Causes of Action for Representing COVID-19 Pandemic Whistleblowers

Total: **78 Minutes**

Speakers:
Max Barack

Description/Table of Contents

Litigation surrounding employees fired for their part in holding employers accountable for workplace safety during the COVID-19 pandemic is on the rise. Although the pandemic is relatively new, these whistleblowers can rely on existing labor and employment causes action to make their claim.

This presentation covers some of the options for representing workers during the COVID-19 pandemic that frequently come up in the context of whistleblower and retaliatory discharge actions. It is intended to provide a framework for what attorneys should consider.

Topics include:

- At-will employment and statutory exceptions (14 min.)
- Common law retaliatory discharge (32 min.)
- IL Whistleblower Act (10 min.)
- OSHA protections (12 min.)
- Other tools for representing workers (10 min.)

Total: 78 minutes

Presenter: Max Barack

Max Barack leads the Garfinkel Group, LLC's employment law practices group. He represents victims of workplace sexual and racial harassment, discrimination, retaliation, and unfair pay

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practices, such as unpaid overtime wages. He also represents whistleblowers and individuals engaged in severance negotiations. Previously, Max was a partner at Favaro & Gorman, Ltd, where he worked from January 2017 through January 2020. Max is fluent in Spanish and frequently represents primarily Spanish-speaking clients.

Max believes that workers need a strong advocate and someone who will listen to them and fight on their behalf. Max's experience in employment law has led him to take an aggressive approach in fighting for his clients. He combines his unique knowledge of ESI with his attention to detail in advocating for his clients. He enjoys fighting on behalf of the most vulnerable workers.

Max was recently named to Super Lawyers' "Rising Stars" list in 2020 for employment & labor and employment litigation. Max has published articles on using social media and email in discovery in discrimination cases, using the Illinois Wage

Payment and Collection Act, best practices in representing employment law clients, the tort of retaliatory discharge, representing whistleblowers in claims for retaliatory discharge, using the Illinois Gender Violence Act in the #MeToo era, and the recently passed Workplace Transparency Act. He has also assisted in the researching and writing of a publication on workplace laws affecting public employers and a presentation on workplace violence. He has given presentations on employee privacy and social media in discovery, the Illinois Right to Privacy in the Workplace Act, the tort of retaliatory discharge, and new legislative developments in Illinois. He is also a recurring presenting attorney for the "Financial Poise" webinar series about best practices for companies in creating workplaces.

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