

## Missouri Supreme Court Lowers Employees' Burden of Proof in Workers' Compensation Retaliation Claims

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The Missouri Supreme Court expanded rights for injured workers on April 15, 2014, by virtue of its ruling in *Templemire v. W&M Welding, Inc.*, No. SC 93132. Under the court's new standard, a discharged employee alleging retaliation for filing a workers' compensation claim need only prove that the claim was a contributing factor, rather than the exclusive reason, for the discharge.

John Templemire suffered a work injury in 2006 when a large metal beam crushed his foot. He returned to work on "light duty" and received workers' compensation benefits, but was later fired for failing to perform assigned work tasks. Notably, Templemire was on break and resting his foot at the time of his discharge. He claimed that his discharge was based, in part, on his filing of a workers' compensation claim, and thus the company had impermissibly retaliated against him in violation of Missouri law. Missouri Revised Statutes section 287.780 provides that "no employer or agent shall discharge or in any way discriminate against any employee for exercising any of his rights under this chapter. Any employee who has been discharged or discriminated against shall have a civil action for damages against his employer."

### Overturing 30 Years of an "Exclusive" Requirement

Templemire was unsuccessful at trial and on appeal, as both courts followed Missouri's clear precedent that an employee alleging retaliatory discharge must show that his or her filing of a workers' compensation claim was the exclusive cause for the employer's decision to terminate his or her employment. But in a 5-2 decision, the Missouri Supreme Court reversed the lower courts and effectively overturned three decades of case law. The court criticized the cases on which defendant based its argument, holding that these previous court rulings were "clearly erroneous" and inconsistent with the "plain language" of the statute. Thus, the court held that to make an actionable case for retaliatory discharge under section 287.780, an employee must demonstrate that his or her filing of a workers' compensation claim was a contributing factor to the employer's discrimination or the employee's discharge. The case was remanded for a new trial.

### Practical Impact

The Missouri Supreme Court's ruling lowers the standard of proof required of employees with workers' compensation retaliation claims, and thus expands potential liability for Missouri employers. Employers must be extremely cautious in taking or threatening any adverse employment action against employees, taking special care to ensure that the filing of a workers' compensation claim plays no part in the decision.

## **Additional Information**

Should you have any questions about this case or its impact on your workplace, please contact the authors, the Ogletree Deakins attorney with whom you normally work, or the Client Services Department at [clientservices@ogletreedeakins.com](mailto:clientservices@ogletreedeakins.com).

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