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Protecting Your Legal Rights- Illinois Workers' Compensation Act: Injury, Illness and Employment

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On January 1, 2005, the Industrial Commission changed its name to the Illinois Workers' Compensation Commission. Workers' compensation is a no-fault system of benefits paid by employers to workers who experience job-related injuries or diseases. Workers may also be compensated for the aggravation of a pre-existing condition. Injuries are accidental if they happen unexpectedly, without plan or design. This includes injuries brought on by the repetitive use of a part of the body, as well as strokes, heart attacks or any other physical problem caused by work. The benefits are provided either directly by the employer or through a service or insurance company. The employee is entitled to receive all necessary first aid, medical, surgical and hospital services reasonably required to cure or relieve the effects of the injury or disease. Employees that lose time from work in order to recover from the injury or diseases are entitled to receive weekly payments until are able to return to work that is reasonably available to them. Additional benefits are provided when an employee has sustained an injury or disease which results in permanent disability or scarring or other disfigurement. It is against the law for the employer to harass, discharge, refuse to rehire or in any way discrimination against an employee from exercising his or her rights under the Workers' Compensation Act. Such conduct, by an employee may provide a cause of action for retaliatory discharge and a separate suit for damages.

Additionally, if an employee is injured or suffers serious illness, numerous federal and state laws may be implicated such as The Family and Medical Leave Act of 1993 (FMLA). The FMLA requires an employer with 50 or more employees at a given work site to provide up to 12 weeks of unpaid leave in a 12-month period to "eligible" employees. In addition to the FMLA, The Americans With Disabilities Act (ADA), may also apply in the situation where an employee suffers from a permanent disability as a result of an injury or illness whether it occurs on or off the job. Moreover, the employer may provide the employee with an insurance policy which provides coverage for a short term or long term disability. If you have suffered from illness or injury whether on or of the job, I encourage you not to delay in seeking legal guidance to determine what state or federal laws apply to your situation. For further information, please visit our web site at www.joettedoran.com

This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.

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