Job Termination or Discrimination

I've been fired or discriminated against. What are my rights? Certain employees in Texas may have a claim against an employer after being fired or discriminated against (for example, if an employer cuts an employee’s hours) for an unlawful reason. You may have a claim against an employer who fires or discriminates against you:

- Because of race, sex, religious preference, ethnicity, national origin, age, or disability;
- Because you are pregnant
- Because you will not submit to sexual advances;
- For complaining about your rights under employment laws such as minimum wage, overtime, medical leave, discrimination, workers’ compensation, workplace safety laws, or other employment laws;
- For taking sick leave, maternity leave, paternity leave, time off to adopt a child, or time off to help take care of a seriously ill close family member (if you are covered by laws that allow time off for this reason);
- For refusing an order to do something illegal;
- For attending jury duty, or because you give testimony at a court or administrative hearing;
- For discussing your working conditions, pay or salary with co-workers, or for asking that coworkers’ terms and conditions of employment be improved;
- For joining or trying to form a union;
- When you have an offer for employment for a certain period of time, or have an employment contract specifying the reasons you can be fired;
- When you work for federal, state, or local government and are fired without the opportunity to dispute the reason for firing; or
- When certain other unlawful circumstances exist.

If you are in a workplace with a union, your union contract probably contains other rules that restrict the employer’s ability to fire workers.

These are not all of the situations in which a firing may be unlawful, but these are typical examples. If you believe your situation fits one of the circumstances listed above, you should contact a lawyer immediately for advice. Some of these protections apply to only certain employers or certain employees.

Important Deadlines: Deadlines can be short. Employees who are unlawfully fired or discriminated against may need to file a charge with the Equal Employment Opportunity Commission (EEOC), the Texas Workforce Commission (TWC), or the National Labor Relations Board (NLRB) within 180 days of being discriminated against. Federal employees must report discrimination to the employer’s equal employment opportunity counselor within 45 days of being discriminated against.

You must file a charge in writing.

- To begin the charge process with the EEOC, go to your local EEOC office or call 800-669-4000.
- To begin the charge process with the TWC, visit your local TWC office or call 888-452-4778 or 512-463-2642.
- To begin the charge process with the NLRB, visit your local NLRB office or call 1-866-667-6572.

Unemployment Benefits: Even if you do not have a right to get your job back, you still may be eligible for unemployment benefits. You can apply for benefits by calling 800-939-6631, by visiting your local TWC office, or by visiting this website: www.twc.state.tx.us/ui