



Jul 7

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Analyzing the Impact of Section 287.780 on Workers' Compensation Rights: John Lisle v. Meyer Electric Co., Inc.

ABSTRACT: In a recent opinion from the Missouri Supreme Court, the Court examined a case wherein plaintiff-employee claimed that defendant-employer violated RSMo Section 287.708 when it refused to rehire him.

John Lisle, a journeyman electrician and member of the International Brotherhood of Electrical Workers (IBEW) Union, was hired by Meyer Electric in May 2017 for a construction project. In April and May 2018, Lisle informed his project foreman about work-related carpal tunnel syndrome and requested an injury report. Allegedly, he was warned that filing an injury report could lead to a layoff. Meyer Electric's president became aware of Lisle's intention to file an injury report and terminated his employment.

In June 2019, more than a year after his termination, Lisle, who was unemployed and pursuing a wrongful discharge claim against the company, came across a job posting by Meyer Electric for a journeyman electrician position. Lisle applied for the job. The union referral agent contacted Meyer Electric, and during a conversation involving Lisle, it was indicated that Lisle would likely be rehired. However, Meyer Electric's president instructed the project foreman not to hire Lisle. Meyer Electric eventually hired another electrician, bypassing Lisle's priority as per the agreement with the union. In November 2019, Lisle filed a lawsuit against Meyer Electric, alleging a violation of section 287.780, which prohibits an employer from discriminating against an employee for exercising his rights under the Missouri Workers' Compensation statute.

The central issue before the court was the interpretation of section 287.780. Lisle argued that the statute should apply even after the termination of the employment relationship, protecting former employees from retaliation for exercising workers' compensation rights. However, the court examined the language of the statute and the definitions of "employer" and "employee" in chapter 287 and concluded that the statutory definitions were written in the present tense and indicated an intent to require an existing employment relationship at the time of the discriminatory act.

The court acknowledged that section 287.780 might be reasonably interpreted to include former employees, but due to the requirement of strict construction in section 287.800.1, the statute only prohibits discriminatory acts occurring during the employment relationship. The court noted that if the legislature intended to protect former employees, it would have used explicit language to that effect, as seen in other statutes.

The court's interpretation of section 287.780 in *Lisle v. Meyer Electric Co., Inc.* has significant implications for workers' compensation rights. Former employees may not be able to claim damages under section 287.780 for discriminatory acts that occur after the termination of their employment. This interpretation restricts the scope of protection under the statute, protecting employers from claims of retaliation for acts that occur post-employment.

This **ruling** will almost certainly result in legislative efforts to extend protections against retaliation for the exercise of workers' compensation rights to former employees. We will closely monitor legislative developments in this area.



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