

# Employment at will doctrine assignment

Sociology



Law, Ethics and Corporate Governance Prof. Charles E. Wilson Employment at will doctrine is a doctrine of American Law that defines an employment relationship in which either party (employer and employee) can immediately terminate the relationship at any time with or without any advance notice and with no subsequent liability, provided there was no express contract for a definite term governing the employment relationship and that the employer does not belong to a collective bargaining group.

In USA, any hiring is presumed to “ at will” that is the employer is free to discharge individuals for good cause or bad cause or no cause at all and the employee too is equally fit to quit, strike or otherwise cease work. In this assignment, we have some cases/incidents that faced by the highest authority of a company after his appointment and need to take actions/decisions on those incidents. Case 1: John posted a rant on his Facebook page in which he criticized company’s most important customer.

In this case John’s action of posting a negative statement on Facebook is truly unprofessional and unethical. According to the National Labor Relations Board, criticism by the employee over social network site is a protected activity that employers should not violate by punishing workers for such statements. Hence it prohibits employers to retaliate against employees for will surely have impact on the operation of the company. To limit the liability and impact on the company as a COO, I would simply arrange a workshop on the code of ethics and conduct for the individuals working in the company.

Case – 2: Jim sent an mail to other salespeople to protesting a change in commission schedules and bonuses suggesting everyone boycott the next

sales meeting. Being an internal issue within the company, as a COO I will talk to Jim in person and issue a letter to him to show cause why he did such actions towards destruction of organization's discipline. I will also issue a notice to everybody to keep under organization discipline otherwise taking disciplinary actions to those employees who will break the order.

Case – 3: Ellen started a blog to protest the CEO's bonus, noting that no one below director has often raise in two (2) years and portraying her bosses as “know nothings” and “out – of- touch”. These all issues like CEO bonus, appointment of higher authority are parts of management decision. These are not a part of Ellen's concern. I will warn Ellen verbally not to do anything which is not within the scope or authority of her Job. If she keeps going with the same gesture or attitude, I will fire her to restore the chain of command within the company.

Case – 4: Bill has been using his company-issued Black Berry to run his own business on the side- It is a matter of ethics. As a COO, I will initially warn Bill to do such activities which is not ethical on moral perspective. If he fails to follow the rule I will cut off the facility. Case – 5: The secretaries in the accounting department decided to dress in black and white stripe to protest a memo announcing that the company has installed keylogger software on all company computers.

It is company's sole authority to introduce or install new software or program for achieving their business goal. Being an employee, you can or cannot like it. You have the right to protest it within the rules of company guidebook. If it permits to demonstrate by dressing black and white stripe to protest, you

can do that. Being a COO, I must address a notice mentioning the company's position regarding the issue and will warn those employees not to do such things which may lead to termination due to violation of company memorandum.

Case- 6: After being disciplined for criticizing a customer in an email (sent from his personal email account on a company computer), Joe threatens to sue the company for invasion of privacy. First of all, being a representative of a company, it is not a private issue to criticize any customer of that company even though Joe sent the email through his personal email account. I think it's not a violation of privacy rather he should be terminated due to criticizing the customer.

Case- 7: One of the department's supervisors requests your approval to fire his secretary for insubordination. Since the secretary has always received glowing reviews, you call her into your office and determine that she has refused to prepare false expense reports for her boss. Since the company does not have any whistleblower policy, I will send a show cause notice to that secretary to clarify his/ her position for insubordination of his/her superior in written. Getting the written notice, I will mark that piece of paper to our audit department to scrutinize the matter.

If the allegation of the secretary is true I will fire the superior and if the secretary was wrong, I will transfer her to a more unimportant department.

Case- 8: for being absent without permission. Being a citizen of United States, it is an obligatory duty to attend in the jury board and nothing can supersede such duty. So Anna's boss has no right to fire her. I must call

ann's boss and let him know the importance to Join Jury board being citizen of this country. I think every company should have a whistleblower policy in their organization.

It draws a line to keep attention to each employee that what would be the consequence of a whistleblower on a particular issue as well as the reward. It is necessary to admit that the protection of whistleblowers is only can be ensured through establishing a whistle blowing policy in the organization. In addition to the whistle blowing legislation, it is ery important that policy implementers use a pro-active management approach to whistle blowing that emphasizes the establishment of functional organizational structures and procedures that ensure actual protection of whistleblowers.

Among the most important points with regard to a whistle blowing policy are the following: Managers should address disclosures of wrongdoing to avoid damage to individual or organizational reputations and other negative consequences; A pro-active management approach to whistle blowing feature three simple guidelines: 1) do ome groundwork; 2) be professional; and 3) protect whistleblowers Ongoing training of staff handling disclosures will make an internal reporting system more effective; Ongoing review of the effectiveness of internal whistle blowing systems is needed to ensure effectiveness of whistle blowing policy.

In closing, I certainly do not believe that whistle blowing policies are a panacea for all ethical problems. Employees should understand that they must be responsible in making accusations for wrongdoing, and malicious or reckless charges not sanctioned. Employees should nderstand how the

organization will respond to their concerns in terms of an investigative process.

References 1) Information retrieve of definition and understanding of employment at will doctrine from the website “ [www. bls. gov/opub/mlr/2001/01/art1full. pdf](http://www.bls.gov/opub/mlr/2001/01/art1full.pdf)”. 2) Information regarding employment at will retrieve from the website “ [vwww. ncsl. org/ research/labor-and-employment/at-will-employment/ at-will-employment- overview. aspx](http://www.ncsl.org/research/labor-and-employment/at-will-employment/at-will-employment-overview.aspx). 3) Information retrieves from “ [http://ethics. csc. ncsu. edu/old/12\\_00/ basics/whistle/ rst/wstlblo\\_policy. html](http://ethics.csc.ncsu.edu/old/12_00/basics/whistle/rst/wstlblo_policy.html)” regarding whistleblower policy.