

Advance Notice Policy Violates Illinois Workers' Comp Law

Labor & Employment Law Update

on October 2, 2014

A judge from the Northern District of Illinois recently ruled that an employer's policy requiring employees to notify management before seeking medical treatment violates the Illinois Workers' Compensation Act (IWCA). The employee filed suit alleging he was fired in retaliation for exercising his rights under the IWCA. The employer explained that the employee was terminated for failing to adhere to an important workplace policy that was in place for the safety of its employees.

The employer's policy required employees to immediately report workplace injuries and notify management before seeking professional medical treatment. The employee reported his workplace injury, but he failed to notify management before seeking medical treatment. The court acknowledged that an employer can lawfully require employees to report workplace injuries, but employees have a right under the IWCA to seek medical treatment and the employer cannot interfere with rights under the IWCA "in any manner whatsoever." The court agreed that the "interference" related to the employer's "advance notice" policy was probably minor in nature, but stressed that the act does not permit any type of interference.

Employers have a legitimate and lawful basis for requiring employees to report workplace injuries, but this recent Illinois case is a reminder that an employer's policies must not discourage or interfere with an employee's right to exercise protections under the IWCA.