

# I lost my job. Do I have rights?

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Learn tips on how to protect your rights if you recently lost your job. This can help you figure out if your employer might have done anything illegal. It can help you determine if your employer owes you anything or if you owe your employer anything.

## **1. Basics**

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When an employee loses their job, it can be called many things including being **fired**, **discharged**, **terminated**, or **laidoff**. These situations are **different** from when an employee quits or retires.

### **What is constructive discharge?**

Constructive discharge is when your working conditions become so intolerable because of discrimination or harassment that you are forced to quit. Courts and agencies treat constructive discharge more like being fired because the unfair treatment **forced** you into quitting. Constructive discharge

**is a legal claim** that your lawyer can make for you if you were forced to quit because of discrimination at work. Just because you weren't fired and were forced to quit instead, doesn't mean you don't have rights.

## **What if I was discriminated against at work?**

**Employment discrimination** means your employer or prospective employer treated you unfairly in a way that breaks (violates) federal, state, or local law. Many kinds of behavior at work might be wrong or unfair, **but** to qualify **legally** as discrimination, the treatment must be related to a certain "protected status." A **protected class or status** is a **legally** protected characteristic.

A **protected class** is a group of people with a specific characteristic, like age, sex or gender (including pregnancy, gender identity or sexual orientation), race, religion, veteran status, disability, and so on. People who have a protected status can't be targeted for discrimination **because of** that characteristic. Most discrimination laws include a list of the protected classes they cover. **Federal law and state law can have different protected classes.**

To be qualified as employment discrimination, the unfair treatment **must**:

- Be based on a protected status **or**
- Have a disproportionate negative impact on one of the protected groups

An **employer might be able to excuse certain unfair practices** that are job-related and necessary for the operation of the business.

Employment discrimination protections apply to applicants for jobs as well as employees, former employees, and trainees or apprentices. Read our guide about employment discrimination () to learn more.

## What is retaliation?

Retaliation is when your employer punishes you or treats you negatively because you made a claim of discrimination to HR, your union, other managers, the courts, or one of the reporting agencies. Retaliation can also happen to witnesses, workers that oppose discrimination, or other workers who participate in a discrimination investigation.

Retaliation is prohibited under both state and federal law. Read our [guide about retaliation](#) at work to learn more.

## What if I was sexually harassed at work?

Sexual harassment at work is a specific kind of mistreatment that can have legal consequences for your employer. Not all sexual harassment is **discrimination** but **some treatment** can be both sexual harassment **and** employment discrimination. It can be complicated to figure out if what you experienced would be considered **legal** sexual harassment. Read our [guide about sexual harassment](#) to learn more about what **legally** qualifies as sexual harassment and how to make complaints about it.

## 2. What to do first

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When you lose your job, there are things you should do right away.

- **Find out why you were let go.** Send your employer a dated written request by certified mail. By [law](https://app.leg.wa.gov/wac/default.aspx?cite=296-126-050) (<https://app.leg.wa.gov/wac/default.aspx?cite=296-126-050>), your employer must respond within 10 days with a letter stating why they let you go.
- **Talk to a lawyer**, if you can.
- **Act fast.** Many employment laws have strict deadlines and time limits, called “statutes of limitation.” Some deadlines will only be within 90 days after losing your job. If you don’t act by the required deadlines, you can lose your rights to make a claim. [A lawyer](https://welalaw.org/) (<https://welalaw.org/>) can help you figure out which time limits apply to you.
- **Figure out if your employer owes you anything.** Your employer could [owe you wages](#) or other benefits when you are let go. If you are owed something, act right away to start getting what is owed to you.

### 3. Unemployment

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You **might** be able to get unemployment benefits if the employer fired you for a reason that isn’t your fault. Your unemployment benefits will equal a percentage of the pay you got when you were employed, for a **limited** time.

[Filing an unemployment claim](#) isn’t hard, but you must **do it right away** after your termination. Read the Unemployment Law Project’s [What to Do After Termination](#) (<https://unemploymentlawproject.org/what-to-do-after-termination/>) to learn more.

## 4. Find a lawyer

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### Should I talk to a lawyer?

**Maybe.** Even if you don't file a lawsuit, you should talk to an employment lawyer to help you:

- **Understand** your rights.
- **If you aren't getting the information that you need from the employer.** The employer might cooperate more once a lawyer is involved.
- **If you think the employer is giving incorrect or untrue information.** An employer may pretend they're letting you go for one reason. But they in fact have another reason, one that might be illegal. When an employer gives a fake reason to cover up bad or illegal behavior, that is called "**pretext**". Without a lawyer's help, it may be hard to get the facts to figure out what reasons are pretext and if your employer violated your legal rights when it let you go.
- **If your claim involves action you took with other employees:** If you take some kind of action about a workplace issue with another employee or a group of other employees, **that is called a "concerted action"**. If you believe you were fired because you took concerted action over workplace issues, contact the National Labor Relations Board (<https://www.nlrb.gov/>) (NLRB). They can investigate whether your employer has violated the National Labor Relations Act. If so, the NLRB lawyer will try to reach a settlement. They may take the case on your

behalf before the Board. You may get your job back plus back pay.

- **Suing the employer:** If the employer has violated your rights, you can sue to get your job back or recover damages for the harm you've suffered. You shouldn't make this decision lightly. Most lawsuits settle without trial, but after a year or more of effort and legal process. Winning may be hard. **You must prove your termination was illegal to win.**
- **If you do file a lawsuit,** the employer can get lots of personal info about your finances, medical history, and family relationships. If a court decides your claim is frivolous, you might have to pay some of or all the employer's legal fees. If you think you want to sue the employer, contact a lawyer (<https://welalaw.org/>) as soon as possible to study your case, make a plan, and file a lawsuit within the time limits. You must give the lawyer **all** the facts.

## **How do I find an employment lawyer?**

To find an employment lawyer in your area, use the Washington State Bar Association's (WSBA) Legal Directory (<https://www.mywsba.org/PersonifyEbusiness/LegalDirectory.aspx>). You can choose search options for your results that can include:

- Your county, city, or area
- What kind of lawyer you need (you could choose Employment, Civil Rights, or Labor in the "Practice Area" dropdown menu)
- If you need a lawyer with specific community expertise, you can also choose that in the "Practice Area" dropdown menu (like Disability, LGBTQ, Military, or Workers Compensation)

- If you need a lawyer that speaks a language other than English, you can filter for that

Try to talk to a lawyer (<https://legalvoice.org/how-to-find-a-lawyer/>) well before your deadline to file anything. A lawyer needs time to evaluate your claim and prepare the paperwork.

Before hiring a lawyer, learn how the lawyer will be paid (<https://legalvoice.org/working-with-a-lawyer/>) and how much the lawyer charges. Ask what costs you'll be charged on top of the lawyer's fee.

### **You can also use employment lawyer directories:**

- The Washington Wage Claim Project (<https://wageclaimproject.org/>) (specifically for wage and hour violations)
- Washington Employment Lawyers Association (<https://welalaw.org/>)
- National Employment Lawyers Association (<http://exchange.nela.org/network/findalawyer>) is a national professional organization of lawyers who represent employees.
- Workplace Fairness (<http://www.workplacefairness.org/find-attorney>) has an Attorney Directory that includes lawyers who represent workers.

## **5. Employer obligations**

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Depending on your situation, your employer could owe you:

- **A final paycheck.** Your employer must promptly pay you all wages or salary owed to you, including overtime. It's due on your regularly scheduled payday. Depending on their policies, you may also be owed vacation, sick or other Paid Time Off (PTO) leave. Your final paycheck could be protected from certain deductions (<https://app.leg.wa.gov/wac/default.aspx?cite=296-126-025>) for specific debts you might owe as long you signed written agreements or otherwise authorized the deductions.
- **COBRA.** If you used the employer's medical plan, the federal COBRA Act (<http://www.dol.gov/general/topic/health-plans/cobra>) generally lets you keep that coverage for at least 18 months. The employer must tell you about this option. You must choose to keep coverage under COBRA within 60 days of losing your job. Usually, COBRA costs the full cost of the premium, plus 2 percent. You must pay all of it even if your employer used to pay part of or all of the premium.

Contact your employer right away if you don't get what you need to sign up for COBRA coverage when you lose your job. You must meet the time requirements set by COBRA **and** the employer's medical plan.

- **HIPAA.** If you took part in the employer's medical plan, the plan usually must give you a certificate of health coverage after your job ends. You may need this certificate when you start a new job, to avoid health benefit restrictions there. Ask for this certificate **right away after losing coverage under the old plan**, when your COBRA coverage ends, or when you start a new job.

- **Benefit payments.** If you got medical care while employed, and your employer's medical plan covered it, the plan must reimburse you even though you are now unemployed. Follow the plan's procedures **carefully**. You must appeal any failure to pay benefits right away. Your summary plan description should help you understand your rights under the plan. If you don't have a copy of the summary plan description, ask the HR department for a copy right away.
- **Severance pay.** The employer may have had a severance pay program. Check your employment agreement, employee handbook or employer policy materials.
- **Retirement benefits.** If you took part in the employer's retirement plans, you generally keep certain rights under those plans after termination. Check your summary plan description or contact the HR department.
- **Contractual obligations.** If you had an employment agreement, it may give you certain rights after your termination. Read it carefully. Make sure the employer is giving you everything the agreement says. Think about talking to a lawyer (<https://welalaw.org/>) if the employer is breaking the law or the obligations of the agreement.
- **References.** By law, your employer can't say things about you that aren't true and cause you harm. It may not interfere with your new job search. Employers generally **can** share **truthful** information about you when asked for references.

## 6. What employees could owe

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You could owe the employer something, depending on whether your employer has certain agreements or policies.

## Employees' obligations

You might have to meet certain obligations depending on your situation, including any of these:

- **A period of time** before you take a new job with a competitor, if you signed a valid and legal non-competition agreement with your old employer.
- **Returning property or equipment** the employer provided for your work.
- **Other considerations** that may appear in your contract.

**You don't** have to give up your right to sue your employer for wrongful termination. If the employer offers you **extra** benefits or severance pay in exchange for a "**Release of Claims**," you don't have to sign. Certain types of nondisclosure agreements are also void and unenforceable.

- **Preventing further damages.** If you plan to sue for illegal termination, you may have to prove you've been looking for a new job. Make copies of resumes you send out. Keep a list of places you apply to. Without proof that you've been looking for work, a court judge award you less.
- **Confidentiality.** You may be bound by a policy that keeps you from revealing the employer's trade secrets, customer lists, marketing plans,

and so on. The policy might be in an agreement you signed, an employee handbook, or a conversation with your manager. If you reveal confidential info, you may have to pay the employer damages.

- **Non-compete and non-solicitation limitations.** Your employment agreement may say you can't compete with the employer for business or solicit its employees or customers. Such provisions are legal in Washington (<https://app.leg.wa.gov/RCW/default.aspx?cite=49.62.020>) if reasonable and needed to protect the employer's legitimate business interests. If you need help determining if a non-compete agreement is reasonable or valid under the law, talk to a lawyer (<https://welalaw.org/>). If you violate these provisions, you may have to pay the employer damages. But Washington courts won't enforce an agreement that unreasonably interferes (<https://agportal-s3bucket.s3.us-west-2.amazonaws.com/2025NonCompeteFAQ.pdf?VersionId=nK.iUoSgGsdEuZs9fXnV8r42aeg>) with your ability to work in your profession or make a living if you make less than a certain income (<https://www.lni.wa.gov/worker-rights/workplace-policies/non-compete-agreements>).
- **Avoid defamation.** If you make **harmful and false** statements about the employer, its products, or employees, you may have to pay the employer damages.

Reread your employment agreement, employee handbook or any other policy materials. If you still have questions, contact your former supervisor, the employer's HR department, or a lawyer (<https://welalaw.org/>).

## 7. If your employer violated your rights

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If you believe your employer violated your rights or illegally let you go, you may have to do these:

- **Arbitration.** A neutral third party will make a decision instead of the court. The employer's policy or your employment agreement may require arbitration.

Some types of arbitration clauses aren't enforceable (they can't make you do it) in Washington. Talk to a lawyer. Find out if you must, or should, arbitrate your termination issues.

- **A grievance procedure**, if there's a collective bargaining agreement like a union contract. Talk with a union representative right away. Follow the procedure to avoid losing your rights. Make sure you understand it.
- **If your claim involves illegal discrimination**, you can sue in state court and file complaints with state or federal government agencies. **There are time limits for reporting discrimination**, once you have lost your job. [Talk to a lawyer \(https://welalaw.org/\)](https://welalaw.org/) right away. Read [our guide about employment discrimination](#) to learn more.
- **Enforce your rights** with or without legal help. You may have to advocate for yourself and follow up repeatedly with your former employer to get what is owed to you. Don't give up. Be persistent and consistent.

## 8. Types of employment relationships

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To understand if your termination was legal, you must know what kind of relationship you had with your employer. You must figure out what kind of relationship you had to determine if any protections apply to you.

In Washington State, most employees are hired **at will**. That means your employer can fire you any time, for any reason.

**Some employees** have individual written or implied employment agreements. **Union workers** may have collective bargaining agreements. **Public employees** may be protected by state laws, local laws, or regulations.

To figure out your employment relationship, look at:

- Any letter you got inviting you to apply for the job or offering you the job
- Any new-employee orientation materials or employee handbooks they gave you
- Any contracts or agreements you signed
- Any union contracts or laws and regulations that apply to your job
- Your personnel file – you can get it from your employer's human resources (HR) representative

If you have questions about your employment relationship, ask the HR representative.

The HR representative may see things from the **employer's** viewpoint, not yours. If you think your employer has illegally fired you, talk to a lawyer (<https://welalaw.org/>).

## 9. At will employees

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If you're an at will employee, an employer can usually fire you at any time, for any or no reason. An employer doesn't have to give you advance notice of termination. There are 3 exceptions to this:

1. You and your employer changed your rights by entering into an agreement like an Individual Employment Agreement, Implied Employment Contract, or Collective Bargaining Agreement. Even then, the employer can still usually fire you for "just cause." This means a "fair and honest reason." Examples of just cause for firing include having or using drugs or alcohol at work, absenteeism, theft, incompetence, failure to perform your duties, and lying.
2. Your employer fired you for illegal reasons or reasons that are against public policy. Any terminations based on discrimination or other illegal treatment can't be excused using just cause. Our guide about employment discrimination explains more about this.
3. Your employer is a large company, and a special situation like a plant closing or mass layoff requires it to give you advance notice of termination.

## 10. Employment contracts and agreements

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If you had a written individual employment agreement, it may say when and why the employer can fire you. It may state how much notice you must get, and if your employer must impose other discipline before it can fire you. It may list procedures you and the employer must follow before and after termination. It may grant you certain rights if fired.

Read your agreement and any documents it mentions carefully. If you have questions, talk to your HR representative or get help from a lawyer (<https://welalaw.org/>).

### What is an implied employment contract?

Even if your employer says you're an at will employee, any written statements in employee or supervisor handbooks, orientation materials, policy manuals, and so on, may be "implied" employment contracts. Since your employer gave you these, you can rely on the employer to do what the materials say, even though it isn't an official contract.

- **Example 1:** John's employee handbook says, "You will be fired only for good cause," or "You will be fired only after you've progressed through each step in the discipline process." This could mean John's employee handbook is an implied contract.
- **Example 2:** John's handbook says, "*Generally* the employer will follow the discipline process," or "*generally*, you will be fired only for good cause." John's employer may be able to treat him like an at-will employee.

Verbal promises may create an implied contract. **Example:** Jill's supervisor or an HR person told her at hiring that she wouldn't be fired **without** good cause. That could be an implied contract. In court, Jill must show she relied on this statement when she decided to take the job.

If you have an implied contract, its terms may depend on how the employer enforces its policies with other employees. "Good cause" can mean different things to different employers. **Example:** Marie's employer doesn't care if Marie swears on the job. Paul's employer considers that good cause to fire an employee.

## 11. Illegal terminations

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No matter who your employer or what your relationship is, your employer can't fire you for a reason that's against the law. It's generally **illegal** for your employer to fire you for any of these reasons:

- You refused to take a lie detector test. (Note: some jobs can require this test.)
- You refused to take an HIV or Hepatitis C test. (Note: state law requires these tests for certain jobs.)
- You tried to take reasonable meal or rest breaks during the workday.
- You missed work because you served on a jury or voted.
- You missed work because you took Family & Medical Leave.
- You are, or the employer believes you are, a victim of domestic violence, sexual assault, or stalking.

- You didn't pay child support, or your employer had to deduct support payments from your wages.
- You filed for bankruptcy.
- You made a complaint with your employer or government authority about how much you get paid.
- You tried to organize a union.
- You tried to oppose, report, or take part in a harassment or discrimination investigation.
- You refused to commit an illegal act for your employer.
- You reported illegal activity or misconduct by your employer ("whistle blowing").
- You reported safety violations or otherwise acted to protect your safety or others' at work.
- You exercised a legal right, such as filing for worker's compensation.
- You performed a public duty, such as saving a human life.

If your employer had 8 or more workers on payroll, **it's illegal if your employer discriminated against you** based on any of these:

- Your disability or use of a service animal.
- Your age (40+), sex, gender, race, color, religion, marital status, sexual orientation, gender identity, pregnancy, or political activity.
- Your military status or because you are an honorably discharged veteran.
- Your citizenship or national origin. It's illegal for employers to hire undocumented immigrants or to discriminate based on immigration status. Immigration laws are complicated. Talk to an immigration lawyer (<https://www.ailalawyer.com/>) if you think this type of discrimination happened to you.

This isn't a complete list of protections for workers. Read our [guide about employment discrimination](#) to learn more.

### **It's also illegal if you felt you had to quit because the employer**

deliberately made your working conditions so bad that a reasonable person would have felt they had to quit. When that happens, it is called "constructive discharge". **Example:** You experience severe or frequent sexual harassment at work that your employer refuses to stop, even after you gave notice about it. It's so bad that you must quit your job.

## **12. Unions**

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If you were in a union at work, your union contract (called a Collective Bargaining Agreement) says when your employer can fire you. Some union contracts have a "just cause" provision, meaning that your employer must have a reason for firing you. Most union contracts have a "grievance procedure" you must follow to challenge your employer's decisions.

Your union rep must help you understand your rights under the collective bargaining agreement. The union rep must represent you if you believe your employer violated the agreement. Contact your union rep as soon as possible. You may lose your rights if you don't file a grievance within days of your termination. If you think the union isn't properly representing you, talk with a higher-level union representative or [a labor lawyer](https://welalaw.org/) (<https://welalaw.org/>).

## 13. Government employees

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If you worked for the government, specific laws, regulations, and personnel manuals may limit reasons your employer can fire you. Government employees usually must follow special processes for reporting violations made by their employers. The special rules could set out procedures your employer must follow and procedures for you if you object. Talk to your HR representative or a lawyer (<https://welalaw.org/>).

## 14. Independent contractors

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Your legal rights related to being fired differ depending on whether you're an employee or an independent contractor.

In deciding whether you legally qualify as an independent contractor, judges and agencies don't rely on your title alone. They mostly look at other factors to determine out how much control the employer has over your job. The **more control** the employer has, the more likely it is that you're an employee instead of a contractor. If you are paid as a contractor but have little control over your daily job, work decisions and work assignments, then a court might consider you to be more like an employee than an independent contractor.

Even if you're an independent contractor, the Washington Law Against Discrimination (WLAD)'s broader protections from employment discrimination **might** still apply to you. This means you **could still** sue your employer in

**state** court **if** the protections do apply to your situation.

It can be hard to determine whether WLAD applies to independent contractors depending on the situation. If you are an independent contractor who experienced discrimination or a wrongful termination, contact the Human Rights Commission ([https://wahum.my.site.com/FileaComplaintOnline/s/?language=en\\_US](https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US)) (HRC) and talk to them about your situation to confirm that state protections **would** apply to you. You can call the HRC at 1-800-233-3247 then choose option #4.

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