

# Employment at will: laws and ethics assignment

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After going through the court process, Milton had lost his case. The state of Maryland provides a law for “ wrongful discharge” for all employees who believe they were wrongfully terminated because they performed their “ statutorily prescribed duty. ” unfortunately in Milton’s case, he was an exception. The law says that it was never his (Dry. Milton’s) responsibility and he would have never been a liability for those claims, which simply means he never had a specific legal duty to make these claims.

During the totality of this case, the court had stated that If Dry. Milton would have won the case. It would have for sure opened a “ Pandora’s box” In which many more corporate executives would have been put under fire over similar disagreements between the employer and their workers over a multitude of business practices. In my opinion, I would concur with this statement made by the judicial system. If Don Milton was to have won his case, every employee in the U. S. That would bring a case against their employer could potentially win, and even use this case as a plausible defense. Being “ employed-at-will” In my opinion, goes both ways, and by Milton winning the case could open up all sorts of doors for workers to make claims that they were wrongfully terminated/dismissed. After reviewing Montana’s “ Wrongful Discharge from Employment Act” found in our textbook, I do not believe that Dry. Milton would have fared well under this Act either.

Under the “ exemptions” portion of this Act, it states, “ these statutes include those that prohibit discharge for filing complaints, charges, or claims” (Halberd ; Inguinal, 2012, p. 58). If these exemptions would not have been Included, Dry. Milton could have most likely won his case under the Wrongful Discharge from Employment Act since it would not have allowed the IT

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Research Institute to discharge him from his employment for filing those charges against them while he was still employed.

If under this act they were able to claim these (without exemptions), this could also create a possible “Pander’s box” if you will. Another law to be discussed is the SOX law (or the Sarbanes-Oxley Act) “Sarbanes-Oxley Act” protocols any public company that falsifies or conceals information against any employee who lawfully provides information or otherwise assists in an investigation of conduct that the employee ‘reasonably believes’ constitutes a violation of the federal securities laws” (Halberd ; Inguinal, 2012, p. 3). The reticular term that should be evaluated in this law is, “reasonably.” While the definition of this law does state that employees are protected against discrimination, it is within reason. Further on in the text, this case uses Ms. Watkins lawsuit as an example. Being that she was an accountant for Enron, she had factual reasons to make the statements and claims that she did, and therefore won her case. In Dry. Million’s case, I do not believe that he would be protected under this law either.

While he did have somewhat of an inkling as to what was going on within the company, he did not work in any department that dealt with this type of company information and was therefore only making his case based off of assumptions. According to the SOX Act, this would not be found as a “reasonable” action to make this report to officials. In some situations, employees may sue their employers for wrongfully discharging them against the “public policy.” Public policy can be defined as, “dismissal that undermines what is beneficial to society in general” (Halberd & Inguinal, 2012, p. 51).

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There are many situations where these tort laws provide protection against wrongful discharge in some situations including but not limited to, workers compensation claims, sexual harassment claims, employees who report environmental or workplace safety claims, as well as race, national origin, color, religion, sex, age, or disability. According to these laws, employees would be awarded for their damages if their former employers used retaliation or discrimination based on any of these situations. References Halberd, T. & Inguinal, E. (2012). Law & Ethics in the Business Environment. (7th ed. ). Mason, OH: South-Western Cengage Learning.