



WRONGFUL TERMINATION

This factsheet explains wrongful termination in Maryland and what to do if you think you have been wrongfully terminated. **This is not legal advice.** Please consult an attorney about your particular situation.

WHAT TYPE OF EMPLOYEE ARE YOU?

In Maryland, there are two types of employees—'at will' and 'contractual'.

Most employees in Maryland are considered at will. If you are employed as an at will employee, an employer may fire you at any time, for almost any reason, or no reason at all. For more information about the few exceptions when you may not be fired, please see the column on the right.

If you are a contractual employee, employers generally may not terminate the employment contract except for cause or by mutual agreement.

THE FIRST STEP TO TAKE

File a claim.

For wrongful termination claims there are state and federal agencies that provide assistance. The Maryland Commission on Human Relations (MCHR) enforces Maryland rules on discrimination and the Equal Employment Opportunity Commission (EEOC) enforces federal rules.

Step 1: File a complaint with MCHR online at <http://mchr.state.md.us/empldiscr.html>, by calling 1.800.637.6247 or by writing a letter to MCHR, 6 Saint Paul St, Suite 900, Baltimore, MD 21202-1631. Most will automatically file with the EEOC—check with your local office.

Step 2: If the Commission does not automatically file your complaint with EEOC, file at <http://eeoc.gov/baltimore/charge.html>, by calling 1.800.669.4000 or 1.800.669.6820 (TTY line), or writing to EEOC, City Crescent Building, 10 South Howard Street 3rd Floor, Baltimore, MD 21201

After Filing Complaint: If the EEOC determines you have a claim, they will try to settle with your employer. If this is unsuccessful the case will be referred to the Department of Justice for prosecution or you will be issued a generally required right to sue letter that grants permission to sue the employer.

IF YOU'RE AN AT WILL EMPLOYEE

Although employers are generally free to terminate an at will employee for almost any reason, employees can be found to have been wrongfully terminated if the basis for the employee's discharge was based on:

- Retaliation or revenge against an employee for reporting employer wrongdoing
- Workplace harassment; for example, if an employee rejected sexual advances
- Union activities of the employee
- Opposing illegal practices or refusing to participate in illegal practices
- **Discrimination** based on:
 - Race
 - Gender Identity
 - Color
 - Religion
 - Sex (including pregnancy)
 - Age
 - National Origin
 - Marital Status
 - Disability
 - Sexual Orientation
 - Genetic Information

Normally, an employee who resigns cannot claim wrongful termination.

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For more information, please call the Women's Law Center Employment Law Hotline at 1(877) 422-9500. This service is for people of any gender.