

I'm Being Forced to Quit — Is This Constructive Discharge in NJ or PA?

Understanding your legal rights when a resignation is actually a forced termination.

You Did Not Choose to Leave. You Were Pushed Out.



Constructive discharge is a legal doctrine that recognizes a simple reality: sometimes an employer engineers working conditions so unbearable that you have no choice but to leave. The law treats this forced resignation exactly the same as being fired.

The Two Requirements for Constructive Discharge

Constructive Discharge

1. Objective Intolerability

The conditions must be objectively extreme. A reasonable person in your exact circumstances would have felt compelled to resign.

2. Employer Culpability

The employer deliberately created the intolerable conditions, or knowingly ignored them after they were reported.

Normal Workplace Friction Does Not Qualify

A single harsh criticism or unfair review.

General workplace unhappiness.

Being passed over for a promotion alone.

A personality conflict with a supervisor.

Normal performance management and improvement plans.

Minor reductions in preferred responsibilities.

When Behavior Crosses the Legal Threshold

Severe, pervasive harassment tied to a protected trait that HR ignores.	Unjustified, dramatic demotions accompanied by hostility.	Systematic retaliation making work impossible after a complaint.
Direct or indirect threats demanding resignation.	Impossible performance standards imposed immediately after a complaint.	Deliberate, documented campaigns to push an employee out.

How the Legal Standard Changes by State

New Jersey

Core Standard: Objective “reasonable person” standard.

Employer Intent: Only requires employer awareness and failure to act.

Governing Laws: NJ Law Against Discrimination (LAD), CEPA.

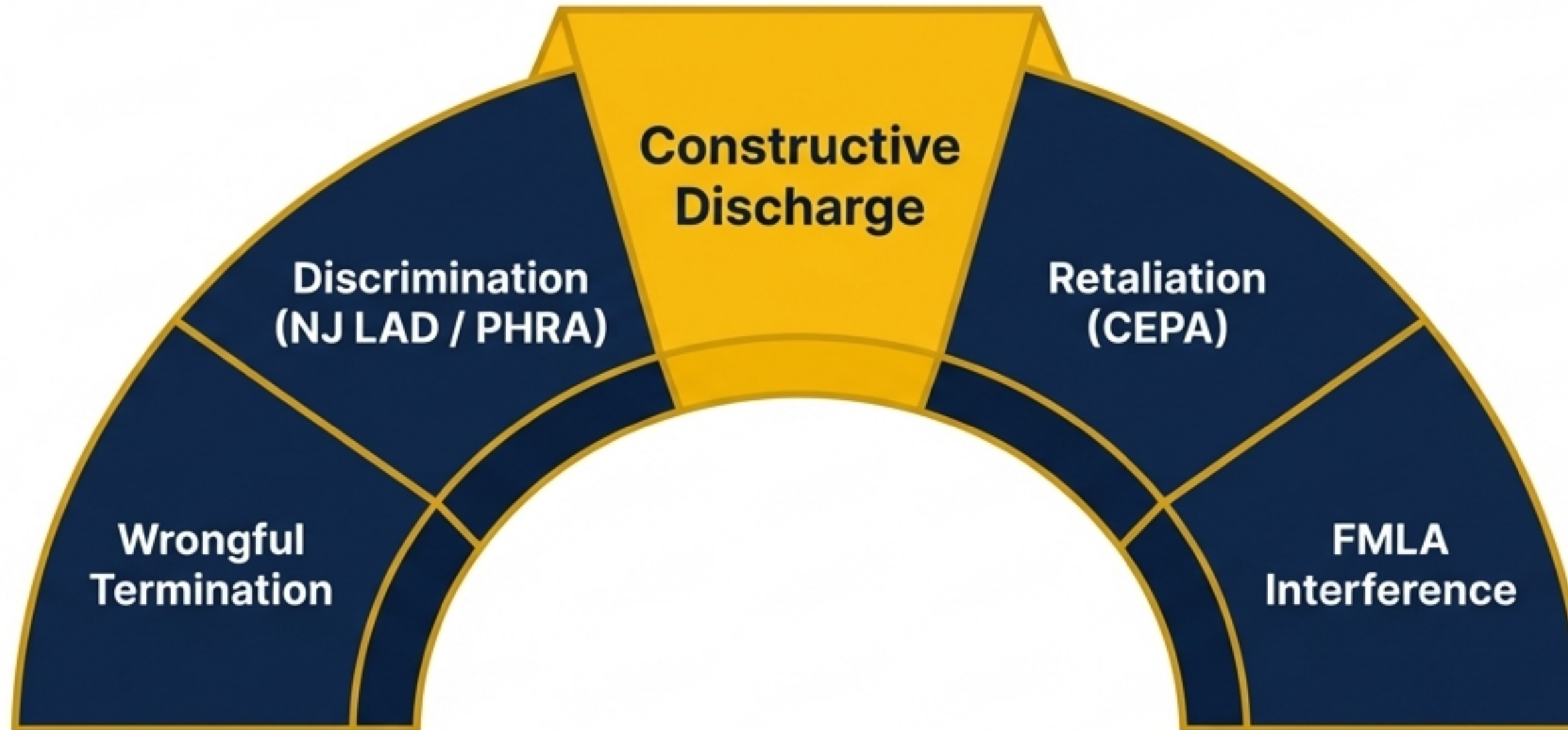
Pennsylvania

Core Standard: Specific employer intent or highly extreme conditions.

Employer Intent: Stronger emphasis on the employer's specific intent to force resignation.

Governing Laws: PHRA, Philadelphia Fair Practices Ordinance, Federal Law.

Constructive Discharge Unlocks Broader Civil Rights Claims



Constructive discharge rarely stands alone. It is the legal bridge required to pursue your employer for the underlying mistreatment.

The Evidence Courts Look For



The Written Record

Contemporaneous incident logs with exact dates, times, and quotes.



Ignored Complaints

Proof of HR complaints submitted in writing and the employer's failure to respond.



Before-and-After

Performance evaluations and assignment records shifting dramatically after a complaint.



Unlawful Connections

Emails, texts, or witness accounts tying the hostility to a protected trait or protected activity.

Do Not Resign Without Speaking to a Lawyer First.

- Do not sign a severance agreement without legal review.
- Your legal deadlines begin running the exact moment you resign, not when you decide to take action.
- Quitting incorrectly can permanently destroy your right to sue.

How to Protect Your Position Right Now



The Clock Starts Ticking The Day You Resign



CRITICAL WARNING: Internal HR investigations DO NOT pause or extend any of these legal deadlines.

Were You Forced Out in NJ or PA?

A free consultation can help you understand whether the facts support a legal claim, what evidence matters most, and what steps make sense next.

- Free, confidential consultations.
- No upfront fees.
- Representing employees in NJ, PA, Philadelphia, and South Jersey.

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