

CHICAGO SUN-TIMES

Scaffold Act belongs in the past

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Here's an unsavory scenario: A construction worker ignores company safety rules--he doesn't wear a safety harness, for example--and badly injures himself. He collects workers compensation and then sues and collects from a contractor or property owner or architect, even though he caused or contributed to the likelihood of his own injury. How? Because, under the terms of an antiquated law that some want to revive, "Comparative negligence does not apply...."

That law, commonly known as the Scaffold Act, dates back to 1907, six years before workers comp, when workers had no real protections. It was sensibly repealed in 1995. But now powerful forces in the Illinois General Assembly are said to be ready to bring it back--along with skyrocketing insurance costs and legal fees for the construction industry. This would be a bad move.

If the Scaffold Act were reinstated, it could cause a damaging slowdown in construction without providing responsible workers any added protection. As things stand, injured parties can sue, but they have to prove liability. Claims that conditions at job sites will be safer if the old law were revived are not supported by statistics showing a decrease in fatalities since 1995. No, the big winners would be trial lawyers, the losers businesses forced to pay even higher insurance premiums and all of us if higher insurance costs send construction, its job and revenues to other states. There are enough pointless lawsuits as it is.

The Chicago Sun-Times editorialized against the Structural Work Act in its May 27, 2003 edition.

Dave Rock represented the construction industry at the editorial board meeting. As the only contractor to participate in the meeting, his insights were invaluable in explaining the negative impact of the law on contractors.