

## MDM&C Update

[Click Here to Learn More About MDM&C >](#)

March 18, 2020

### ***Coronavirus - Information for Connecticut Employers***

To state that the coronavirus situation is unprecedented is stating the obvious. But as employers confront issues related to the virus, some Connecticut court decisions offer guidance. For example, in *Parsons v. United Technologies Corporation*, the Connecticut Supreme Court held that an employee could refuse his employer's directive when that directive "would have posed a serious threat to the [employee's] health and safety that was not contemplated within the scope of his employment duties."

In 1990, employers faced a different challenge. In response to the Iraqi invasion of Kuwait, President Bush ordered a buildup of American troops and later an invasion of Iraq. As part of his efforts to liberate Kuwait, President Bush secured the support of several nations, including Bahrain. Sikorsky Aircraft, a division of United Technologies Corporation, had sold Bahrain a nonmilitary helicopter for the Crown Prince of Bahrain.

Gary F. Parsons was employed by Sikorsky as an instructor of aircraft maintenance and he was directed to report to Bahrain to provide training to Crown Prince's helicopter crew at a base that housed Bahrain's defense force.

He refused to go, noting that there were active military operations in the area and citing the United States Department of State's warning that American citizens should refrain from non-essential travel to Bahrain. Based on his refusal, his employer terminated him.

Although he was an employee at-will, he sued for wrongful termination. He claimed that requiring an employee to report to work in a hazardous area violated public policy that requires an employer to provide an employee with a safe workplace.

The Connecticut Supreme Court agreed. It noted that although the exception to the general rule allowing the unfettered termination of an at-will employee "is a narrow one," Connecticut has "a clear and defined public policy requiring an employer who conducts business in Connecticut to provide a reasonably safe workplace to its employees." The Connecticut Supreme Court continued: Connecticut statutes and its public policy "simply and firmly prohibit employers who conduct business in Connecticut from exposing their employees to known hazards while they are performing their duties."

An employee may not refuse to work because the employee *subjectively* believes that the situation is hazardous. But if there is "an objectively substantial risk of death, disease or serious physical harm," an employer may not terminate an employee for refusing to work under those conditions, provided that those conditions "were not contemplated within the scope of [the employee's] duties."

Given the warnings issued by the Center for Disease Control and the Connecticut Public Health authorities, an employee will likely be able to demonstrate that some

work during the time is hazardous. Employers terminating employees for refusing to work should do so carefully and only weighing the risks.

If you have any questions about this or any other employment issue, please feel free to contact **Bernard E. Jacques** at [bjacques@mdmc-law.com](mailto:bjacques@mdmc-law.com).

## *Offices*

---

NEW JERSEY | NEW YORK | COLORADO | PENNSYLVANIA  
CONNECTICUT | MASSACHUSETTS | DELAWARE | RHODE ISLAND | FLORIDA

The information provided in this Newsletter should not be relied upon as legal advice or a legal opinion on any specific set of facts or circumstances. The contents are intended for general information purposes only and you are urged to consult an attorney concerning your own situation and any specific legal questions you may have. This Newsletter may be considered Advertising under the court rules of certain states.

© COPYRIGHT 2020 McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP. ALL RIGHTS RESERVED.

---

[Unsubscribe](#)