

Ohio Employment Law Remedies

STATUTE	REMEDIES	CAPS
Breach of Employment Contract	<p>Worrell v. Multipress, Inc., 45 Ohio St. 3d 241 (1989)</p> <ul style="list-style-type: none"> Contract remedies available (foreseeable compensatory damages placing employee in same position had contract not been breached, reduced by substitute employment). Generally no punitive damages are permitted (unless accompanied by egregious tortious conduct). Attorneys' fees, liquidated damages, or administrative remedies might be available under the terms of the contract. 	
<p>Employment Discrimination (Age) R.C. 4112 et seq. Must elect remedy: civil suit under R.C. 4112.02(N); civil suit under R.C. 4112.14(B) (employees 40 and older); civil suit under 4112.99; or administrative remedy (OCRC) under R.C. 4112.05</p>	<ul style="list-style-type: none"> R.C. 4112.02(N) (age specific) ("Any legal or equitable relief that will effectuate the individual's rights."): broad remedies, including back pay, injunctive relief, compensatory and punitive damages. R.C. 4112.14(B) (age specific): remedies include lost wages/benefits; equitable relief such as reinstatement; costs including attorneys' fees. No compensatory or punitive damages available; no jury trial. R.C. 4112.99 (general discrimination): broad remedies, including back pay, injunctive relief, compensatory and punitive damages. R.C. 4112.05(G) (general discrimination): Equitable/injunctive remedies include, but are not limited to, hiring, reinstatement, or upgrading of employees with or without back pay. Compensatory, punitive damages, and attorney's fees are not generally available for employment discrimination under this administrative remedy. 	<p>Tort Reform damages caps under R.C. 2315.21(D) apply. <i>Luri v. Republic Servs.</i>, 193 Ohio App.3d 682, 2011 Ohio 2389 (8th Dist), rev'd on other grounds, 132 Ohio St.3d 316, 2012 Ohio 2914 (finding that caps apply to retaliatory discharge actions brought under R.C. Chapter 4112)</p>
<p>Employment Discrimination (Not Age: race, color, religion, sex, military status, national origin, disability, or ancestry) R.C. 4112 et seq.</p>	<ul style="list-style-type: none"> R.C. 4112.99(general discrimination): broad remedies, including back pay, injunctive relief, compensatory and punitive damages. R.C. 4112.05(G) (general discrimination) (administrative remedy): Equitable/injunctive remedies include, but are not limited to, hiring, reinstatement, or upgrading of employees with or without back pay. Compensatory, punitive damages, and attorney's fees are not generally available for employment discrimination under this administrative remedy. 	<p>Tort Reform damages caps under R.C. 2315.21(D) apply. <i>Luri v. Republic Servs.</i>, 193 Ohio App.3d 682, 2011 Ohio 2389 (8th Dist), rev'd on other grounds, 132 Ohio St.3d 316, 2012 Ohio 2914 (finding that caps apply to retaliatory discharge actions brought under R.C. Chapter 4112).</p>
<p>Equal Pay Act R.C. 4111.17</p>	<p>R.C. 4111.17(D)</p> <ul style="list-style-type: none"> An aggrieved party can recover two times the amount of the difference between the wages actually received and the wages received by a person performing equal work for the employer, from the date of the commencement of the violation, and for costs, including attorney fees. Must initiate within one year of last date of discrimination, but this does not limit recovery to one year before date of the lawsuit. 	
<p>Minimum Wage Violations R.C. 4111.01 et seq.; Section 34a, Article II of the Ohio Constitution</p>	<p>R.C. 4111.10; R.C. 4111.14(J); Section 34a, Article II of the Ohio Constitution</p> <ul style="list-style-type: none"> For violations, employers must pay, within thirty days of the finding, the employee back wages plus liquidated damages set at two times back wages, and for a violation of an anti-retaliation provision an amount set by the state or court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. Costs and reasonable attorney's fees are also available. 	
<p>Whistleblower R.C. 4113.51 et seq.</p>	<p>R.C. 4113.52(E)</p> <ul style="list-style-type: none"> Back wages can be awarded. Injunctive relief is also available, including reinstatement with fringe benefits and seniority rights. A court may award employee costs and fees, including fees for attorneys, witnesses, and experts who testify at trial. For deliberate violations, the court, in making an award of back pay, may include prejudgment interest. 	

STATUTE	REMEDIES	CAPS
Workers' Compensation Retaliation or Discrimination R.C. 4123.01 et seq.	R.C. 4123.90 • Remedies include reinstatement with back offset by earnings subsequent to adverse action and workers' comp payments received. Attorney fees are also available.	

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