

1 AN ACT concerning employment.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Workers' Compensation Act is amended by
5 changing Section 6 as follows:

6 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

7 Sec. 6. (a) Every employer within the provisions of this
8 Act, shall, under the rules and regulations prescribed by the
9 Commission, post printed notices in their respective places
10 of employment in such number and at such places as may be
11 determined by the Commission, containing such information
12 relative to this Act as in the judgment of the Commission may
13 be necessary to aid employees to safeguard their rights under
14 this Act in event of injury.

15 In addition thereto, the employer shall post in a
16 conspicuous place on the place of the employment a printed or
17 typewritten notice stating whether he is insured or whether
18 he has qualified and is operating as a self-insured employer.
19 In the event the employer is insured, the notice shall state
20 the name and address of his insurance carrier, the number of
21 the insurance policy, its effective date and the date of
22 termination. In the event of the termination of the policy
23 for any reason prior to the termination date stated, the
24 posted notice shall promptly be corrected accordingly. In
25 the event the employer is operating as a self-insured
26 employer the notice shall state the name and address of the
27 company, if any, servicing the compensation payments of the
28 employer, and the name and address of the person in charge of
29 making compensation payments.

30 (b) Every employer subject to this Act shall maintain
31 accurate records of work-related deaths, injuries and illness

1 other than minor injuries requiring only first aid treatment
2 and which do not involve medical treatment, loss of
3 consciousness, restriction of work or motion, or transfer to
4 another job and file with the Commission, in writing, a
5 report of all accidental deaths, injuries and illnesses
6 arising out of and in the course of the employment resulting
7 in the loss of more than 3 scheduled work days. In the case
8 of death such report shall be made no later than 2 working
9 days following the accidental death. In all other cases such
10 report shall be made between the 15th and 25th of each month
11 unless required to be made sooner by rule of the Commission.
12 In case the injury results in permanent disability, a further
13 report shall be made as soon as it is determined that such
14 permanent disability has resulted or will result from the
15 injury. All reports shall state the date of the injury,
16 including the time of day or night, the nature of the
17 employer's business, the name, address, age, sex, conjugal
18 condition of the injured person, the specific occupation of
19 the injured person, the direct cause of the injury and the
20 nature of the accident, the character of the injury, the
21 length of disability, and in case of death the length of
22 disability before death, the wages of the injured person,
23 whether compensation has been paid to the injured person, or
24 to his or her legal representative or his heirs or next of
25 kin, the amount of compensation paid, the amount paid for
26 physicians', surgeons' and hospital bills, and by whom paid,
27 and the amount paid for funeral or burial expenses if known.
28 The reports shall be made on forms and in the manner as
29 prescribed by the Commission and shall contain such further
30 information as the Commission shall deem necessary and
31 require. The making of these reports releases the employer
32 from making such reports to any other officer of the State
33 and shall satisfy the reporting provisions as contained in
34 the "Health and Safety Act" and "An Act in relation to safety

1 inspections and education in industrial and commercial
2 establishments and to repeal an Act therein named", approved
3 July 18, 1955, as now or hereafter amended. The reports
4 filed with the Commission pursuant to this Section shall be
5 made available by the Commission to the Director of Labor or
6 his representatives and to all other departments of the State
7 of Illinois which shall require such information for the
8 proper discharge of their official duties. Failure to file
9 with the Commission any of the reports required in this
10 Section is a petty offense.

11 Except as provided in this paragraph, all reports filed
12 hereunder shall be confidential and any person having access
13 to such records filed with the Industrial Commission as
14 herein required, who shall release any information therein
15 contained including the names or otherwise identify any
16 persons sustaining injuries or disabilities, or give access
17 to such information to any unauthorized person, shall be
18 subject to discipline or discharge, and in addition shall be
19 guilty of a Class B misdemeanor. The Commission shall compile
20 and distribute to interested persons aggregate statistics,
21 taken from the reports filed hereunder. The aggregate
22 statistics shall not give the names or otherwise identify
23 persons sustaining injuries or disabilities or the employer
24 of any injured or disabled person.

25 (c) Notice of the accident shall be given to the
26 employer as soon as practicable, but not later than 45 days
27 after the accident. Provided:

28 (1) In case of the legal disability of the employee or
29 any dependent of a deceased employee who may be entitled to
30 compensation under the provisions of this Act, the
31 limitations of time by this Act provided do not begin to run
32 against such person under legal disability until a guardian
33 has been appointed.

34 (2) In cases of injuries sustained by exposure to

1 radiological materials or equipment, notice shall be given to
2 the employer within 90 days subsequent to the time that the
3 employee knows or suspects that he has received an excessive
4 dose of radiation.

5 No defect or inaccuracy of such notice shall be a bar to
6 the maintenance of proceedings on arbitration or otherwise by
7 the employee unless the employer proves that he is unduly
8 prejudiced in such proceedings by such defect or inaccuracy.

9 Notice of the accident shall give the approximate date
10 and place of the accident, if known, and may be given orally
11 or in writing.

12 (d) Every employer shall notify each injured employee
13 who has been granted compensation under the provisions of
14 Section 8 of this Act of his rights to rehabilitation
15 services and advise him of the locations of available public
16 rehabilitation centers and any other such services of which
17 the employer has knowledge.

18 In any case, other than one where the injury was caused
19 by exposure to radiological materials or equipment or
20 asbestos unless the application for compensation is filed
21 with the Commission within 3 years after the date of the
22 accident, where no compensation has been paid, or within 2
23 years after the date of the last payment of compensation,
24 where any has been paid, whichever shall be later, the right
25 to file such application shall be barred.

26 In any case of injury caused by exposure to radiological
27 materials or equipment or asbestos, unless application for
28 compensation is filed with the Commission within 25 years
29 after the last day that the employee was employed in an
30 environment of hazardous radiological activity or asbestos,
31 the right to file such application shall be barred.

32 If in any case except one where the injury was caused by
33 exposure to radiological materials or equipment or asbestos,
34 the accidental injury results in death application for

1 compensation for death may be filed with the Commission
2 within 3 years after the date of death where no compensation
3 has been paid or within 2 years after the date of the last
4 payment of compensation where any has been paid, whichever
5 shall be later, but not thereafter.

6 If an accidental injury caused by exposure to
7 radiological material or equipment or asbestos results in
8 death within 25 years after the last day that the employee
9 was so exposed application for compensation for death may be
10 filed with the Commission within 3 years after the date of
11 death, where no compensation has been paid, or within 2 years
12 after the date of the last payment of compensation where any
13 has been paid, whichever shall be later, but not thereafter.

14 (e) Any contract or agreement made by any employer or
15 his agent or attorney with any employee or any other
16 beneficiary of any claim under the provisions of this Act
17 within 7 days after the injury shall be presumed to be
18 fraudulent.

19 (f) Any condition or impairment of health of an employee
20 employed as a firefighter, emergency medical technician
21 (EMT), or paramedic which results directly or indirectly from
22 any bloodborne pathogen, lung or respiratory disease or
23 condition, heart or vascular disease or condition,
24 hypertension, tuberculosis, or cancer resulting in any
25 disability (temporary, permanent, total, or partial) to the
26 employee shall be conclusively presumed to arise out of and
27 in the course of the employee's firefighting, EMT, or
28 paramedic employment and, further, shall be conclusively
29 presumed to be causally connected to the hazards or exposures
30 of the employment. This presumption shall also apply to any
31 hernia or hearing loss suffered by an employee employed as a
32 firefighter, EMT, or paramedic. However, this presumption
33 shall not apply to any employee who has been employed as a
34 firefighter, EMT, or paramedic for less than 5 years at the

1 time the condition or impairment is discovered.

2 (Source: P.A. 84-981.)

3 Section 10. The Workers' Occupational Diseases Act is
4 amended by changing Section 1 as follows:

5 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

6 Sec. 1. This Act shall be known and may be cited as the
7 "Workers' Occupational Diseases Act".

8 (a) The term "employer" as used in this Act shall be
9 construed to be:

10 1. The State and each county, city, town, township,
11 incorporated village, school district, body politic, or
12 municipal corporation therein.

13 2. Every person, firm, public or private corporation,
14 including hospitals, public service, eleemosynary, religious
15 or charitable corporations or associations, who has any
16 person in service or under any contract for hire, express or
17 implied, oral or written.

18 3. Where an employer operating under and subject to the
19 provisions of this Act loans an employee to another such
20 employer and such loaned employee sustains a compensable
21 occupational disease in the employment of such borrowing
22 employer and where such borrowing employer does not provide
23 or pay the benefits or payments due such employee, such
24 loaning employer shall be liable to provide or pay all
25 benefits or payments due such employee under this Act and as
26 to such employee the liability of such loaning and borrowing
27 employers shall be joint and several, provided that such
28 loaning employer shall in the absence of agreement to the
29 contrary be entitled to receive from such borrowing employer
30 full reimbursement for all sums paid or incurred pursuant to
31 this paragraph together with reasonable attorneys' fees and
32 expenses in any hearings before the Industrial Commission or

1 in any action to secure such reimbursement. Where any
2 benefit is provided or paid by such loaning employer, the
3 employee shall have the duty of rendering reasonable
4 co-operation in any hearings, trials or proceedings in the
5 case, including such proceedings for reimbursement.

6 Where an employee files an Application for Adjustment of
7 Claim with the Industrial Commission alleging that his or her
8 claim is covered by the provisions of the preceding
9 paragraph, and joining both the alleged loaning and borrowing
10 employers, they and each of them, upon written demand by the
11 employee and within 7 days after receipt of such demand,
12 shall have the duty of filing with the Industrial Commission
13 a written admission or denial of the allegation that the
14 claim is covered by the provisions of the preceding paragraph
15 and in default of such filing or if any such denial be
16 ultimately determined not to have been bona fide then the
17 provisions of Paragraph K of Section 19 of this Act shall
18 apply.

19 An employer whose business or enterprise or a substantial
20 part thereof consists of hiring, procuring or furnishing
21 employees to or for other employers operating under and
22 subject to the provisions of this Act for the performance of
23 the work of such other employers and who pays such employees
24 their salary or wage notwithstanding that they are doing the
25 work of such other employers shall be deemed a loaning
26 employer within the meaning and provisions of this Section.

27 (b) The term "employee" as used in this Act, shall be
28 construed to mean:

29 1. Every person in the service of the State, county,
30 city, town, township, incorporated village or school
31 district, body politic or municipal corporation therein,
32 whether by election, appointment or contract of hire, express
33 or implied, oral or written, including any official of the
34 State, or of any county, city, town, township, incorporated

1 village, school district, body politic or municipal
2 corporation therein and except any duly appointed member of
3 the fire department in any city whose population exceeds
4 500,000 according to the last Federal or State census, and
5 except any member of a fire insurance patrol maintained by a
6 board of underwriters in this State. One employed by a
7 contractor who has contracted with the State, or a county,
8 city, town, township, incorporated village, school district,
9 body politic or municipal corporation therein, through its
10 representatives, shall not be considered as an employee of
11 the State, county, city, town, township, incorporated
12 village, school district, body politic or municipal
13 corporation which made the contract.

14 2. Every person in the service of another under any
15 contract of hire, express or implied, oral or written, who
16 contracts an occupational disease while working in the State
17 of Illinois, or who contracts an occupational disease while
18 working outside of the State of Illinois but where the
19 contract of hire is made within the State of Illinois, and
20 any person whose employment is principally localized within
21 the State of Illinois, regardless of the place where the
22 disease was contracted or place where the contract of hire
23 was made, including aliens, and minors who, for the purpose
24 of this Act, except Section 3 hereof, shall be considered the
25 same and have the same power to contract, receive payments
26 and give quittances therefor, as adult employees. An employee
27 or his or her dependents under this Act who shall have a
28 cause of action by reason of an occupational disease,
29 disablement or death arising out of and in the course of his
30 or her employment may elect or pursue his or her remedy in
31 the State where the disease was contracted, or in the State
32 where the contract of hire is made, or in the State where the
33 employment is principally localized.

34 (c) "Commission" means the Industrial Commission created

1 by the Workers' Compensation Act, approved July 9, 1951, as
2 amended.

3 (d) In this Act the term "Occupational Disease" means a
4 disease arising out of and in the course of the employment or
5 which has become aggravated and rendered disabling as a
6 result of the exposure of the employment. Such aggravation
7 shall arise out of a risk peculiar to or increased by the
8 employment and not common to the general public.

9 A disease shall be deemed to arise out of the employment
10 if there is apparent to the rational mind, upon consideration
11 of all the circumstances, a causal connection between the
12 conditions under which the work is performed and the
13 occupational disease. The disease need not to have been
14 foreseen or expected but after its contraction it must appear
15 to have had its origin or aggravation in a risk connected
16 with the employment and to have flowed from that source as a
17 rational consequence.

18 An employee shall be conclusively deemed to have been
19 exposed to the hazards of an occupational disease when, for
20 any length of time however short, he or she is employed in an
21 occupation or process in which the hazard of the disease
22 exists; provided however, that in a claim of exposure to
23 atomic radiation, the fact of such exposure must be verified
24 by the records of the central registry of radiation exposure
25 maintained by the Department of Public Health or by some
26 other recognized governmental agency maintaining records of
27 such exposures whenever and to the extent that the records
28 are on file with the Department of Public Health or the
29 agency.

30 The employer liable for the compensation in this Act
31 provided shall be the employer in whose employment the
32 employee was last exposed to the hazard of the occupational
33 disease claimed upon regardless of the length of time of such
34 last exposure, except, in cases of silicosis or asbestosis,

1 the only employer liable shall be the last employer in whose
2 employment the employee was last exposed during a period of
3 60 days or more after the effective date of this Act, to the
4 hazard of such occupational disease, and, in such cases, an
5 exposure during a period of less than 60 days, after the
6 effective date of this Act, shall not be deemed a last
7 exposure. If a miner who is suffering or suffered from
8 pneumoconiosis was employed for 10 years or more in one or
9 more coal mines there shall, effective July 1, 1973 be a
10 rebuttable presumption that his or her pneumoconiosis arose
11 out of such employment.

12 If a deceased miner was employed for 10 years or more in
13 one or more coal mines and died from a respirable disease
14 there shall, effective July 1, 1973, be a rebuttable
15 presumption that his or her death was due to pneumoconiosis.

16 Any condition or impairment of health of an employee
17 employed as a firefighter, emergency medical technician
18 (EMT), or paramedic which results directly or indirectly from
19 any bloodborne pathogen, lung or respiratory disease or
20 condition, heart or vascular disease or condition,
21 hypertension, tuberculosis, or cancer resulting in any
22 disability (temporary, permanent, total, or partial) to the
23 employee shall be conclusively presumed to arise out of and
24 in the course of the employee's firefighting, EMT, or
25 paramedic employment and, further, shall be conclusively
26 presumed to be causally connected to the hazards or exposures
27 of the employment. This presumption shall also apply to any
28 hernia or hearing loss suffered by an employee employed as a
29 firefighter, EMT, or paramedic. However, this presumption
30 shall not apply to any employee who has been employed as a
31 firefighter, EMT, or paramedic for less than 5 years at the
32 time the condition or impairment is discovered.

33 The insurance carrier liable shall be the carrier whose
34 policy was in effect covering the employer liable on the last

1 day of the exposure rendering such employer liable in
2 accordance with the provisions of this Act.

3 (e) "Disablement" means an impairment or partial
4 impairment, temporary or permanent, in the function of the
5 body or any of the members of the body, or the event of
6 becoming disabled from earning full wages at the work in
7 which the employee was engaged when last exposed to the
8 hazards of the occupational disease by the employer from whom
9 he or she claims compensation, or equal wages in other
10 suitable employment; and "disability" means the state of
11 being so incapacitated.

12 (f) No compensation shall be payable for or on account
13 of any occupational disease unless disablement, as herein
14 defined, occurs within two years after the last day of the
15 last exposure to the hazards of the disease, except in cases
16 of occupational disease caused by berylliosis or by the
17 inhalation of silica dust or asbestos dust and, in such
18 cases, within 3 years after the last day of the last exposure
19 to the hazards of such disease and except in the case of
20 occupational disease caused by exposure to radiological
21 materials or equipment, and in such case, within 25 years
22 after the last day of last exposure to the hazards of such
23 disease.

24 (Source: P.A. 81-992.)