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Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck, P.C.

77 W. Washington Street
20th Floor
Chicago, IL 60602-2904

Telephone: 312-263-6330
Fax: 312-372-5555
Toll Free in Illinois: 800-444-1525
National Toll Free: 888-626-5556
Website: www.kfeej.com

Illinois Court Rules That Ex-Employees Can Proceed With Retaliatory Discharge Claims

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On July 21, 2011, the Illinois Appellate Court held that ex-employees of a seed company who reported to a former employee that seed bags weighed less than marked on the label are entitled to a trial on their retaliatory discharge claims. Although there are advantages to disclosing information directly to a [government or law enforcement agency](#),¹ the Court held that this is not required to establish a retaliatory discharge.

A successful retaliatory discharge case requires a former employee to prove the following: (1) the employment was terminated by the employer, (2) the discharge was in retaliation for an action by the employee, and (3) the discharge violates a clear mandate of public policy. Typically, the first element is not at issue. However, retaliatory actions that do not result in discharge are not covered by this remedy.

In this case, the employer is an agricultural supply business which grows, packages, and distributes soybean seeds for commercial agricultural use. The Illinois Department of Agriculture investigated a complaint that the seed bags were underweight. Although the complaint was not made by the employees who were discharged they claim that the employer believed that they blew the whistle.

The Court found that there was evidence of causation. According to one of the employees, a supervisor stated that if the company found out that any of the employees complained to the State about underweight bags they would be fired.

The Court held that a mandate of public policy was involved because the Illinois Seed Law “creates a statutory scheme governing aspects of the sale of seed, including proper labeling and weighing.” The mislabeling of the seed bags ran counter to that policy.

Unless the parties settle this wrongful termination case it will go to trial.

The case is [Michael v. Precision Reliance Group, LLC](#), 2011 IL App 100089 (5th Dist.)