



# Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## WORKING ON A BOAT: AM I PROTECTED UNDER ILLINOIS LAW?

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With boating season underway there are many seasonal employees working on boats. The question that arises is whether Illinois Workers' Compensation covers injured employees while working on a boat because they are not on land but on water. The answer depends on the activity the injured worker is engaged in.

The Longshore and Harbor Workers' Compensation Act, (33 U.S.C.S. 901 *et seq.*, is a federal law that protects and provides benefits for those injured while working on "navigable waters" and those engaged in a "traditional maritime activity."

- **"Navigable waters"** can include rivers, lakes, canals, etc. Courts have extended this definition to include areas adjoining navigable waters including piers, dry docks and beaches.
- **"Traditional maritime activity"** can include ship repair, ship building and the loading and unloading of vessels. Once these two elements have been met, you will likely be covered under the Longshore and Harbor Workers' Compensation Act (LHWCA) and not Illinois State Workers' Compensation Laws.

If you are injured while working in a warehouse, loading and unloading ships but not actually on the water, you could be covered under the LHWCA and the Illinois Workers' Compensation Act or the "twilight zone" can apply. This is where the injury occurs upon navigable waters but the employment has no direct connection to navigation or commerce. It is possible that you can attempt to recovery under both the federal and state laws.

As each injury can be unique it is best to call our office to discuss your claim. Workers' Compensation injury cases are taken on a contingency fee basis. If we accept your case, there is no fee unless we recover damages for you.