

# The Coalition to Protect Illinois Jobs

## HB 2094: “The Trial Lawyer Full Employment Act”

### CPIJ Position: Opposed

Background: The Structural Work Act was a 1907 Illinois law that originally intended to allow certain employees compensation for workplace injuries that occur on a scaffold. This was **PRIOR** to the enactment of the Illinois Workers’ Compensation Law in 1911. With the passage of Illinois’ Workers’ Compensation Law, the Structural Work Act remained dormant until the 1950s, when an Illinois court decision struck down a provision that prohibited third party lawsuits. From that point, until its repeal in 1995, a worker could collect benefits under Workers’ Compensation and then sue everyone involved in the project regardless of fault, including owners, suppliers, contractors, subcontractors and designers.

Important points to consider:

- The Structural Work Act exposes virtually all Illinois employers, not just construction employers.
- The Structural Work Act is not a safety statute. In fact, since the repeal of the Structural Work Act, there have been fewer construction related fatalities even though construction employment has grown. OSHA requirements drive safety.
- Since the Structural Work Act was repealed in 1995, the number of Illinois construction employees has increased 28% (215,000 to 275,000) while Illinois has experienced a **30% decrease in construction fall fatalities** (20 down to 14).
- Illinois’ overall **worker injury rate decreased 53 percent** between 1991 and 2003. In fact, Illinois has the **10<sup>th</sup> lowest injury rate in the country**.
- This bill would expose Illinois employers to a brand new layer of massive lawsuits from trial lawyers and their clients – even from those workers who are already receiving workers compensation benefits.
- To afford protection from these new multiple layers of lawsuits, Illinois employers would be forced to **eliminate Illinois jobs and raise prices on consumers**.
- This bill gives Illinois trial lawyers and their clients the ability to sue everyone involved in the project for massive amounts of money -- regardless of fault -- including owners, suppliers, contractors, subcontractors and designers.
- The Structural Work Act allows trial lawyers to play the “Lawsuit Lottery” by suing everyone involved in a project – regardless of fault.
- Only one state in the nation (New York) has this outdated law still on the books.
- The Structural Work Act would cost Illinois employers \$113 million annually in direct insurance costs, and as much as \$170 million when indirect costs, court appearances, depositions and other expenses are included. These costs are passed on to *all* consumers. (Watson-Wyatt Group, 1998 study)
- Reinstating the Structural Work Act will increase construction costs, which will stifle both private investment and public works projects. It will also send an alarming negative message to companies looking to locate, expand or build in Illinois.

- Employers are faced with increased legal costs defending both workers' compensation and Structural Work Act claims. Being removed from a lawsuit prior to trial still creates unnecessary legal costs for employers.
- Architects, engineers and land surveyors, building owners and developers are placed in legal and financial jeopardy under the Structural Work Act because they can be sued even though they are not involved in on-site safety issues.
- The following groups urge all lawmakers to vote NO on reinstating the Structural Work Act in order to protect Illinois jobs:

# The Coalition to Project Illinois Jobs

American Council of Engineering Companies-IL  
American Institute of Architects Illinois  
American Insurance Association  
American International Group  
Associated Builders and Contractors of Illinois  
Associated General Contractors of Illinois  
Associated General Contractors of the Quad  
Cities  
Association of Contractors and Affiliates  
Association of Licensed Architects  
Builders Association (of Greater Chicago)  
Caterpillar  
Central Illinois Builders of AGC  
Central Illinois National Electrical Contractors  
Association  
Chemical Industry Council of Illinois  
Chicago Roofing Contractors Association  
Chicagoland Chamber of Commerce  
Chicagoland Sheet Metal Contractors  
Association  
City of Chicago  
CNA  
Concrete Contractors Association  
Cook County  
DuPage County  
Eastern Illinois Chapter National Electrical  
Contractors Association  
Eastern Iowa/Western Illinois Mechanical  
Contractors Association  
Electrical Contractors Association of Chicago  
Finishing Contractors of Illinois  
Fox Valley Associated General Contractors  
France Mechanical/Mid-Western Illinois  
Mechanical Contractors Association  
Greater Peoria Contractors and Suppliers  
Association  
Greater Southwest Plumbing-Heating-Cooling  
Contractors  
Hispanic American Construction Industry  
Association  
Home Builders Association of Illinois  
Illinois Association of Plumbing-Heating-  
Cooling Contractors  
Illinois Chamber of Commerce  
Illinois Construction Industry Committee  
Illinois Fire Sprinkler Installers  
Illinois Interior Design Coalition  
Illinois Manufacturers Association  
Illinois Mechanical and Specialty Contractors  
Association  
Illinois Municipal League  
Illinois Professional Land Surveyors Association  
Illinois Retail Merchants Association  
Illinois Road and Transportation Builders  
Association  
Illinois Society of Professional Engineers  
Illinois Valley Contractors Association  
Lake County Contractors Association  
Liberty Mutual Insurance  
Mason Contractors Association of Greater  
Chicago  
Mechanical Contractors Association of Central  
Illinois  
Mechanical Contractors Association of Chicago  
Middle States Electrical Contractors Association  
National Association of Industrial and Office  
Properties  
National Electrical Contractors Association,  
Illinois chapter  
National Federation of Independent Business  
National Fire Sprinkler Association  
Northeastern Illinois Chapter National Electrical  
Contractors Association  
Northern Illinois Fire Sprinkler Advisory Board  
Northern Illinois National Electrical Contractors  
Association  
Northern Illinois Building Contractors  
Association  
Plumbing & Mechanical Contractors  
Association of Northern Illinois  
Plumbing & Mechanical Contractors  
Association, Joliet  
Plumbing Contractors Association of Chicago &  
Cook County  
Property Casualty Insurers Association of  
America  
Southern Illinois Builders of AGC  
Southern Illinois Employers Association  
Structural Engineers Association of Illinois  
Underground Contractors Association