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## Question of the Week

JANUARY 18, 2023

### QUESTION

What is “at-will employment”? Does that mean I can fire an employee for any reason?

### ANSWER

At-will employment means that the employer or employee can end the employment relationship for almost any reason (with or without cause) at any time (with or without notice).

It does not, however, allow you to terminate someone for an illegal reason, like their inclusion in a protected class or their exercise of a legal right.

Every state (except Montana) assumes the employment relationship is at-will unless there is a legal agreement in place that says otherwise. Assuming you want to maintain the at-will relationship with employees, we recommend including clear language about this in your employee handbook. But keep in mind that even with an at-will relationship, terminations carry risk. A terminated employee can always *claim* that they were terminated for an illegal reason, at which point you'll want to be able to show otherwise. To reduce that risk and nip any potential claims in the bud, you should have and document a lawful, business-related reason for each termination.

You can find more information on employment termination and at-will employment on the platform. If you would like more information on drafting an employment contract, please contact an attorney.

*This Q&A does not constitute legal advice and does not address state or local law.*