Successful "Firing" Depends on Successful Hiring

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The best defense against a wrongful termination claim is good cause. And a California employer would have difficulty quantifying good cause if performance expectations and measurements are not established in advance, ideally at the time of hire.

It may be counterintuitive for many employers to consider firing someone they just hired, but setting the ground rules early and ensuring new employees understand the company's policies on grounds for dismissal as well as the exact duties the employee is expected to perform, goals to be accomplished, and measurements for each is critical to an employer's legal ability to terminate employment and protect against wrongful termination lawsuits.

Under California law, there are several different types of wrongful termination, including:

Discrimination – employees cannot be terminated or otherwise discriminated against because of age, race, sex, religion or disability.

Insufficient Cause – employees cannot be terminated for subjective reasons (i.e., they "didn't look right").

Whistle Blowing – it is against the law for an employer to fire or retaliate in any fashion against an employee who has provided information to legal authorities about illegal behavior in the workplace.

Constructive Dismissal – this applies if employees feel they have been pressured to resign, including if the work environment was made so unpleasant the employee could no longer do his or her job, if wages have been reduced or if the employee suffered a demotion without cause.

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Our California employment law attorneys can help California employers create and implement the proper legal strategies to help avoid wrongful termination lawsuits. For further information please contact us at (818) 473-5720 or email your request to cabusinesslawreport@tharpe-howell.com.