

[Superior Court Recognizes Another Exception to the Pennsylvania At-Will Employment Doctrine](#)

by [Adam Santucci](#)

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On January 19, 2011, a three judge panel of the Superior Court of Pennsylvania recognized another exception to the at-will employment doctrine. In [Haun v. Community Health Systems \(pdf\)](#), the court affirmed the trial court's order, which recognized a new exception to the at will rule, and refused to dismiss the wrongful termination claim of a former hospital employee.

The at will employment rule basically provides that, absent an employment contract that provides otherwise, either the employee or the employer may terminate the employment relationship at any time and for any reason. However, over the years, the courts have created numerous exceptions to the rule that have greatly limited the ability of employers to terminate employees.

Haun, the former Chief Financial Officer of the hospital, filed suit against the hospital and other defendants after he was fired for bringing a medical malpractice claim against the hospital. Haun and his wife brought the malpractice claim on behalf of their newborn son who was seriously injured while in the hospital's neonatal intensive care unit.

The Superior Court adopted wholesale the trial court's decision regarding the wrongful termination claim without analysis. The trial court stated that there had been no prior determination that there is an exception to the at will employment rule that would bar termination of an employee who is suing an employer to protect the rights of his or her child. Nonetheless, the trial court went on to state that public policy supports allowing victims to receive compensation for medical malpractice, and supports parents asserting legal claims on behalf of their children. Therefore, the court found that Haun's claims met the public policy exception to the at will rule, and the claims were not dismissed.

There was some good news for employers. While the Superior Court recognized a new public policy exception to the at will employment rule, the court rejected Haun's tortious interference with contractual relations claim, which was brought against the hospital's corporate parents. The court held that an at will employee cannot sue a third party for tortious interference with a currently existing at will employment relationship.

The recognition of another exception to the at will rule adds to the growing list of such exceptions. As recently as [January 17, 2011, we reported](#) that a federal court, the District Court for the Western District of Pennsylvania, had recognized another new exception to the at will rule. Employers faced with the need to discharge an employee must be aware of the growing list of exceptions to the at will rule to ensure that the discharge will withstand challenge.

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