



Labor & Employment Update

Clarified Process for Worker's Compensation Discrimination and Retaliation Claims

By Ellen A. Adams
June 10, 2019

A recent decision affirming the constitutionality of a state statute has clarified that the Oklahoma Workers Compensation Commission is the only proper forum for worker's compensation-based discrimination and retaliation claims.

The state statute at issue in *Southon v. Oklahoma Tire Recyclers, LLC*, ("Section 7") mandates that only the Oklahoma Workers' Compensation Commission has authority to hear and decide discrimination and retaliation actions arising from workers' compensation claims. Now that the Oklahoma Supreme Court has upheld the statute as constitutional, any attempts to bring these claims in district court should be swiftly dismissed for lack of jurisdiction.

Employers must be just as prepared to defend these claims at the Commission as they would be to defend against these claims in district court.

GableGotwals assists employers in all aspects of employment and human resources law. If you need assistance regarding worker's compensation discrimination and retaliation claims, please contact any GableGotwals [Labor & Employment attorney](#).