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Protecting the Rights of Working People Since 1954

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Illinois Workers' Compensation No More?

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Yesterday, in a voice vote, Representative John Bradley discovered he has enough votes to pass HB 1032. This bill seeks to abolish the workers' compensation system and allow the claims of injured workers to proceed in Circuit Court. In response to this proposal, Senator Kyle McCarter "beefed up" SB1349 to include the laundry list of changes demanded by the Illinois Chamber of Commerce. This list essentially guts the provisions of the Act which protects workers who are injured on the job. What is happening here? It was about 100 years ago that labor and management agreed that having workers file a claim for injury in civil court was too costly for business and resulted in too few claims which workers won. This agreement was a great compromise that resulted in the Workers' Compensation system. Workers' Compensation is a no fault system of benefits which limits the recovery of the employee. The social reasons for workers' compensation programs are numerous. The system encourages safety in the workplace. If unsafe conditions give rise to more claims, the employer has an economic incentive to make the workplace safer. There is no question that workplaces are safer today than they were 100 years ago. The workers' compensation system is responsible in great part for this increase in safety. Also, workers' compensation allocates the costs of injuries directly to the workplace and not to the general public, i.e. the taxpayer. Senator McCarter's proposal, if adopted, will surely shift the cost burden to the state and federal welfare systems.

Business is claiming that workers are being compensated for injuries that do not happen in the workplace. This is an absurd statement. To recover workers' compensation benefits, the injury MUST arise out of and be in the course of employment. If this two-pronged test cannot be met, the claim will be denied. The reality of this employer claim is that a worker is compensated for aggravations of pre-existing conditions under the workers' compensation system. This is simply a matter of fundamental fairness. If an injury at work aggravates, i.e. makes your condition worse and causes the need for medical treatment, lost time from work and decreases your ability to perform your work duties, why shouldn't this injury be compensable? The upshot of this back and forth between the bills pending a vote in the Illinois Legislature is that the worker will be forced to shoulder the burden of injuries. That is clearly not the intent of this social legislation.

The old saying is "a rising tide lifts all boats" and this is undeniable. Punishing workers who are injured on the job affects all of us. "The sinking ship drowns all passengers." We are all on the ship together. Let's have a serious discussion of the issues. In this session the demand for

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“reform” means victims/recipients will get less. Labor will take a haircut, but we should not get scalped.