

ILLINOIS

EMPLOYMENT LAW

Workers' Compensation – Employer Responsibilities



Workers' compensation is a system of no-fault insurance that provides medical and monetary benefits to employees who sustain injuries or diseases at work. In Illinois, an injury or illness qualifies for worker's compensation coverage if it is the result of an accident or exposure arising out of and in the course of employment.

The Illinois Worker's Compensation and Occupational Diseases Acts (IWCA) impose certain requirements on employers in the state. The [Illinois Workers' Compensation Commission](#) (Commission) monitors and enforces compliance with the IWCA.

STATE RESOURCES

Illinois Workers' Compensation Commission [website](#)

Employer Resources

The Commission provides workers' compensation resources for employers [here](#).

Benefit Rates

Information about weekly benefit rate limits is available [here](#).

IWCA Text

Text of the Illinois Workers' Compensation Act is available [here](#).

COVERAGE REQUIREMENT

Although the IWCA provides limited exceptions for certain partnerships, limited liability companies and sole proprietors, it generally requires almost every employer in Illinois to provide workers' compensation coverage for its employees. An employer may satisfy this requirement by either purchasing workers' compensation insurance or obtaining the IWCC's permission to self-insure.

To qualify for self-insurance, an employer must demonstrate that it has sufficient financial strength to meet its workers' compensation obligations in a timely manner. This may require an employer to submit detailed financial statements to the IWCC.

Regardless of how coverage is provided, employers are responsible for paying the full cost of their workers' compensation coverage. Employers may not require or allow employees to contribute to workers' compensation premiums or benefits in any way.

REQUIRED NOTICES

In addition to obtaining workers' compensation coverage, employers are required to post a notice about the coverage in each workplace. The notice must state, in plain language, what an employee should do and whom the employee should contact if an accident occurs. Employers may request a model notice from the IWCC to satisfy this requirement.

RECORDKEEPING AND REPORTING

Employers must maintain accurate records of all work-related deaths, illnesses or injuries, other than minor injuries. An injury is recordable (and not a minor injury) if it requires more than first aid treatment and results in:



- Additional medical treatment;
- Loss of consciousness;
- Restriction of work or motion; or
- Transfer to another job.

After recording a work-related condition, employers must file a written report with the IWCC within **two days** following the incident.

Employers must also report to the IWCC all work-related injuries and illnesses that result in the loss of **more than three scheduled work days**. This report is generally due **between the 15th and 25th** day of each month. An additional report is required for all injuries that result in permanent disability. The reports submitted to the IWCC must state the:

- Date of injury (including the time of day);
- Nature of the employer's business;
- Injured employee's name, address, age, sex and conjugal condition;
- Injured employee's specific occupation;
- Direct cause of the injury;
- Nature of the accident;
- Character of the injury;
- Length of disability;
- Wages of the injured employee;
- Amount of compensation paid to the injured employee (or legal representative, heirs or next of kin);
- Amount of medical compensation paid to health care providers; and
- Amount paid for funeral or burial expenses, if applicable.

Employers may use [Form IC45](#) or [Form IA-1](#) for their initial injury reports and [Form IC85](#) or [Form IA-2](#) for subsequent injury reports. The IWCC does not accept OSHA Form 301 because this form does not require employers to provide all the information required by Illinois law.

DISCRIMINATION

Employers may not discriminate against employees for exercising their rights under the IWCA. Impermissible discrimination includes harassing, firing or refusing to hire an employee because he or she submitted a workers' compensation claim.

PROHIBITED RETALIATION

The IWCA prohibits employers from interfering with, restraining or coercing employees in any manner when they chose to exercise the rights or claim the benefits provided to them by law. In addition, employers cannot retaliate, attempt to retaliate or threaten to retaliate against an employee in any way because the employee exercises his or her rights under the law. Acts of retaliation include discharging, refusing to hire or refusing to recall an employee.

MORE INFORMATION

For specific information on particular areas of the IWCA, please contact your official Heffernan Insurance Brokers representative.