

Vive le employment at will!

by Boyd A. Byers

You've seen it on the news. Unions and students in France have staged a series of protests over the past several weeks. Millions of demonstrators marched in the streets of Paris and other cities. Striking workers disrupted air, rail, and bus travel. Police used water cannons and tear gas to scatter violent crowds and made hundreds of arrests. Even the Eiffel Tower was shut down.

The reason for the French fury? A new labor law that lets employers dismiss workers younger than 26 without notice, cause, or explanation during the first two years of employment. Opponents of the law say it undermines hard-won labor rights, allows employers to exploit young workers, and makes it more difficult for young workers to keep jobs. Supporters say the law will encourage employers to hire more young people, thus cutting youth unemployment, which is over 20 percent in France.

The concept of employment at will isn't so controversial in the United States. Employment at will means that both the employer and the employee have the right to end the employment relationship without notice at any time for any reason or no reason (except an illegal one, such as discrimination). Employment at will is the general rule in every state except Montana, where employers must have good cause to fire employees who have completed a probationary period.

Most HR professionals consider employment at will a blessing. Any who don't should talk to a counterpart who works for a public or unionized employer that has been ordered to rehire a rotten-apple employee on the grounds that the cause for the employee's dismissal wasn't good enough. But isn't employment at will bad for employees? Free-market economists argue that it's good for American workers as a whole because it makes companies more efficient, resulting in more employment opportunities and better wages for workers over the long run.

June 12 will mark the 30th anniversary of the Kansas Supreme Court's definitive declaration that employment in Kansas is at will. To our knowledge, no celebrations are planned. Or protests. Which brings us back to France.

An objector to the new French law laments that the "continuing 'American Free market' experiment is gradually destroying social cohesion throughout . . . Europe . . . and is turning towards France — creating wealth for the corporate world and insecurity for the rest." A proponent counters that "it is sad that these youngsters can even think that job protection at home can protect them from the ravages of global competition." Sound familiar? Perhaps the French dispute isn't so foreign after all.