Wrongful Termination

Wrongful Termination and Wrongful Discharge Attorneys in New Jersey

If an employer discharges or fires an employee in a manner that violates his or her rights, it can constitute "wrongful termination." In New Jersey, wrongful termination claims can be challenging because New Jersey has adopted the legal concept of "employment at will." Employment at will means that when there is no employment contract or legal entitlement (such as teacher tenure), the term of employment is indefinite, and both the employee and the employer have the right to terminate the employment relationship for any reason (other than one that is discriminatory) or no reason at all.

For example, if a company fires an employee because of the employee's race, gender, national origin or other characteristic protected under the law, this is an exception to the employment at will doctrine and is illegal discrimination. In contrast, if an employer dismisses an at-will worker for no reason at all or just because he or she does not like the employee, this may be "unfair," but it is not illegal.

However, if there was an employment contract in place and the employer dismissed the employee in breach of the terms of contract, the dismissal may constitute a wrongful termination. Additionally, whistleblowers, employees who complain about or object to harassment or other illegal activities, or those who participate in a workplace investigation are protected from retaliation. If an employer fires an employee for these types of activities, the employee may have a wrongful discharge claim.

If a claim for wrongful termination is successful, the employee may be entitled to recover a number of different damages under New Jersey law, including:

- Lost wages
- Injunctive relief in the workplace
- Punitive damages

- Reinstatement of benefits and position
- Attorney's fees and court costs
- Compensation for emotional stress

Experienced New Jersey Employment Lawyers

The employment attorneys at Einhorn Barbarito have substantial experience advising clients on wrongful termination and employment at will matters throughout the State of New Jersey. Our lawyers work with employers to help prevent wrongful discharge claims and we defend employers when these types of claims surface. We also represent employees who have been wrongfully terminated, for any number of reasons.

Our firm is unique in that we represent both management and labor. This approach helps us to better understand the positions of both parties in a manner that maximizes the success of our client, whether employer or employee. In each wrongful discharge matter that we handle, our attorneys undertake a thorough analysis of the case, recommending the best course of action for our client. These cases are very fact-driven and are best handled by lawyers who are skilled in handling wrongful termination claims in New Jersey.

If you are an employer facing a wrongful termination claim, or an employee who believes that your termination of employment may have been illegal, we encourage you to schedule a consultation with our Employment Law Practice today. Einhorn Barbarito' New Jersey wrongful termination lawyers handle wrongful terminations and other employment matters throughout the state. Contact our law offices today by calling 973-627-7300.