

Protected Activities That Prevent You From Terminating An Employee

When contemplating the termination of an employee, there are numerous factors to consider.

For example, an employee cannot be released from employment for participating in activities that are “protected by law”, including:



- *Taking time off to visit your child's school regarding a suspension*
- *Taking time off for a child's school or child care activity*
- *Taking time off to obtain a restraining order, get care, counseling or to relocate as a victim of domestic violence, sexual assault or stalking*
- *Keeping private arrest records that did not result in convictions*
- *A wage garnishment*
- *Disclosing or refusing to disclose wages*
- *Voluntarily participating in an alcohol or drug rehabilitation program*
- *Refusing to authorize the disclosure of medical information*
- *Jury duty*
- *Political activity*
- *Military service*
- *Acting as volunteer firefighter, reserve police officer or emergency rescue personnel*
- *Refusing to patronize employer*
- *Refusing to commit an illegal act*
- *Refusing to take a polygraph test*
- *Enrolling in an adult literacy program*
- *Refusing to participate in abortions*
- *The results of a blood test for AIDS*
- *Serving as an election officer on Election Day*
- *Reporting apparent victims of abuse or neglect, as obligated by statute*
- *Disclosing information on a violation of law to a government or law enforcement agency*

Nor can you terminate or discriminate against a person who has engaged in any of the following activities:

- *Sought information from the Employment Development Department (EDD) about their rights under the Unemployment Insurance (UI) Code or the Labor Code*
- *Cooperated with any EDD investigation*
- *Testified or is about to testify in any proceeding that relates to the UI Code or the Labor Code*

An employee who believes that their rights have been violated under the UI Code or the Labor Code is allowed to file a complaint with the Labor Commissioner. The employee could be entitled to reinstatement and reimbursement of lost wages and benefits.

Source: <https://www.calchamber.com/hrcalifornia/pages/hrcalifornia-home.aspx>