

Dear NAAFA,

I, along with many of my agent friends and acquaintances, have felt a tremendous amount of stress as a result of American Family's treatment and actions toward the field force. I have had several friends who have decided to quit rather than face any more harassment. Some have left long before they had planned to, thus jeopardizing their retirement and future plans. I heard a term the other day that really seems to apply to our situation here at AmFam. It is called "Constructive Discharge or Termination." Answers.com defines it this way:

"The Term "constructive discharge" describes a situation in which an employee (yes, we are treated like employees, no doubt!) is forced to quit a job because the employer has made working conditions intolerable. Working conditions may be considered intolerable if, for example, the employee is discriminated against or harassed, or if he or she suffers a negative change in pay, benefits, or workload for reasons that are not performance-related. In most cases, an employee who voluntarily leaves a company—as opposed to one whose employment is terminated by the company against his or her will—is not entitled to unemployment benefits and loses the right to sue the company for wrongful termination."

*But the law recognizes constructive discharge as an **exception** to this rule. "In an increasing number of cases, employees are quitting their jobs, filing wrongful discharge suits against their former employers, and—here's the kicker—**coming out a winner**," J.D. Thorne wrote in an article for Small Business Reports. "The courts have reasoned in these cases that the employers made the workers' jobs so unbearable that they would rather quit than suffer more abuse. Being compelled to quit was much the same as being unfairly discharged. This claim, commonly known as constructive discharge, essentially excuses the employee from being the one to sever the employment relationship."*

I would suggest all agents read this article found at <http://www.answers.com/topic/constructive-discharge>. I believe we are being set up to either be terminated or set up to be constructively discharged. Either way, the company thinks they will win. But just maybe they won't. What are your thoughts?

An agent who is taking a second look at the "construction site!!"