

At-Will Employment: A Primer for Louisiana and Texas Construction Companies

Because construction businesses have traditionally been high-turnover (relatively speaking), for a number of reasons. First, many workers are simply common laborers that can function largely interchangeably. Another reason is the "feast or famine" nature of the business. There are many other reasons.

The purpose of this post is to give a primer on the [at-will employment](#) relationship to avoid common, and potentially costly, mistakes.

At-Will Employment

What is At-Will [employment](#)? At-will employment simply refers to the situation in which workers may be terminated for any non-illegal reason at any time. In the large majority of states, employees not working under an employment [contract](#) are deemed to be employees "at will."

The number of legal reasons for discharge include rudeness, tardiness, unbusinesslike attire, or even for mere whim. In fact, the number of legal reasons for discharge are so great that it is easier to list the reasons employers *can't* fire workers.

They are (among others):

- Age
- Race
- Sex
- Religion
- National origin
- Disability
- Pregnancy
- For refusing to break a law
- In retaliation for filing a discrimination or safety claim
- For taking leave under the Family and Medical Leave Act
- Without following its own stated procedure or policy
- For reasons not contained in the employment contract, if one exists

Louisiana adds a few items to the list. They include:

- Being called to military service
- Political opinions or voting
- Exercising right of association
- Wage garnishment

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- Filing workers' compensation claim
- Being called to jury duty
- Sickle Cell trait
- Handicap
- Smoking
- "Whistleblowing"

Texas specific:

- Membership in a union (Texas is a [right-to-work state](#), which means that employment decisions cannot be made on the basis of whether the worker is or intends to join a union)

By using the above, you'll know some of the big icebergs to avoid in at-will employment. But be cautious. Each state is slightly different and offers protections to workers. Consult with the attorney of your choice to ensure that you're on the right side of the law.

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