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### Wrongful Termination Claims

If you have been laid off or fired recently, and believe that you may have lost your job for an unlawful reason, you may have a right to bring a claim for wrongful termination against your former employer. Legal remedies that may be available to you include money damages and, if you haven't been officially released yet, negotiation for an appropriate severance package that includes adequate compensation. For an overview of key things to keep in mind after losing a job, download [FindLaw's Guide to Job Loss](#) [pdf].

#### **What Makes a Termination "Wrongful"?**

The term "wrongful termination" means that an employer has fired or laid off an employee for illegal reasons in the eyes of the law. Illegal reasons for termination include:

- Firing in violation of federal and state anti-discrimination laws;
- Firing as a form of sexual harassment;
- Firing in violation of oral and written employment agreements;
- Firing in violation of labor laws, including collective bargaining laws; and
- Firing in retaliation for the employee's having filed a complaint or claim against the employer.

Some of these violations carry statutory penalties, while others will result in the employer's payment of damages based on the terminated employee's lost wages and other expenses. Certain wrongful termination cases may raise the possibility that the employer pay punitive damages to the terminated employee, while other cases may carry the prospect of holding more than one wrongdoer responsible for damages.

#### **Tips that Can Help after Being Fired**

The following steps may help you improve your position if you have been fired.

1. Don't act on any negative instincts against your employer.
2. Contact an [employees' rights lawyer](#) for advice and representation.
3. If you have an employment contract, become familiar with the provisions of the agreement.
4. Inquire about the reasons for your termination.
5. Find out who decided to fire you.
6. Request to view your personnel file.
7. Review promises made by your employer and gather evidence of those promises.
8. Request and negotiate a severance package.
9. Confirm all agreements regarding your termination and severance in writing.
10. Do not allow yourself to be intimidated.
11. Return all company property and follow any other common post-employment procedures.

#### **Severance Packages**

An employer is not required to give severance pay to an employee unless an employment contract requires it, or the employee handbook or manual indicates that the employer has a policy of doing so. However, an employee may be able to negotiate a severance package in exchange for a promise to waive any legal claims against the employer. An attorney can explain your options and advise you as to whether a severance package or a wrongful termination claim will make

more sense in your situation.

If you and your attorney determine that negotiating a severance package will be the best course, you will want to have a strategy for negotiations. Here are a few tips:

- Stay calm when you are terminated.
- Take time to think over any offers from the employer.
- Ask your employer to confirm any terms in writing.
- Do not automatically accept the employer's first offer.
- If possible, refuse an employer's offer that you resign instead of being terminated.
- Try to stay on the payroll as long as possible.
- Negotiate with the employer to continue providing medical and dental coverage while you are receiving severance pay.
- Make sure that the severance package is in no way contingent on new employment.

### **Legal Help with Wrongful Termination Claims**

If you have been fired, you may have rights to severance pay, damages, or unemployment compensation. In certain circumstances, you may also have a valid claim for wrongful termination against your former employer. Speaking with an experience attorney can help you understand your rights and make an informed decision about how to proceed.

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