**Workers' Compensation Retaliation**

It is illegal for an employer in Connecticut to terminate or in any manner discriminate against an employee for filing a claim for workers' compensation benefits or otherwise exercising his or her rights under the workers' compensation laws. In order to prove a case of wrongful termination or discrimination, the plaintiff must prove by a preponderance of the evidence that his discharge was due to intentional discrimination based on his filing a claim for workers' compensation benefits. Intentional discrimination is proved if the plaintiff demonstrates by a preponderance of the evidence that his filing a workers' compensation claim was a motivating factor for his discharge. A "motivating factor" is a factor that made a difference in the defendant's decision.

The plaintiff does not have to prove that the filing of a workers' compensation claim was the sole or even the principal reason for the decision, as long as he proves that it was a determinative influence in the decision. He may prove intentional discrimination directly by proving that his filing the workers' compensation claim motivated the defendant's action in discharging him or indirectly by proving that the reason given by the defendant for the discharge was unworthy of belief.

*The information here and elsewhere on this site intended solely as background. You should not take it to be legal advice, nor does it create an attorney-client relationship. If you have a legal question, please consult an attorney directly.*