HINSHAW

Seventh Circuit: Employee Failed to Establish link Between Termination and Filing of Workers’ Comp Claim

1 min read

Mar 25, 2014

The employee, who worked as a passenger general trucker, was terminated after 22 years when he failed to submit to a mandatory drug test following a workplace accident. The employer maintained a mandatory written substance abuse policy that required drug testing in certain situations.

The employee filed suit claiming retaliatory discharge. The employee failed to establish causation, however, because the undisputed facts, including the employee’s own deposition testimony, noted that he was terminated because he refused to take a drug test upon initiation of a workers’ compensation claim as required by the employer’s drug policy. The employee had no evidence that the employer had any other reason for his termination other than his violation of the drug testing policy. The employee also could not establish that the drug policy was discriminatory as he could not provide evidence that the policy discourages employees from filing workers’ compensation claims. As such, the U.S. Court of Appeals for the Seventh Circuit **affirmed** the lower court’s finding that the employee’s employment was terminated solely as a result of his refusal to take the mandatory drug test and not in retaliation for his seeking to file a workers’ compensation claim.

The lesson from this case is that temporal proximity between the protected activity and the alleged adverse employment action may bolster even a weak claim by an employee. Thus, it is always important to work with human resources professionals before administering any adverse employment action to manage risk.
