

The Bullied Employee: Will Quitting Allow for Unemployment Benefits?

March 9, 2021 | by Einhorn Barbarito

When an employee is harassed by a supervisor, it can be hard for the employee to evaluate the pros and cons of quitting the position. The financial toll of quitting might be eased by receiving [unemployment benefits](#), but the question is whether the employee would even be eligible for unemployment benefits. In New Jersey, workers who leave their jobs for personal reasons or who are fired may not be eligible for unemployment insurance benefits.

According to the standards of the Department of Labor and Workforce Development, if an employee quits a job without "good cause connected with the work," he or she may not be eligible to receive unemployment benefits.

What Is Considered “Good Cause” for Unemployment Insurance?

"Good cause connected with the work" means that the reason for leaving must be directly related to the employee's job and be so compelling that the employee had no choice but to leave the job. If, for example, the employee leaves the job for personal reasons such as moving from the area or pursuing a new career path, the reason for quitting is *not* connected with the work.

An employee who is dissatisfied or unhappy with the terms or conditions of his or her employment in general would not meet the “good cause” standard. However, an employee who is subjected to intentional harassment likely would meet the “good cause” standard. If the employee can prove that the work conditions were so unhealthy or dangerous as to characterize the departure as involuntary, or if the harassment has caused or exacerbated a medical condition, the standard may be met.

How Do I Show “Good Cause” for Quitting a Job?

To satisfy the criteria required for collecting unemployment benefits, an applicant must 1) file a claim, 2) be able to work, 3) actively seek and be available for work, and 4) not refuse an offer of suitable work, and 5) satisfy an earnings requirement.

Applicants for unemployment may be disqualified in certain circumstances. An employment attorney will review these circumstances to ensure that they do not apply:

1. Voluntary termination of employment;
2. Misconduct;
3. Failure to apply for or accept suitable work;
4. Receipt of remuneration in lieu of notice (for example, a severance package); and
5. Fraud.

The process for determining “good cause” involves a fact-finding interview with a claims examiner to determine whether the employee is entitled to benefits based on the law and policies of the state.

What is Constructive Discharge?

Constructive discharge is an exception to the forfeiting of unemployment benefits upon voluntarily leaving a position, and it means that due to a hostile work environment, the employee was effectively forced to resign for reasons of self-protection. This claim is akin to a form of [wrongful termination](#), and as such the employee will need to prove the details of the work conditions. It is advisable to collect the documentation needed prior to resigning; that documentation may include relevant emails, the employee handbook, and proof that reasonable efforts were taken to try to keep the position and address the problem including notification to the employer or HR department of the hostile work environment.

As is often the case with employment matters, the details are unique to each person and should be discussed with an [employment lawyer](#) in order to understand the legal issues before making any decision to resign.