

By: Representative Watson

To: Insurance

HOUSE BILL NO. 1052

1 AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER TO TERMINATE THE  
2 EMPLOYMENT OF ANY EMPLOYEE WHO HAS MADE A GOOD FAITH CLAIM UNDER  
3 THE MISSISSIPPI WORKERS' COMPENSATION LAW; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) No person may discharge or in any other  
7 manner discriminate against any employee because the employee has  
8 in good faith filed a claim, employed counsel to represent him in  
9 a claim, instituted, or caused to be instituted, in good faith,  
10 any proceeding under the Mississippi Workers' Compensation Law or  
11 has testified or is about to testify in any such proceeding.

12 (2) A person who violates any provision of subsection (1) of  
13 this section shall be liable for reasonable damages suffered by an  
14 employee as a result of the violation, and an employee discharged  
15 in violation of this section shall be entitled to be reinstated to  
16 his former position. The burden of proof shall be upon the  
17 employee and the burden shall be a preponderance of the evidence.

18 (3) The chancery courts of the State of Mississippi shall  
19 have jurisdiction to issue injunctions restraining violations of  
20 this section.

21 **SECTION 2.** This act shall take effect and be in force from  
22 and after July 1, 2004.