

# Beware individual liability for wrongful terminations under Pennsylvania state law

Here's a reminder for staff members who are involved in making termination decisions: Under the Pennsylvania Human Rights Act (PHRA), employees who are actively involved in such decisions may be deemed personally liable for aiding and abetting violations of the law.

**Recent case:** For 13 years, Kathryn worked in a medical office's records department. Twice she underwent treatment for breast cancer, missing about a month of work each time.

Then she requested a day off to undergo testing to determine if her cancer might be genetically linked.

The next day, she got into an argument over the whereabouts of a patient's file. Because she had been absent the day before, she told the office manager she didn't know where the file might be.

She was called into a conference room with the office manager and two supervising doctors who also were clinic owners. The doctors terminated her.

Kathryn sued both the medical practice and the individual doctors. She alleged violations of the ADA and the Genetic Information Nondisclosure Act, as well as disability discrimination and retaliation under the PHRA.

The court said her case could proceed against both the practice and the doctors, on a theory of aiding and abetting. (*Carroll v. Comprehensive Women's Health Services*, 3:16-CV-1509, MD PA, 2017)

**Final note:** Employers sometimes forget that state and local anti-discrimination laws may expose them to additional liability. Often, these laws cover smaller employers and allow directly bringing lawsuits against decision-makers.