**Ethic of the At-Will Doctrine**

"As mentioned in this chapter, the employment-at-will doctrine has been around for a very long time. It is based on English Common law of the eighteenth century, which said that the length of employment was presumed to be for one year when there is work to be done and when there is not. A New York State treatise writer, Horace Gay Wood, in his book Master and Servant (1877), expanded on the doctrine, stating that a hiring with no definite ending date is a hiring at will. That is, unless both master and servant agree that service was to extend for a specified time, it should be consid- ered an indefinite hiring, and it us up to the servant, should he be terminated, to prove otherwise. From what was then called “Wood’s Rule” came the U.S. interpretation of employment law: an employer is free to discharge individuals at any time for cause or for no cause at all, and the employee is equally free to quit at any time for any reason. Many debates have arisen over the years as to the fairness or ethics of such a doctrine. Critics have long feared that it gives too much power to businesses over the lives of their employees. To have such a rule that allows a company to fire even good employees whenever and for whatever reason is unfair and unethical. The doctrine provides little protection to employees who work hard and who work well. And there is little job security in an at-will company. Theoretically, employ- ees can be fired just because a supervisor may not like them or because of how they dress or look. An excuse often given to employees who are terminated under “at-will” is, “You just aren’t the right fit for this company.” Then there was a case where an armored truck driver was fired for leaving his post even though he only did so to save someone’s life (Gardner v. Loomis Armored, Inc., April 4, 1996). Opponents say that from a business perspective, the doc- trine provides little incentive for people to work hard, because, if employees can be terminated no matter how hard they work, what’s the benefit of putting in the extra effort? Motivation can even suffer if employees are working under “fear” of their jobs. Finally, because at-will employees are treated differently than “for just cause” employees, critics state that it is unfair and unequal treatment under the law, which violates the Fourteenth Amendment. Also, motivation can suffer when employees fear that they can be terminated at any time. Supporters state that the doctrine provides equal fairness to both the employer and employee when it comes to termi- nation of employment. They say it is only fair that if an employee can terminate employment at any time, then the employer should have that same right. They cite the limita- tions to the doctrine, outlined in this chapter, provide further protection to employees. Supporters further state that the doctrine is not totally free from lawsuits, as evidenced by the lawsuit filed and won by the defendant in the Gardner case cited here. Additionally, applicants don’t have to work for or sign an employment at-will statement at an at-will com- pany if they think the doctrine is unfair. They have the right to seek employment elsewhere."