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## Oklahoma Supreme Court Rules Workers' Compensation System Is Constitutional

Labor & Employment Practice Group

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On February 25, the Oklahoma Supreme Court handed down a major victory for the business community concerning recent legislative changes to Oklahoma's Anti-Discrimination Act (OADA). The Oklahoma Supreme Court unanimously upheld the damages provisions contained within the OADA, refusing to strike down these provisions as unconstitutional. The new provisions limit damages to back pay, reinstatement, liquidated damages and attorneys' fees.

The plaintiff, Guindelee MacDonald, filed suit against INTEGRIS Health, Inc. on August 20, 2012, alleging that she had been discriminated against on the basis of her age (56 at time of dismissal) and gender when her employment was terminated by the defendant. The plaintiff alleged that she was owed the former full range of tort damages available to her on her state law claims of discrimination under the OADA, including punitive damages and emotional distress damages because the OADA amendment concerning damages was unconstitutional. Leonard Court and Courtney Warmington, attorneys with Crowe & Dunlevy's Labor & Employment practice group, are legal counsel for INTEGRIS Health, Inc. in the case.

Citing a lack of Oklahoma precedent on this issue, the federal judge in the Western District certified to the Oklahoma Supreme Court the following question: "Whether the damage provisions in Section 1350 of the OADA are unconstitutional under Article V Sections 46 and 59 of the Oklahoma Constitution?"

The Oklahoma Supreme Court stated that "... the Legislature has declared the OADA provides the exclusive remedies within this state ... for individuals alleging discrimination in employment ..." The Court further stated that "this statute expressly creates a cause of action for employment-based discrimination and abolishes common law (tort) remedies for such wrong." The bottom line is that the revised OADA has survived its first major legal challenge, and on its centerpiece no less, the damages provision. This is great news for Oklahoma employers. Crowe & Dunlevy extends a special thank you to INTEGRIS Health, Inc. for having the resolve to take on this issue which affects all Oklahoma businesses.

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The firm's labor and employment attorneys are involved in a number of networks and professional resource groups, including the Employment Law Alliance, the most comprehensive network of labor and employment attorneys in the world. Our membership provides access to employment, labor, and immigration expertise in more than 135 countries around the globe and throughout the United States.

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