employment was governed by a written employment contract that described the employment termination procedure that you believe wasn't followed.
- Your employer has a written employee handbook outlining terms and conditions of employment that you do not believe were followed.
- Your employer made promises to you about your employment that were not kept.

These are the basic considerations in making a claim for wrongful termination. An attorney who specializes in employment law can be extremely valuable to sort out a host of issues such as the relative viability of your claims, the damages you might recover, the best and/or jurisdiction (state or federal court or agency) to bring your claims, and the facts and evidence necessary to prove your claims.

To help get pointed in the right direction, please feel free to contact for additional information about wrongful termination:

**Edward H. Smith, Business Consultant**

497 Hooksett Road, #395, Manchester, NH 03104  
Cell Phone: (603) 867-1022 Fax: (603) 218-6624  
Email: ehsportal@gmail.com Website: www.ehsportal.com