



When are Supervisors Personally Liable for Employment Violations?

Publication

12.25.04

Can employees recover from a misbehaving supervisor instead of or in addition to the company under Illinois or federal law? Sometimes yes, sometimes no...

An increasingly important issue in employment litigation is whether individual supervisors, not just the employer-business, can be held personally liable for their employment law violations. While plaintiffs can sometimes recover solely from the employing company, under some laws they can also recover from individual employees or agents.

Under most employment statutes it is illegal for an "employer" to engage in specific conduct. A statute's definition of "employer" and the courts interpretation of that definition dictate whether a plaintiff can recover both against an individual supervisor or agent and the company. This article presents a summary of individual liability under the principal federal and state employment laws.

This article appeared in the December 2004 issue of the *Illinois Bar Journal*.