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Workers' Compensation Claims and Termination of Employment

July 28th, 2011 by [The Illinois Injured Worker](#)

It is essential for an injured worker in Illinois to know that the Workers' Compensation Act prohibits the employer from threatening, harassing or terminating an employee for filing a claim. I am frequently asked the question by a prospective client, "Can I be fired for filing this claim?" My answer is always the same, there is a clear prohibition against the employer terminating an injured worker for filing a claim. Of course, people and companies violate the law all the time, so is this prohibition in the Workers' Compensation statute a real deterrent to an employer? The short answer is, yes, absolutely. The Illinois Supreme Court created the right to money damages against an employer when the injured worker can prove that he/she was fired as a consequence of filing a workers' compensation claim. This is a claim which is filed in a Circuit Court, where a jury establishes the amount of money damages. The Illinois Workers' Compensation Act does permit the Workers' Compensation Commission to hear this type of case so that is why a jury trial can take place. Believe me when I tell you that jurors are outraged when an employer fires an individual for filing a work injury claim. In a recent jury trial case in Marion County, Illinois a jury awarded \$4.2 Million dollars in damages to a man who was terminated for filing a workers' compensation claim. Of this amount, \$3.6 million was awarded for punitive damages. An award of punitive damages is a measure of the outrage the jury had at the total disregard of the law demonstrated by this employer.

You can read more about the case at: http://thesouthern.com/news/local/crime-and-courts/article_afad61d0-b8d5-11e0-87e6-001cc4c03286.html. As always, if you have any questions about workers' compensation, please look at our website: www.kfeej.com or telephone us @ 312-263-6330 or 1-800-444-1525.