



There's no need to revive the onerous Scaffold Act

May 26, 2003

Nearly eight years after the Structural Work Act was repealed, there are rumblings in Springfield that there will be an effort to revive it during this late session or soon after. If the measure is revived, there is a good chance it could again become law.

That would spell real trouble, not only for business but the entire state.

Without a doubt, corporate interests of all sizes and types should vigorously combat the restoration of the Structural Work Act, also known as the Scaffold Act. Regardless of what the measure is called, its return would be a blow to Illinois' business environment—already

The law boosts the costs of contractors and does little to improve job safety.

reeling from the governor's desire to raise business fees and boost the minimum wage. It would be a boon only to trial lawyers and unions that seek the upper hand over employers.

The Structural Work Act should stay in the bone yard of defunct legislation. Spawned in 1907, prior to workers compensation laws, the act allows injured workers to sue for damages even if the workplace accident was their fault, and even after they have already been compensated under Illinois' workers compensation rules. The law boosts the costs of contractors' insurance and does little to improve workplace safety, which is already being addressed through improved regulation and enforcement.

Those pushing for the Scaffold Act's return are lawyers, who use the law to land fatter settlements from insurance companies and employers, and union bosses, who seek to curry favor with their membership. It's no coincidence that both groups exercise significant influence within the Democratic Party, which now happens to control state government.

Nevertheless, the Structural Work Act should not be revived. It is a relic of the past and richly deserves to remain that.