

# Impact of the Emergency Worker Compensation Rule on the Construction Industry

Well before Gov. Pritzker's Executive Order deeming construction as essential, our union contractors were working with organized labor to formulate strategies to keep worksites safe.

**Our top priority has been and remains the health and welfare of every employee on our job sites -- both our skilled tradespeople and the management staff.**

Where we could adapt our construction sites to CDC standards, we did. Where worker safety could not be assured, sites were closed.

**It is important to understand why construction sites are different than other work locations:**

- Hospital workers and first responders are on the front lines. As a core function of their jobs, those groups are working heroically and rushing toward dangers presented by the general public.
- **Construction workers work in controlled environments with mandated safety protocols** for those who are allowed to enter.
- These sites are not open to the public and workers do not interact with the general public.
- Because of the nature of our job sites, we are able to maintain the mandated social distancing standards.
- Our employees' basic uniform consists of a variety of PPE, including gloves and masks. This is not new and is not a response to a pandemic; rather, it's a core requirement that has been taught from day one of apprenticeship school.
- **Construction workers typically move from job to job as their skills and the work dictate.** It's the nature of the industry.

It is important to note that the liability for an unsafe job site rests solely with contractors – not the government and not the unions. **The latest ruling by the Workers Compensation Commission heaps even more liability on contractors – at a time when government should be supporting its small businesses. They are in direct opposition to OSHA guidelines on the same subject.**

**We ask that the State of Illinois reconsider its ill-conceived decision that will serve to create unlimited liability exposure for construction contractors who do not control the behavior of their workers for the two-thirds of the day they are not on the job site. They now find themselves in the extraordinary position of choosing between delivering essential infrastructure projects – as they have been asked to do -- and trying to protect their businesses from financial ruin.**

**The costs of the emergency rule are not fully known – only that they will be catastrophic. This action was taken without any consultation with the construction or insurance industries.**

**Construction companies – mostly small businesses operating on thin margins – cannot weather this impact.**