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Repeal Launches Pro-Business Agenda

Symbolism is the driving force behind the effort to repeal Illinois' scaffolding act. The new Republican leadership in the General Assembly wants to get Democrats' attention and the outdated law which protected construction workers before workers' compensation provides the perfect vehicle.

Sending the repeal to Gov. Jim Edgar so early in the spring session - it's the first bill passed by both chambers - lets Republicans send three messages.

First, Republicans are saying they're in charge and they plan to push measures that have long been stymied by Democratic majorities. Second, this Republican agenda puts business interests first. House Speaker Lee Daniels could have tackled welfare reform or tax caps or school choice, all initiatives that affect many more people, but he chose instead to help out the construction industry. Finally, early passage indicates Republicans are serious about moving their 60-day agenda, Illinois' version of the Contract with America. Lawmakers aren't used to meeting much in January and February, let alone taking on controversial issues.

Nevertheless, there are good reasons for the scaffolding act to go. To begin with, it is duplicative. It gives injured construction

workers an unnecessary avenue to seek compensation for job-related injuries already covered adequately by workers' compensation laws and the right to sue. Secondly, it is unfair to other workers, in granting special privileges to some. And finally, the legislation adds unnecessarily to the cost of construction in Illinois. The law's supporters, primarily organized labor, argue that the extra liability threat makes contractors pay attention to workplace safety. But the federal Occupational Health and Safety Administration is supposed to ensure that safety standards are met, not just in construction but in all industries. The argument for retaining another layer of protection, and a second avenue for lawsuits, is weak.

Repeal of the scaffolding act is merely the preliminary bout in the Republican effort to reform how courts handle personal-injury lawsuits. The main event comes when legislation is considered to limit non-economic damage awards against doctors and to impose caps in product liability cases. The outcome of that fight will have a much greater impact on the cost of doing business in Illinois.