

Fired with No Reason, No Warning, No Severance:

The Case for Replacing At-Will Employment with a
Just Cause Standard

Irene Tung & Paul Sonn

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About NELP

Founded in 1969, the nonprofit National Employment Law Project (NELP) is a leading advocacy organization with the mission to build a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Together with local, state, and national partners, NELP advances its mission through transformative legal and policy solutions, research, capacity building, and communications. For more information, visit us at www.nelp.org.

Executive Summary

Workers across the economy—from fast food employees to journalists—are protesting employers who fire them without either advance notice, a good reason for doing so, a fair process, or even severance pay. A new nationwide survey of 1,849 adults in the U.S. workforce by the National Employment Law Project (NELP) and YouGov documents just how widespread unfair and abrupt firings are for U.S. workers and how harmful the impact is for workers and their families. Survey results also show that the threat of losing a job causes many to accept abusive or illegal working conditions. Finally, the survey finds strong support among workers across the political spectrum for greater job security protections.

Key findings from the survey include the following:

- » More than two out of three workers who have been discharged received no reason or an unfair reason for the termination, and three out of four received no warning before discharge.
- » Just one in three discharged workers receives severance pay. At the same time, more than 40 percent of currently employed workers—including more than half of Black workers—have only enough savings to cover one month or less of expenses if they were fired today.
- » Half of all workers have been subject to electronic monitoring at work, and a majority have tolerated poor and often illegal working conditions due to concern about being fired for complaining.
- » Two-thirds of workers support the adoption of “just cause” laws that would ensure workers receive a good reason and a fair process before losing their jobs. By a similar two-thirds margin, they support guaranteeing severance pay for all workers who are discharged.

The context for the new survey is the reality that almost everywhere in the United States, employees may be fired without a good reason, advance notice, or severance pay. This default rule, known as “at will” employment, can wreak havoc on the lives of workers and their families, when the paycheck they depend on is there one day and gone the next.

Workers in the new gig economy face similar hazards. The giant app corporations that employ rideshare drivers and delivery workers frequently “deactivate” employees—effectively ending their ability to work—without advance notice, explanation, or a fair process. This leaves workers with bills to pay, including lease and insurance payments for their work vehicles, but no source of ongoing income.

At-will employment also makes it easy for employers to retaliate against workers who speak up about concerns such as health and safety hazards, harassment, discrimination, and wage theft. In theory, laws prohibit employers from retaliating against workers who speak up and insist on their rights. But when workers can be fired for any reason or no reason at all, proving that a discharge was retaliatory is very difficult—and all but impossible for the majority of workers who cannot afford to hire a lawyer to help them. Because just cause protections “flip the script”

More than two out of three workers who have been discharged received no reason or an unfair reason for the termination, and three out of four received no warning before discharge.


by requiring employers to provide good reasons for discharges, they give workers more effective protection from being fired when speaking up about workplace concerns.

This new survey comes at a time when workers are organizing to replace at-will employment with a just cause standard. In 2019, parking lot workers in Philadelphia won the right to fight unfair firings with a just cause law. In 2020, fast food employees in New York City won similar protections. Workers in unions have continued to fight for just cause in their contracts. In recent years, journalists at publications ranging from the *New Yorker* to the *New York Times’ Wirecutter* to *BuzzFeed* have successfully fought for and won just cause protections in their union contracts.

And rideshare drivers won new legislation—first in Seattle and then in Washington statewide—protecting them against unfair terminations.

Meanwhile, just cause is the employment law standard in much of the rest of the world and in most of the world's other wealthy countries, including the United Kingdom, Ireland, Australia, Germany, and Japan. They all require employers to provide workers with a good reason and a fair process before terminating them.

Amidst growing evidence of the harms caused by unfair firings—and growing public support for action to end them—federal, state, and local leaders should join with worker organizations to replicate and expand the new just cause laws to protect workers in all industries across the country.



Many U.S. workers experience unfair and abrupt terminations. The threat of losing a job causes many to accept and tolerate low-quality, abusive, or illegal working conditions.

1 Survey Findings

In June of 2022, NELP commissioned YouGov to conduct a survey of 1,849 adults in the U.S. workforce (employed and unemployed) on their experiences with discipline and termination in the workplace. The margin of error for the survey was +/- 2.96 percent.

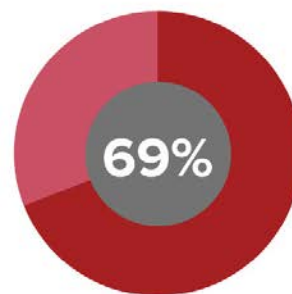
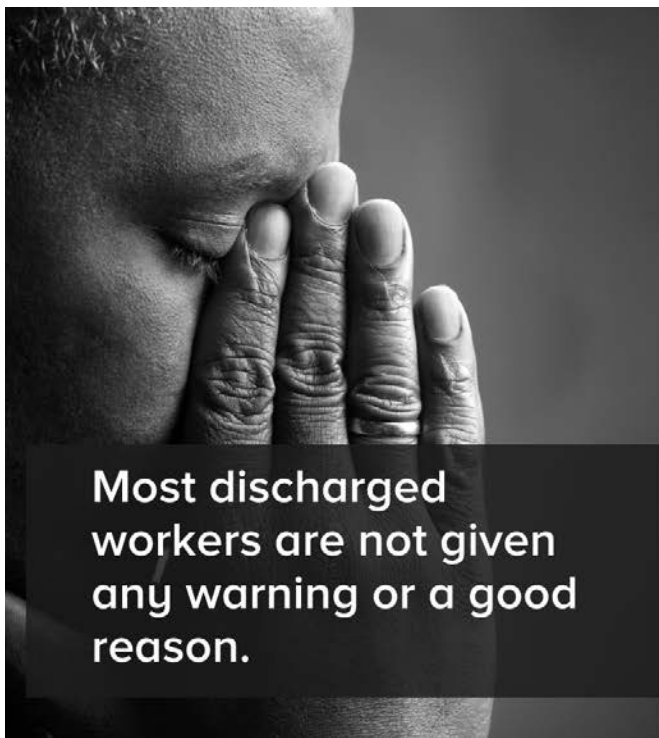
Several important findings about how at-will employment impacts the lives of U.S. workers emerge from the survey results, revealing that many U.S. workers experience unfair and abrupt terminations and that few receive severance pay upon discharge. The survey results also show that the threat of losing a job causes many to accept and tolerate low-quality, abusive, or illegal working conditions. Key findings from the survey are summarized below. Survey respondents who indicated that they had been fired were also given the opportunity to provide further detail about their experiences, and their descriptions include terminations as a result of health issues; being replaced by managers' friends and family; and speaking up about issues such as working conditions, pay, harassment, and discrimination. Select responses are quoted in this report and included in Appendix A.

1. When U.S. workers are fired, few are given a good reason or a warning.

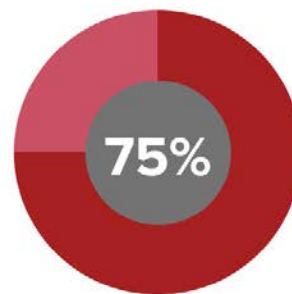
Unfair and abrupt terminations are the norm in the U.S. Of the 40 percent of U.S. workers that have been fired or let go by employers at some point in their lives, 69 percent report that employers have terminated them for no reason or for an unfair reason, and 72 percent report that they have been terminated without warning or a chance to improve.

Respondents who received unfair or no reasons for termination describe a wide range of circumstances resulting in their discharge, from being replaced by managers' friends and family, to health issues, to minor infractions, to non-work-related issues, to no reason at all. (See Appendix A for a longer list of selected responses.)

- » A 29-year-old female worker from Los Angeles explains: "They replaced me with an executive's cousin and did not give sufficient reason for performance issues; did not flag any performance



Were terminated for no reason or an unfair reason



Were terminated without warning or a chance for improvement

issues previously. Thought I'd be 'happier elsewhere.'"

- » Another female worker, aged 44 from Shelby County, Tennessee, says: "I worked at Kmart, and they fired me because I had a layaway that I didn't pay the minimum on."
- » "They fired me for being left-handed, [which is] legal in Indiana," reports a 52-year-old male worker from Tippecanoe County, Indiana.
- » Some workers cited medical issues resulting in terminations. For example, one female employee, aged 62 from San Bernadino County in California describes this situation: "I had been on medical leave for several weeks [with] regular updates from my [doctor]. But they were demanding I come back on a certain day even though I wasn't well enough to come back to work yet. If I didn't return, I would be terminated. I was not well enough to return [and] they knew that but terminated me anyway."
- » Another survey respondent, male and aged 44 from New York City, reports being fired because:

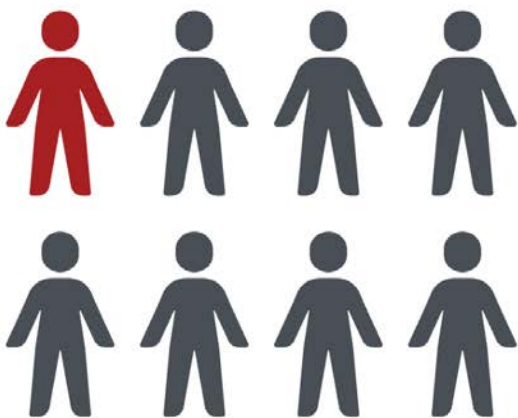
"My cash register at American Eagle was off by 20 cents after closing once."

- » One female worker, aged 51 from Smith County, Texas, describes her experience in this way: "I was a good and loyal employee. On time, did my job. Supervisor did not like me for some reason. Never gave a reason for letting me go."

2. One in eight U.S. workers have been disciplined or terminated for speaking up about problems such as low pay, wage theft, health and safety hazards, harassment and discrimination, or inadequate hours or benefits.

Surveyed workers who have been disciplined or fired for speaking about problems on the job describe many kinds of scenarios. Examples include (see Appendix A for a longer list of selected responses):

- » "When speaking up about breaks and needing adequate breaks as a pharmacy technician, to reduce medication errors, I was terminated for 'insubordination,'" reports a 39-year-old female worker from Pierce County, Washington.



One in eight U.S. workers reports having been disciplined or terminated for speaking up about problems on the job.

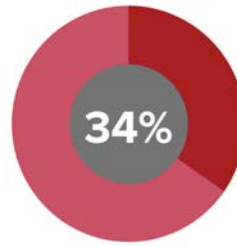
» 44-year-old male worker from New York City says: “I worked for a start-up that required being available 24/7. After I started to push back about work/life balance I was target[ed] by the two owners.”

» “I complained about working 12 hours in 90-degree heat without [a] water break [and] just a half hour lunch break,” says a male worker, aged 59, from Montgomery County, Maryland.

» A 44-year-old female worker from McCreary County, Kentucky, says: “We went from having mandatory overtime of 50 hours per week to 65 hours per week which I found untenable but complaining about it got me terminated.”

» Another female worker, 42-years-old from Miller County, Texas, says: “I was told that it was ‘against company policy’ to discuss wages with other employees, and when I asked my supervisor if it was legal to disallow wage discussions, I was reprimanded for insubordination and let go a few days later.”

Unfortunately, though employers arguably violated existing laws in some of these situations, the current at-will employment system—which allows employers to fire workers for any reason or no reason at all—makes proving that a discharge was discriminatory or retaliatory very difficult. This reality creates a “chilling” environment where employees refrain from speaking out about problems on the job.



Only 34% of workers receive severance pay

3. Few U.S. workers who are terminated receive severance pay.

Only 34 percent of workers who have been let go have ever received severance pay.

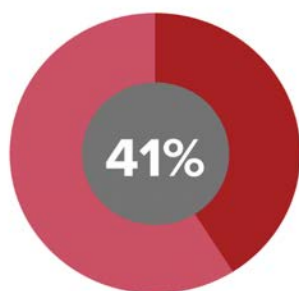
4. More than 40 percent of currently employed U.S. workers have only enough savings to cover one month or less of expenses if they were to lose their jobs.

Forty-one percent of U.S. workers have only enough savings to cover up to a month of expenses if they lost their jobs today. This is true for 53 percent of Black workers and 39 percent of white workers.

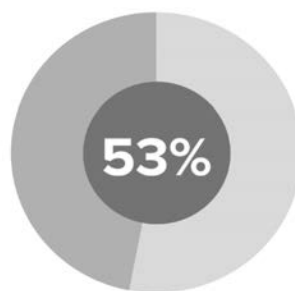
5. U.S. workers report accepting poor working conditions to avoid being fired.

More than one in three workers (35 percent) have worked under hazardous or unhealthy conditions to avoid being

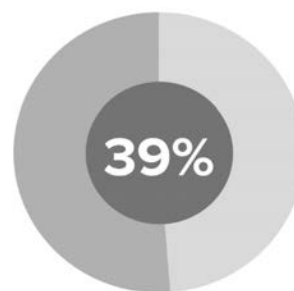
Share of employed U.S. workers who only have enough savings to cover a month or less of expenses if fired or laid off



All workers

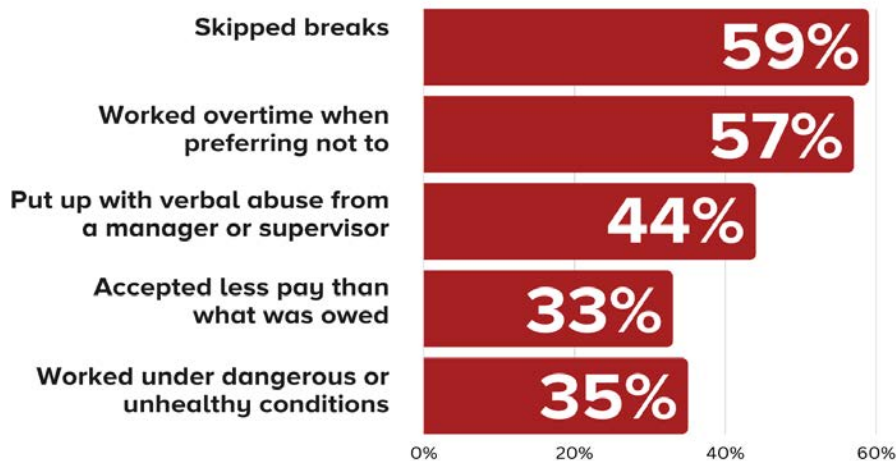


Black workers



White workers

Share of workers that report accepting poor working conditions to avoid being disciplined or fired

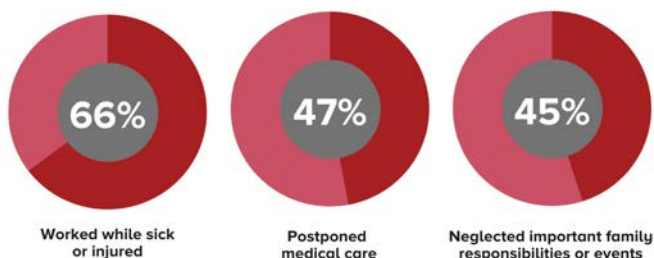


fired. More than one in three (33 percent) have accepted less than what was owed to them to avoid being fired. Almost half (44 percent) have endured verbal abuse or hostility from a manager or supervisor to avoid being disciplined or fired. And a majority have worked unwanted overtime (57 percent) or skipped breaks (59 percent) to avoid being fired.

6. U.S. workers report deprioritizing family and medical needs to avoid being fired.

Forty-five percent of U.S. workers have neglected important family responsibilities or events to avoid being fired. Sixty-six percent have worked while sick and 47 percent postponed medical care to attend to work.

Share of workers that report neglecting health or family needs to avoid being disciplined



7. One in 11 U.S. workers has been disciplined or terminated by their employer because of interaction with the criminal punishment system.

A 38-year-old male respondent from Travis County, Texas, describes what happened to him when a family member was arrested:

» “My sister was arrested for theft of property from a school where she worked and law enforcement showed up at my job to ask m[e] what I knew about it. I didn’t know anything about it because she didn’t live with me and obviously didn’t call me to brag about stealing from her employer. But I was put on disciplinary action because employees where I worked ‘should be above suspicion.’ I was cleared, not a suspect, and had no further involvement with law enforcement but the disciplinary action wasn’t withdrawn.”

Black workers are more likely than white workers to have been disciplined or terminated by an employer as a result of interactions with the criminal punishment system. More than one in seven Black workers (14 percent) report this has happened to them, as compared to one in 11 white workers (9 percent), even after controlling for household income, education, gender, and age.

8. Almost one in two employed workers report that their current employer uses some form of electronic monitoring in the workplace.

Forty-seven percent of employed workers say that their current employer uses technological tools such as computers, video cameras, scanners, or phone apps to observe, record, and track employee activity. This includes monitoring of work pace, phone calls, location, vehicles, email, internet use, and registers.

An additional 17 percent of currently employed workers indicate that they don't know if their employer uses electronic monitoring.

9. Just cause job protection policies—which would require employers to give fair warning and a good reason for discharge—are broadly popular across the political spectrum.

Two out of three U.S. workers, including 61 percent of Republicans and 72 percent of Democrats, support adopting just cause laws.

10. A large majority of U.S. workers of all parties support severance pay laws that would require employers to provide a one-time payment upon discharging a worker.

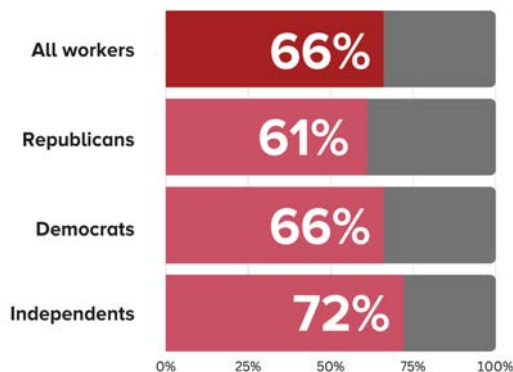
Sixty-six percent of U.S. workers, including 62 percent of Republicans and 74 percent of Democrats, support adopting severance pay laws.

11. Many employed workers, especially Black workers, say that stronger legal protection against unfair firing and discipline would allow them to speak up more on the job.

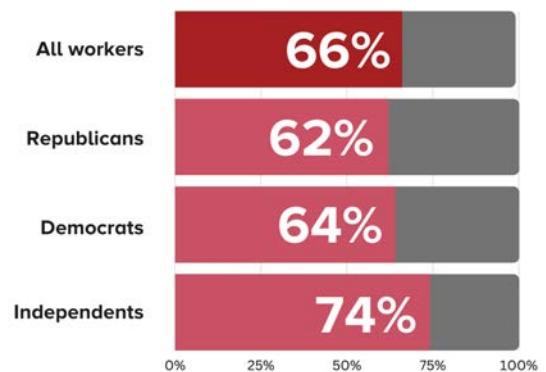
One in four employed U.S. workers say they would speak up more on the job if they had more legal protection against unfair firing and discipline.

Thirty-nine percent of Black employed workers indicate this is the case as compared to 21 percent of white workers. When we control for household income, education, gender, and age, Black employed workers continue to indicate a 39% greater likelihood of speaking up on the job, and white employed workers indicate a slightly larger 23% greater likelihood of speaking up on the job, if stronger legal protections against unfair firing and discipline existed.

A large majority of U.S. workers of all political parties support just cause policies.



A large majority of U.S. workers of all political parties support severance pay policies.



3 Workers' Experiences with Unfair Firings

Claire: Fired after 11 years for a reason beyond her control and without severance pay

Claire Tapia worked for 11 years cleaning a commercial office building in downtown Minneapolis. She worked hard at her job and never received any negative feedback from the cleaning company about her performance in all the years she was there.

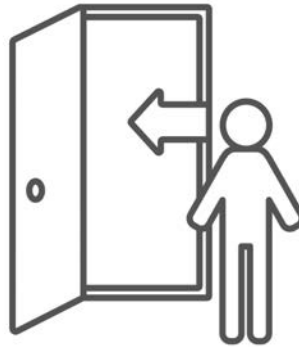
In February 2022, she took vacation days to visit her family abroad. She had done this every February for several years, with the consent of her employer. When she was at the airport for her return flight to the U.S., she tested positive for COVID and wasn't allowed to board the plane. She spoke with her manager about the situation and sent proof of the positive test result. She continued to communicate with her employer about her test results and travel dates. She flew back to the U.S. as soon as she was cleared to travel and was able to book a flight, which was three weeks after her original travel date. When she arrived back in Minneapolis to report to work, she was told that she no longer had a job.

Claire received no severance pay and was unemployed for four months. During that time, she struggled to make rent payments and tuition payments for her son and to pay for her prescription drugs because she lost her health insurance when she was fired. Recently, she was able to find a new job cleaning buildings, but it is a night-shift job. This has made Claire's commute much longer and more difficult because she depends on public transportation which is less available at night.

Under a just cause law with severance pay protections, her employer would not have been able to fire her without advance warning and a fair process. Claire would have been able to challenge her firing and seek reinstatement in her job—and if her discharge were upheld, she would have been entitled to severance pay.

Adriana: Fired without warning for breaking a rule about which she was never informed

Adriana Alvarez worked at a factory that manufactures plastic injection molded parts in Union, New Jersey. During the time she worked there, she performed all the tasks that were asked of her, including many that were physically difficult. She often helped others with their work. She endured consistent verbal abuse from the supervisor, who she said appeared to dislike Adriana. After five months, the supervisor fired Adriana without



When she was at the airport for her return flight to the U.S., she tested positive for COVID and wasn't allowed to board the plane.... When she arrived back in Minneapolis to report to work, she was told that she no longer had a job.

warning and told her that she was being terminated for listening to music on her headphones during work. Many other workers, including the supervisor herself, used headphones at work, and Adriana was never previously informed of a policy against using headphones. She received no severance pay. Since being fired, her family has faced significant financial difficulties, including having trouble paying for necessities such as groceries and gas.

Under a just cause law with severance pay protections, Adriana would have been able to challenge her unfair dismissal and her employer would have likely been required to reinstate her and provide her with back pay.

4 Policy Recommendations

For the first time in decades, there is a growing grass-roots movement powered by workers organizing to replace the at-will employment system with just cause protections. Cities including New York, Philadelphia, and Seattle, as well as Washington State, have adopted laws protecting groups of workers against unfair firings, and similar proposals have been introduced in other jurisdictions like Illinois and Maine. Federal, state, and local lawmakers should follow their lead by enacting legislation that establishes a just cause standard for termination. Such laws should include the following key protections:



1. Good reason for discharge – The core of a just cause employment system is a requirement that the employer demonstrate a good reason for discharging a worker, such as poor work performance that does not improve after feedback and coaching, violation of important employer policies, or employee misconduct. Just cause systems also allow employers to discharge workers for bona fide economic reasons, such as when business declines, if the business can document those reasons.



2. Duty on the employer – Under a just cause system the employer is responsible for showing a good reason for discharging the worker, the reverse of the current system where employees must show that a firing was for an impermissible reason. Shifting that responsibility to the employer is widely recognized as essential for protecting workers against arbitrary and unfair firings.



3. Categorical protections for certain activities – Just cause legislation should also clarify that certain reasons are categorically not grounds for discharge. Examples of categorically protected employee activities should include: (1) communicating to any person, including other employees, government agencies, or the public, about job conditions; (2) refusing to work under conditions that the employee

reasonably believes would expose them, other employees, or the public to an unreasonable threat of illness or injury on the job; and (3) refusing to do any work that the worker has a good faith belief is illegal.



4. Fair notice to workers and an opportunity to address problems – Another key component is fair notice to the worker of any performance problems, and the opportunity to address them, before being discharged. This process, often called “progressive discipline,” is well established. It also mirrors the process that many responsible employers already use—giving employees feedback and coaching on performance issues, and support in addressing them before getting to the point of possible discharge. However, a just cause policy should make clear that certain kinds of serious misconduct may trigger a bypass of the progressive discipline process and allow for immediate employer action. These should include conduct that threatens the safety or well-being of other people, such as violence or harassment.



5. Equal coverage of temp and staffing employees – Economic theory suggests that if it becomes more difficult for employers to discharge workers, they will shift to employing more temporary and staffing agency employees if they are not subject to the same standards. Therefore, it is crucial that just cause employment protections apply equally to employees working for employers through temp or staffing agencies. A just cause policy should expressly address these issues—for example, by requiring the same showing of just cause for ending employment for an employee working at a host company through a temp or staffing agency.



6. Limits on defined-term employment – Another key question for a just cause policy is under what circumstances to allow employers

to hire workers for defined projects or terms, after which their employment can end without a need to demonstrate just cause. Examples of reasonable defined-term employment include short-term seasonal jobs in industries that need additional staffing during certain times of the year and projects for which the need for employees or the funding to pay them will end once the project is completed. However, it is important that such authorization for defined-term employment be limited to clearly defined circumstances that prevent it from becoming a loophole through which employers can meet ongoing staffing needs through a succession of defined term positions. In addition, during the course of defined-term employment, just cause protections against early discharge should apply.



7. Protections to ensure economic discharges are not a loophole – It is important to ensure that economic (i.e., non-performance-based) discharges, when they are necessary, do not become a means for sidestepping just cause protections. Employers should be allowed to make economic discharges when business conditions warrant, but there should be standards for demonstrating their necessity to ensure they are not used to disguise otherwise impermissible discharges.



8. Protections against intensive surveillance and monitoring – Just cause legislation presents an important opportunity to address the harmful and discriminatory impact of employers’ growing use of electronic surveillance, algorithmic decision-making, and automated employee evaluation systems. Electronic monitoring and decision-making can result in employees being disciplined and even discharged with little human involvement in those assessments. Pervasive monitoring of workers also means that minor infractions can be found easily and used to sidestep just

cause protections. Just cause legislation should restrict employers’ use of electronic monitoring for the purposes of discipline and termination.



9. Severance pay – When workers are discharged—whether for just cause or economic reasons—providing severance pay is crucial for mitigating the very harmful economic impacts of job loss. Without severance pay, workers and families face dramatic income cuts and hardships that can leave them unable to pay their rent or mortgage and potentially lead to eviction or foreclosure. To provide workers a cushion as they search for new employment, just cause protections should guarantee a basic amount of severance pay, such as four weeks. Guaranteeing severance pay is not only fair and broadly popular, it also helps insulate workers from the common employer practice of pressuring workers to sign away their rights in exchange for receiving any severance pay at all. This is especially important given that many discharged workers may not be eligible for unemployment benefits, and even those who are eligible face barriers in accessing benefits.



10. Protection for gig workers against “deactivation” without just cause – Another important group of workers who regularly face unfair firings are gig workers, such as app-based rideshare drivers and delivery workers. The giant corporations that employ them regularly “deactivate” large numbers of workers—sometimes simply because they feel they have too many, or other times because of a customer complaint, even though the corporations rarely investigate the veracity of these complaints before deactivating a worker. Deactivation is tantamount to being fired, since deactivated workers can no longer access new jobs and be paid. Moreover, since many app workers lease the vehicles that they use for their jobs, deactivation leaves them high and dry with bills and lease payments due and no means of working.

Currently, like with at-will employment, there are no requirements that gig corporations provide a fair process and a good reason before deactivating a worker. Lawmakers should adopt similar protections for gig workers to ensure that corporations provide a good reason and a fair process before workers are deactivated and to ensure they receive severance pay if they are.



11. Strong remedies and relief – A just cause policy should include strong remedies for violations, including the right to reinstatement and money damages, together with additional penalties or liquidated damages that are sufficient to deter noncompliance. Money damages must reflect the full scope of damages that workers face. Without meaningful sanctions for unfair discharges, any new just cause policy would not achieve the goal of ensuring fair process before workers are subjected to job loss.



12. Effective enforcement vehicles, including qui tam – Government labor agencies simply do not have the capacity to adequately enforce employment protections on their own. Therefore, a just cause policy should include effective tools that allow workers to bring enforcement actions themselves. These should include a private right of action, authorization for recovery of attorneys’ fees, and authorization for “qui tam” enforcement. Similar to a private right of action, qui tam enforcement allows workers and members of the public to supplement government agency enforcement by stepping into the government’s shoes to bring enforcement proceedings as “private attorneys general.” Significantly, it can allow

representative organizations, such as unions or worker centers, to bring enforcement action, ensuring that the burden of challenging employer lawbreaking does not remain solely on individual workers, who may face retaliation.



13. Rights that are enforceable before judges and juries, regardless of forced arbitration requirements and class/collective action waivers – Finally, a just cause policy should ensure that its protections can be enforced by workers before judges and juries. Forced arbitration requirements deny workers the right to go before a judge and jury when their employer breaks the law. Instead, workers must bring any claims to a secret proceeding before a private arbitrator who is not accountable to the public. Because these arbitrators depend on corporations for repeat business, they tend to favor employers. Making matters worse, class and collective action waivers that are routinely incorporated into these requirements prevent groups of employees from banding together to challenge employer lawbreaking. An effective federal just cause policy must ensure that forced arbitration requirements and class/collective action waivers will not interfere with the ability of workers to enforce their rights under that policy.

The prevalence and harmful impacts of unfair terminations demonstrate an urgent need to extend just cause job protections to all U.S. workers.

In sum, the prevalence and harmful impacts of unfair terminations in the U.S. demonstrate an urgent need to extend just cause job protections to workers in all industries across the country.

Obtaining such job security protections for U.S. workers is essential for building a good jobs economy—one that will provide the high-quality, safe, and equitable employment that workers need and the dependable economic security and stability that allows families and communities to thrive.

» Appendix A: Descriptions of Unfair and Arbitrary Firings from Survey Respondents

Survey respondents were given the opportunity to provide further detail about their experiences with firings. Select responses are grouped into thematic categories below.

Replaced by Managers' Friends and Family

"Was fired so that she could hire her cousin." Female worker, aged 63, Cochise County, AZ

"They gave my job to an inexperienced friend of manager." Male worker, aged 59, Caldwell County, NC

"My boss let me go so his girlfriend's sister could replace me." Female worker, aged 65, Lancaster County, NE

"Fired me to replace me with a friend." Female worker, aged 55, Lenawee County, MI

"They replaced me with an executive's cousin and did not give sufficient reason for performance issues; did not flag any performance issues previously. Thought I'd be 'happier elsewhere.'" Female worker, aged 29, Los Angeles, CA

No Reason Given

"I was a good and loyal employee. On time, did my job. Supervisor did not like me for some reason. Never gave a reason for letting me go." Female worker, aged 51, Smith County, TX

"I was never evaluated or told that my work needed improvement, nor did the company cite financial reasons." Female worker, aged 49, Cumberland County, ME

Inconsistent Discipline

"I was the only employee terminated for product shortage, even though eight others also worked with the same inventory." Male worker, aged 58, Wilmington, DE

"I was told that employees were only allowed to make a certain number of mistakes of certain sizes while operating the cash register in a given amount of time, and that I had made too many and was being fired with no recourse. I was later told by many other employees of that store

chain that no other manager would have fired me for my mistakes, that they were small, and only my manager would fire people under those circumstances. Other than the three mistakes I'd made, I was the most accurate on the cash register of anybody in the store, including the manager herself, and it wasn't even close." Male worker, aged 42, Stokes County, North Carolina

Health Issues

"I became sick with the stomach bug and they let me go." Female worker, aged 29, Mobile, AL

"I had been on medical leave for several weeks [with] regular updates from my [doctor]. But they were demanding I come back on a certain day even though I wasn't well enough to come back to work yet. If I didn't return, I would be terminated. I was not well enough to return [and] they knew that but terminated me anyway." Female worker, aged 62, Ontario, CA

"[Because] I just had a baby [and] I was bleeding really bad." Female worker, aged 31, Allegheny County, PA

Other Reasons

"They fired me for being left-handed, [which is] legal in Indiana." Male worker, aged 52, Tippecanoe County, IN

"I worked at Kmart and they fired me because I had a lay-away that I didn't pay the minimum on." Female worker, aged 44, Shelby County, TN

"I called to say I might be a few minutes late because of traffic. I got there early, and they fired me for calling in that I might be late." Female worker, aged 36, DeKalb County, GA

"My cash register at American Eagle was off by 20 cents after closing once." Male worker, aged 44, New York County, NY

"I needed to leave to be with a close relative who was dying that day. My employer considered that to be abandoning my job even after I asked to be able to go and a

coworker volunteered to cover for me.” Female worker, aged 43, Honolulu County, HI

“Let go for using previously agreed upon vacation days.” Male worker, aged 43, Los Angeles County, CA

“It was a candy shop, and I followed all the rules and sold a lot of candy. I was told I didn’t ‘fit in.’” Female worker, aged 35, Kings County, NY

“I was fired from an insurance sales job after they found out I had a bankruptcy.” Male worker, aged 42, Johnson County, KS

Pay Issues

“I was let go because I was making too much money due to my seniority.” Female worker, aged 59, Cook County, IL

“My supervisor reached a decision to terminate me, I think, because I was due for a raise in the very near future.” Male worker, aged 58, Pittsburgh, PA

“The employer lied to me and said he fired me because the business wasn’t doing well. The business was doing well but his business associates told him that he was paying me too much.” Male worker, aged 63, New York County, NY

Speaking Up about Working Conditions

“I complained about working 12 hours in 90-degree heat without [a] water break [and] just a half hour lunch break.” Male worker, aged 59, Montgomery County, MD

“When speaking up about breaks and needing adequate breaks as a pharmacy technician, to reduce medication errors, I was terminated for ‘insubordination.’” Female worker, aged 39, Pierce County, WA

“We went from having mandatory overtime of 50 hours per week to 65 hours per week which I found untenable but complaining about it got me terminated.” Female worker, aged 44, McCreary County, KY

“I complained about unsafe working conditions and was fired a few days later for failure to meet quota. He was faultfinding, looking for excuses to fire me, even though I was doing the same work as everyone else.” Nonbinary worker, aged 61, Pima County, AZ

“I worked at a security company, and I worked for 2 weeks straight with no days off, and I asked when was I getting a day off and the owner said I could have the year off.” Male worker, aged 58, Queens County, NY

“I worked for a start-up that required being available 24/7. After I started to push back about work/life balance I was target[ed] by the two owners.” Male worker, aged 44, New York County, NY

“I was recently disciplined for not getting orders ready for customers and instead working with my small 4-person crew in cleaning out the warehouse as it was a safety issue.” Female worker, aged 44, Salt Lake County, UT

Speaking Up about Discrimination and Sexual Harassment

“Employer fired me for reporting his sexual harassment of female employees.” Male worker, aged 36, Mercer County, NJ

“Male supervisor was blatantly berating me in meetings with male colleagues. Employer claimed my behavior was inappropriate after I lodged a discrimination complaint.” Female worker, aged 57, Bucks County, PA

“I was approached by my manager to have sex with him. I declined and two weeks later, I was part of a layoff. I was the highest producing employee, but I was let go.” Female worker, aged 60, Cochise County, AZ

“I reported sexual harassment by a coworker and was not believed, and then fired for ‘leading them on.’” Female worker, aged 44, Madison County, IL

“I spoke up about being sexually harassed and was terminated.” Female worker, aged 38, Limestone County, AL

Speaking Up about Pay and Wage Theft

“Complained about working long hours and [management] refusal to approve overtime. Was told I’d have to accept ‘time due’ by taking extra days off, which was never approved. Written up for insubordination and given warning that next time I’d be fired.” Female worker, aged 46, Cook County, IL

“I worked at McDonald’s for one year and 3 months and I spoke up about low pay and bad work hours etc.” Male worker, aged 22, Ottawa County, OK

“I wanted a pay raise; I was told no and let go.” Male worker, aged 59, New York County, NY

“I cashed my check, then a couple of days later was informed by my bank that there had been insufficient funds to cover my paycheck. I went to my boss and told him the situation and asked that he pay me again so I could repay the bank and to also cover the bounced check fee the bank charged me. He did. Then he fired me.” Transgender male worker, aged 43, Hillsborough County, FL

“They terminated me due to me speaking up on a raise that every worker needed.” Male worker, aged 32, Richmond, VA


“I was told that it was ‘against company policy’ to discuss wages with other employees, and when I asked my supervisor if it was legal to disallow wage discussions, I was reprimanded for insubordination and let go a few days later.” Female worker, aged 42, Miller County, TX

Interactions with Justice System

“My sister was arrested for theft of property from a school where she worked and law enforcement showed up at my job to ask me what I knew about it. I didn’t know anything about it because she didn’t live with me and obviously didn’t call me to brag about stealing from her employer. But I was put on disciplinary action because employees where I worked “should be above suspicion.” I was cleared, not a suspect, and had no further involvement with law enforcement but the disciplinary action wasn’t withdrawn.” Male worker, aged 38, Travis County, TX

“The parole officer kept coming to the job to check on me and the boss said I have too many problems to work for him.” Male worker, aged 61, Bronx County, NY

“Wasn’t allowed to return to job from seasonal layoff after being arrested in off season and not being able to pass background check to be rehired.” Male worker, aged 34, Suffolk County, NY



“ I reported sexual harassment by a coworker and was not believed, and then fired for ‘leading them on.’”

Female worker, aged 44,
Madison County, IL



Appendix B: Methodology

YouGov interviewed 1,625 national respondents who were then matched down to a sample of 1,500 to produce the main data set. In addition, an oversample of 118 Black people and an oversample of 231 New York residents were included to yield an overall combined sample of 1,849. The survey was conducted in English and Spanish. Questions referring to current employment were only asked if respondents indicated they were currently employed and not currently self-employed ($n=1578$). The frame for the main data set was constructed by stratified sampling of people aged 18 to 64 who were employed, temporarily laid-off, or unemployed from the 2020 Current Population Survey (CPS) Sample, with selection within strata by weighted sampling with replacements (using the person weights on the public use file). The matched cases were weighted to the sampling frame using propensity scores. The matched cases and the frame were combined, and a logistic regression was estimated for inclusion in the frame. The propensity score function included age, gender, race/ethnicity, education, urbanicity, and region. The propensity scores were grouped into deciles of the estimated propensity score in the frame and post-stratified according to these deciles.

The weights were then post-stratified on 2016 and 2020 presidential vote choice, a two-way stratification on region (4-categories) and race (4-categories), a four-way stratification on urbanicity (3-categories), age (3-categories), race (4-categories), and education (4-categories), and a four-way stratification of gender, age (3-categories), race (4-categories), and education (4-categories) to produce the final weight.

In addition, the two oversamples were weighted and post-stratified—an oversample of 118 Black people and an oversample of 231 New York residents. The two frames used for these were subsets of the main CPS frame. The Black oversample and the respective frame were combined, and a logistic regression was estimated for inclusion in the frame. The propensity score function included age and gender. The propensity scores were grouped into deciles of the estimated propensity score in the frame and post-stratified according to these deciles.

The weights were then post-stratified on 2016 and 2020 presidential vote choice, a stratification on education (4-categories), two-way stratification on gender and age (3-categories), and a three-way stratification of gender, age (3-categories), and education (4-categories). The ultimate step was a raking of education (3-categories) to produce the final weight.

The New York oversample and the respective frame were combined, and a logistic regression was estimated for inclusion in the frame. The propensity score function included age, gender, and race. The propensity scores were grouped into deciles of the estimated propensity score in the frame and post-stratified according to these deciles.

The weights were then post-stratified on 2020 presidential vote choice, a stratification on education (4-categories), a three-way stratification of gender, age (3-categories), and education (4-categories), a three-way stratification of gender, age (3-categories), and race (4-categories) and a two-way stratification on race (4-categories) and education (4-categories) to produce the final weight. These three weighted samples were then combined to create a sample of 1,849 respondents.

The same CPS frame that was used for the main sample was used for weighting. The weights from the combined sample were post-stratified on 2016 and 2020 presidential vote choice, a stratification on race (4-categories), a stratification on NY residency, a two-way stratification on region (4-categories) and race (4-categories), a two-way stratification on urbanicity (4-categories) and race (4-categories), and a four-way stratification of gender, age (3-categories), race (4-categories), and education (4-categories), to produce the final weight.

All differences reported are significant at the 0.05 level.

» Endnotes

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⁴ “Seattle rideshare drivers gain legal protections from wrongful termination,” *King 5*, July 1, 2021, <https://www.king5.com/article/news/local/seattle/seattle-rideshare-drivers-legal-protections-wrongful-termination/281-d289fe9b-2d87-42d1-b8f1-48412f660971>;

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⁵ See Fair Work Act 2009 (Cth) s 387 (Austl.); KSchG § 1(2) (Ger.); Unfair Dismissals Act 1977 § 6(4) (Ir.); Labor Contract Act, art. 16 (Japan); Employment Rights Act, c. 18, § 98 (Gr. Brit.).

⁶ Personal interview with author, August 20, 2022. Claire Tapia is a member of the organization Centro De Trabajadores Unidos En La Lucha.

⁷ Personal interview with author, September 20, 2022. Adriana is a member of the organization Make the Road New Jersey.

⁸ Eliza Forsythe, “COVID-19 recession and ensuing economic recovery reveals why Unemployment Insurance fails to reach marginalized U.S. workers” Washington Center for Equitable Growth, July 13, 2022, <https://equitablegrowth.org/covid-19-recession-and-ensuing-economic-recovery-reveals-why-unemployment-insurance-fails-to-reach-marginalized-u-s-workers/>.



www.nelp.org

NELP National Office

90 Broad Street
Suite 1100
New York, NY 10004
212-285-3025 tel

Washington DC Office

1350 Connecticut Avenue NW
Suite 1050
Washington, DC 20036

California Office

2030 Addison Street
Suite 420
Berkeley, CA 94704