

Key Takeaways – Prevention to Resolution: Managing Workers' Compensation Claims With the End in Mind

Labor & Employment Law Update

By Diandra Abate and Matthew Gorski on November 19, 2025

A strong workers' compensation defense strategy begins long before a claim is filed. After all, an unexpected claim can costly regardless of industry. Strategic and proactive measures to prevent accidents coupled with an understanding of how to manage the claims that *do* arise are indispensable tools for businesses.

In a recent webcast, two of our workers' compensation attorneys shared their insights and best practices to help employers confidently manage claims and achieve favorable outcomes.

Key takeaways from this presentation include:

THE BURDEN OF PROOF LIES WITH THE PETITIONER.

In Illinois, first and foremost, it is the petitioner's burden to prove all elements of their claim in a workers' compensation claim. Understanding the legal framework can help employers prepare appropriate responses to claims.

PROMPT, COMPREHENSIVE RECORDKEEPING IS ESSENTIAL.

In many states, including Illinois and Wisconsin, there is no discovery process for workers' compensation claims. By the time a case goes to trial, which may be years later, witnesses may no longer accurately remember critical details. Documenting as much as possible at the initial investigation of an accident is critical and may make the difference between an accident that is compensable and one that is not.

ACCIDENT PREVENTION REDUCES RISK AND STRENGTHENS DEFENSE.

Employers can take preventative measures to minimize the number of workers' compensation claims they face. At trial, these measures can improve outcome by demonstrating the employer's due diligence. Effective prevention tools include consistent employee training, thorough employee handbooks and a signed

acknowledgement, and up-to-date signage in the workplace.

For the full, in-depth discussion that helps employers protect its workforce and bottom line, watch the full presentation recording on demand.

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