

Appeals Court Overturns Injunction Against Employer for Alleged Whistleblower Violations

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The Secretary of Labor (“SOL”) sought injunctive relief to prevent Lear Corp. from terminating, suspending, harassing or taking any other adverse employment action against current or former employees who engage with OSHA or otherwise publicly discuss safety issues at Lear Corp. The injunctive relief further prevented Lear Corp. from filing suits such as the one it filed in an Alabama state court to enjoin an employee from further defaming the company.¹

On May 7, 2015, the Southern District of Alabama decided in favor of the SOL and granted the broad injunctive relief against Lear Corp. The Southern District of Alabama granted the injunctive relief before the SOL had concluded its investigation. Indeed, at the time of obtaining this relief, the SOL had not yet filed suit against Lear Corp. for an alleged violation of Section 11(c). Lear Corp. appealed this decision and almost one year later, on May 16, 2016, the Eleventh Circuit Court of Appeals decided that the May 7, 2015 injunction was overbroad.

The Appellate Court’s decision first clarifies that injunctive relief is a type of “appropriate relief” available to the SOL. The Eleventh Circuit further states that an investigation may be on-going when such injunctive relief is sought, so long as the SOL has concluded that “some unlawful retaliation against [an] employee had already occurred.” Essentially, whether an investigation is complete enough to find that retaliation has taken place and request injunctive relief is in the discretion of the SOL.

However, the Eleventh Circuit Court of Appeals did find one aspect of the injunctive relief to be overbroad — the order preventing Lear Corp. from filing state court actions against former and current employees. In order to grant such injunctive relief, the lower court should have found that the state court action was retaliatory in nature and otherwise baseless, which it did not do. The lower court also did not consider state preemption on the issue. Based on these findings, the Eleventh Circuit remanded.

Haynes Boone drafted previous alerts on this case, available [here](#) and [here](#).