

My boss fired me for an unfair reason. Can I sue for wrongful termination?



Information for workers in Texas

In Texas, there is no general claim for “wrongful termination.” Your boss cannot fire you for an illegal reason, but there are many unfair reasons (for example, favoritism) that may not be illegal. Under Texas law, in many situations, an employer can fire you or refuse to hire you for any reason or for no reason at all, as long as the firing or non-hiring is not for an illegal reason. This is known as “**at-will**” employment. However, you still might be able to get unemployment if you are fired for an unfair reason that is not illegal (see below).

Ok, so what kinds of firings are illegal?

You may have a claim against your employer to try to get your job back (and other damages) if, for example:

- you are fired because of discrimination based on your **race, sex, religious preference, ethnicity, national origin (including language), age, or disability** (for info, go [here](#));
- you are fired for reasons related to your **pregnancy**;
- you are fired because you will not submit to **sexual advances or harassment** (go [here](#));
- you are fired in **retaliation for complaining about your rights** under employment laws such as minimum wage, overtime, medical leave, discrimination, workers’ compensation, workplace safety laws, etc.;
- you are fired for taking **sick leave, maternity/paternity leave, time off to adopt a child, or time off to help take care of a seriously ill close family member** (if you are covered by the law that allows for this time off);
- you are fired for **refusing an order to do something illegal**;
- you are fired for **jury duty** or because you gave **testimony** at a court or administrative hearing;
- you are fired for **discussing your working conditions**, pay or salary with co-workers, or for asking that coworkers’ terms and conditions of employment be improved (go [here](#));
- you are fired for joining or trying to form a **union**;
- you have an offer for employment for a certain period of time or have an **employment contract** (like a union contract) that lists the reasons you can be fired;
- you work for the **federal, state, or local government** and are fired without the opportunity to dispute the reason for firing;
- you work for the federal, state, or local government and are fired for “**blowing the whistle**” on illegal activity;
- you are fired for reporting child abuse or neglect;
- you are a **healthcare worker** fired for reporting unsafe or unlawful conditions.

If you are in a workplace with a union, your union contract probably contains other rules that restrict the employer’s ability to fire workers.

These are not all of the terminations that may be illegal, but these are typical examples. If you believe you’ve been fired illegally, you should contact a lawyer immediately for advice. Some of

these protections apply to only certain employers or certain employees, and deadlines to file a claim to try to get your job back can be very short.

If I'm not fired for an illegal reason, do I have other rights?

Even if you weren't fired for an illegal reason like one of the reasons listed above and don't have a right to get your job back, you may still qualify for unemployment benefits. You can apply for unemployment benefits with the Texas Workforce Commission (TWC). The TWC can't help you get your job back, but you may be entitled to monetary benefits for a period of time while you look for a new job.

If your boss fired you for something that was not your fault or for an unfair reason, you will probably qualify for unemployment. In order for you to qualify for unemployment benefits, the TWC will need to decide that either: 1) you were fired, but **not for misconduct** (intentional bad behavior); or 2) you quit with "good cause." In general, it is harder to qualify for unemployment benefits if you quit. However, if you lost your job because of sexual assault or a health condition, for reasons related to the COVID-19 pandemic (for pandemic unemployment info, [go here](#)), or for another very good reason, you may be eligible.

For more information on unemployment benefits, see [TRLA's fact sheet on unemployment benefits](#).

What if I lost my health insurance because I lost my job? Click [here](#) for information on insurance options.

Note: this information is not legal advice. For free, confidential advice and information, contact Texas RioGrande Legal Aid at 888-988-9996.