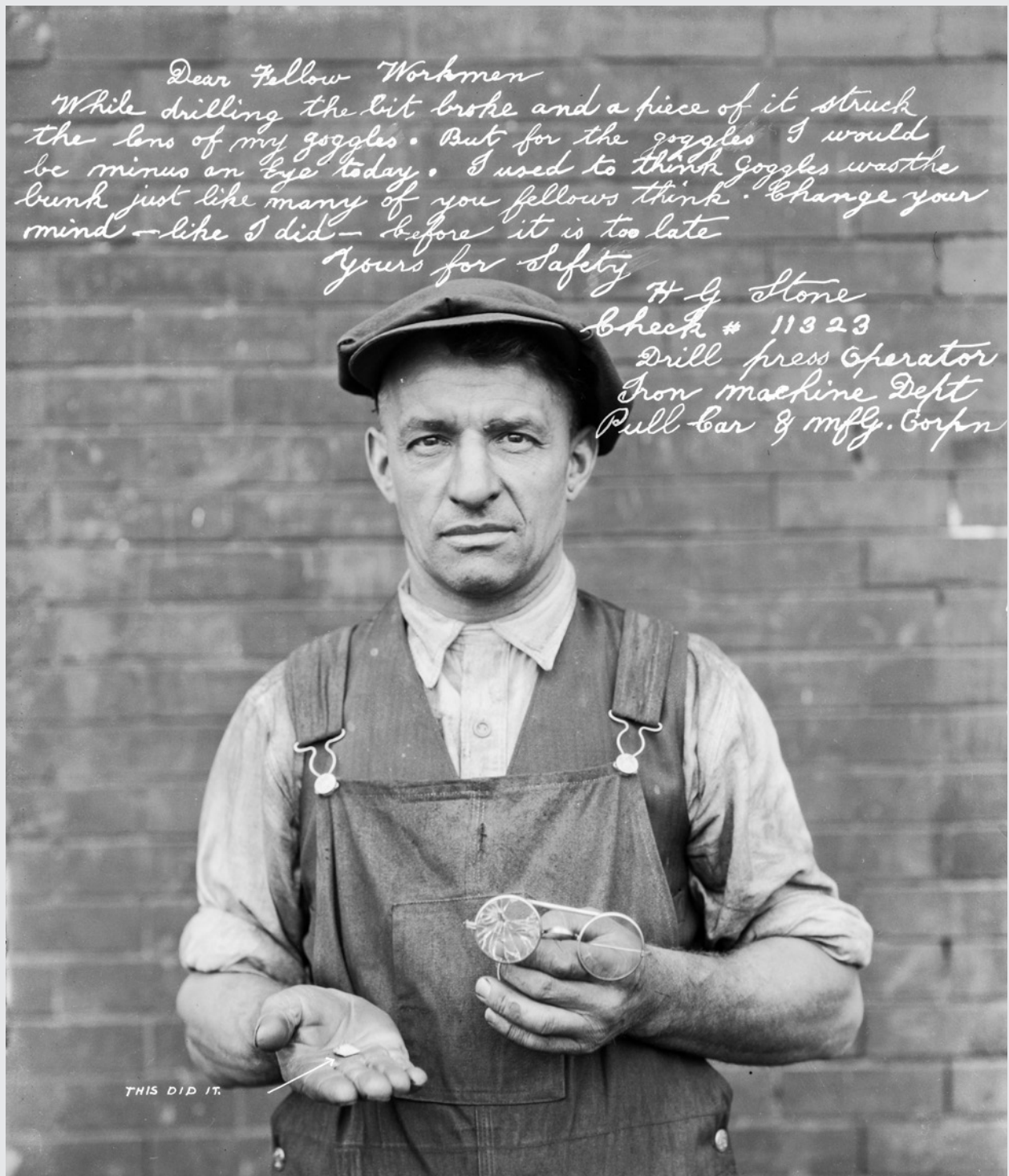


**State of Illinois
Workers' Compensation Commission**



**Fiscal Year 2022
Annual Report**

JB Pritzker, Governor
Michael J. Brennan, Chairman



Illinois Workers' Compensation Commission

69 W. Washington St., Suite 900
Chicago, IL 60602
312-814-6500

JB Pritzker, Governor

Michael J. Brennan, Chairman

Dear Governor Pritzker:

By the requirements of §15 of the Illinois Workers' Compensation Act, 820 ILCS 305/15 and 30 ILCS 105/3(9), we, the undersigned Commissioners, hereby submit this the Fiscal Year 2022 Annual Report, summarizing the operations and activities of the Commission. By this report, we highlight accomplishments and changes to our process that we made as we exited the challenges brought by the COVID-19 pandemic.


By embracing new technology, and making it part of our new normal, we are a totally paperless quasi-judicial agency. Major activities, involving practice before the Workers' Compensation Commission, are conducted on-line.

Since the initial iteration of our paperless system, we have integrated remaining functions of the IWCC into the virtual world. In addition to its quasi-judicial functions, the Commission is responsible for the regulation and approval of all self-insured entities. All self-insurance documents are now transmitted electronically. These include applications, renewals and financial details that must be submitted by each self-insured. This is now a more effective process.


Our Arbitrators and Commissioners continue to embrace technology, as Pre-Trial Conferences and Review Hearings are conducted virtually. This methodology, born out of COVID, remains as it has created significant efficiencies for all stake holders. Parties are no longer required to travel great distances for routine proceedings, thus cutting costs.

Nationally, Illinois' workers' compensation insurance cost remains in the center of the pack. The efficiencies noted above, will allow us to remain in similar position in the future. This is incentive for employers to locate and/or expand businesses in Illinois. Thank you for your unending support, which allows us to carry out our Mission.

Sincerely,



Michael J. Brennan
Chairman



Amylee Hogan Simonovich,
Commissioner




Kathryn A. Doerries, Commissioner




Stephen J. Mathis, Commissioner




Marc Parker, Commissioner



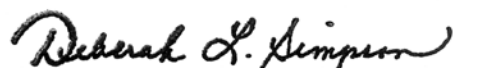
Christopher A. Harris, Commissioner



Maria Portela, Commissioner



Deborah J. Baker, Commissioner



Deborah L. Simpson, Commissioner



Carolyn M. O'Grady, Commissioner

TABLE OF CONTENTS

Letter to Governor Pritzker	1
Overview of Workers' Compensation	2
Mission Statement	3
Board Members	4
Statistics	5
Detailed Case Information	6
Injury Data	9
Aggregate Benefit Payments	10
Insurance Data	11
References	14

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OVERVIEW OF WORKERS' COMPENSATION

Workers' compensation laws were early acts of social legislation passed in the United States. At the beginning of the 20th century, employers feared the assumption of liability for work injuries would destroy their businesses, while employees feared permanent disabling conditions that would prevent them from working and cause financial ruin.

Before the advent of workers' compensation laws, an injured worker had to file a common law complaint against the employer and prove the employer had failed to provide a safe workplace, to warn of danger, or to provide enough appropriate fellow workers. The employer then could present a defense that blamed the injured worker's contributory negligence or argued that the employee assumed certain risks in accepting the job. The process was prolonged and uncertain, with large risks to both employee and employer.

The high injury and death rates throughout the Industrial Revolution led to public outcries for solutions which gradually led to the enactment of employer liability acts. Employers were then held more responsible for negligence, but employees still had to file lawsuits for damages. The first workers' compensation laws originated in Germany in 1884. Similar laws passed in other European countries.

In the U.S., workers' compensation laws were passed on a state-by-state basis. Most of the early laws covered only hazardous occupations and were found unconstitutional. Maryland passed the first act in 1902. Wisconsin's law of 1911 was the first that withstood legal challenges. Illinois also passed its first law in 1911, effective May 1, 1912.¹ It took until 1948 for all states to establish a law.

Workers' compensation laws balance competing interests: employees give up their right to sue in civil court and potentially win large awards in exchange for more modest but prompt compensation; employers give up their common law defenses in exchange for limits on their liabilities. Workers' compensation was established as a no-fault system. The theory behind the law is that the cost of work-related injuries or illnesses should be part of the cost of the product or service.

Originally, the courts administered the Act, but the volume overwhelmed the courts. On July 1, 1913, a three-member Industrial Board was created.² In 1917, a five-member Industrial Commission was created within the Illinois Department of Labor.³ In 1957, the Commission separated from the Department of Labor and became a self-standing agency.⁴ On January 1, 2005, the agency officially became the Illinois Workers' Compensation Commission.⁵

Employees hired, injured, or whose employment is in Illinois are protected by the Illinois Workers' Compensation Act. When an injury is sustained at work, the injury may be compensable according to the Act. Benefits may include an award for medical treatment, lost income, and permanent disability.

Illinois employers pay for workers' compensation benefits through insurance policies or by becoming self-insured. Cases are first heard by Arbitrators, whose decisions may be appealed to Commissioners. Cases may proceed on to the Circuit Court, Illinois Appellate Court, and, if leave is granted, the Illinois Supreme Court. Most claims, however, are settled between the parties prior to, or following, the initial arbitration.

¹ Act of June 10, 1911. 1911 Ill. Laws 315-26.

² Act of June 28, 1913, sec. 1, § 13. 1913 Ill. Laws 346-347.

³ Act of May 31, 1917, sec. 1, § 13(a) and (b). 1917 Ill. Laws 498-99.

⁴ Act of July 11, 1957, sec. 1, § 13(a). 1957 Ill. Laws 2633.

⁵ P.A. 93-721.

MISSION STATEMENT

The Illinois Workers' Compensation Commission resolves claims made by injured workers for injuries arising out of and in the course of employment. The Commission strives to assure financial protection for injured workers and their dependents at a fair cost to employers. The Commission performs three main functions:

- 1) *Resolves claims.* The Commission strives to provide a fair, timely process by which disputed claims may be resolved.
- 2) *Ensures compliance with the law.* The Commission protects the rights of employees and employers under the Illinois Workers' Compensation and Occupational Diseases Acts.
- 3) *Administers self-insurance.* The Commission evaluates and approves eligible employers that wish to insure themselves for their workers' compensation liabilities.

The Commission strives to accomplish these goals while looking constantly for ways to improve the quality of service.

BOARD MEMBERS

The Commission is grateful to all board members, who serve without compensation. Membership listing is as of June 30, 2022.

COMMISSION REVIEW BOARD

The board investigates complaints made against Arbitrators and Commissioners. The Governor appoints two public members, the senior labor and business Commissioners serve by statute, and the Arbitrators elect one Chicago and one Downstate Arbitrator.

Robert Hanaford Governor Appointee	Commissioner Deborah Simpson Senior Business Commissioner	Arbitrator Jeffrey Huebsch Chicago Arbitrator
Vacant Governor Appointee	Commissioner Thomas Tyrrell Senior Labor Commissioner	Arbitrator Maureen Pulia Downstate Arbitrator

SELF-INSURERS ADVISORY BOARD

The board reviews applications from private companies to self-insure and makes recommendations to the Chairman. The board also ensures the continued payment of benefits to workers of bankrupt self-insurers.

Alex G. Alexandrou City of Aurora	Paul T. Bergmann Property-Casualty Insurance Consulting	Joan Vincenz United Airlines
	Michael Castro Insurance Program Managers Group	David Taylor Reyes Holdings

WORKERS' COMPENSATION ADVISORY BOARD

The board assists the Commission in formulating policies, setting priorities, and developing administrative goals. The board also makes recommendations to the Governor regarding Commission appointments.

<u>EMPLOYEES</u>		<u>EMPLOYERS</u>	
Tim Drea Illinois AFL-CIO	Mitchell Horwitz Horwitz, Horwitz & Assoc.	Mark Denzler Illinois Manufacturers Assoc.	Robert Karr Illinois Retail Merchants Assoc.
Mark Prince Prince Law Firm	Sean Stott Laborers' International Union	Jill Kastner Hennessey & Roach, P.C.	Charles "Denne" Knell Knell Law, LLC
Aaron Anderson Painters Dist. Council #30	David Weaver David Weaver & Assoc.	Karen K. Harris Illinois Health & Hospital Association	Vacant

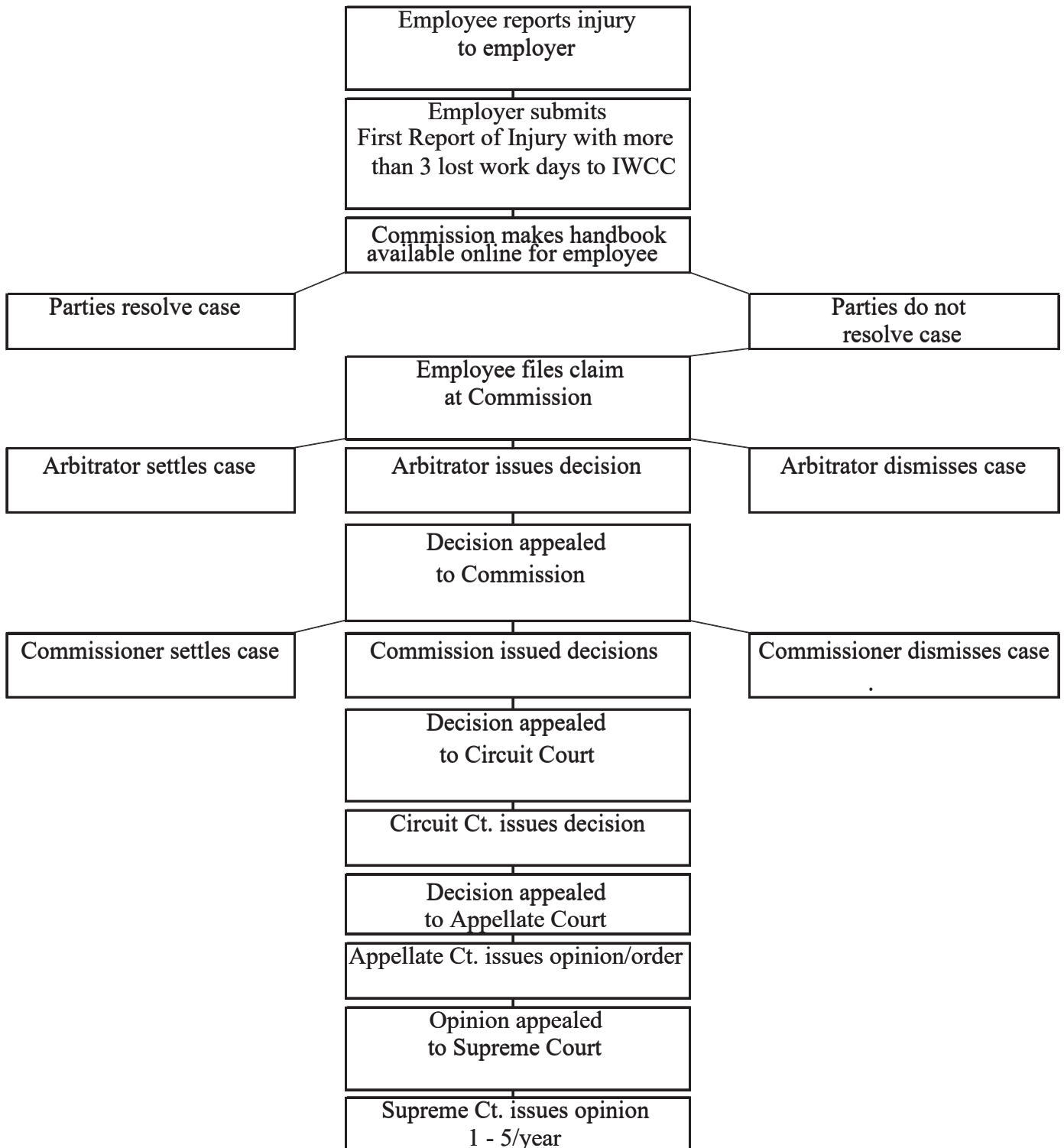
WORKERS' COMPENSATION MEDICAL FEE ADVISORY BOARD

The board advises the IWCC on the establishment of medical fees and the accessibility of treatment.

<u>MEDICAL PROVIDERS</u>	<u>EMPLOYEES</u>	<u>EMPLOYERS</u>
Preston Wolin, MD Clinic for Athletic Medicine, Ltd.	Mike Macellaio Chicago & Cook County Building & Trades	Helena Lefkow Illinois Health & Hospital Assoc.
David J. Fletcher, MD SafeWorks Illinois	David Menchetti Cullen, Haskins, Nicholson & Menchetti	Amy Bilton Nyhan, Bambrick, Kinzie & Lowry
Vacant	Vacant	Tanya Triche Dawood Illinois Retail Merchants Assoc.

STATISTICS

The flowchart below generally illustrates the process. Each year in Illinois, approximately 200,000 work-related accidents occur. In most of these cases, the worker does not lose time from work. Fewer than 40,000 claims are filed with the Commission. The statistics in this section refer only to those cases that are filed with the Commission.



DETAILED CASE INFORMATION

Cases are assigned to the hearing site nearest the site of the accident. If the accident occurred outside of Illinois, the case is assigned to the hearing site closest to the petitioner's home; if the petitioner lives outside of Illinois, the case is set at the site most convenient to the parties.

NEW CASES FILED IN FY22

Chicago (1 hearing site)	14,512
Downstate (18 sites)	<u>18,738</u>
Total	33,250

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Collinsville 1,972	Quincy 282	Bloomington 573	Kankakee 317	Rockford 1,209	Elgin 467
Herrin 707	Springfield 1,095	Peoria 1,046	New Lennox 2,221	Waukegan 1,095	Geneva 1,184
Mt. Vernon 810	Urbana 1,126	Rock Island 745	Ottawa 783	Woodstock 594	Wheaton 2,112

DECISIONS ISSUED

DECISIONS AND APPEALS

	Arbitration Decisions	% Appealed	Commission Decisions	% Appealed	Circuit Ct. Decisions	Appellate Opinions*	Supreme Ct. Opinions
2018	2,095	51%	860	25%	208	80	0
2019	1,815	53%	726	23%	206	45	0
2020	1,305	51%	668	11%	74	41	1
2021	693	56%	721	20%	41	21	0
2022	1,392	58%	683	19%	132	40	0

* Includes Rule 23 orders & full Opinion Calendar year

CASES OPENED

	FY18	FY19	FY20	FY21	FY22
New claims filed	38,392	37,707	33,339	32,420	33,250
Reinstated	1,087	990	609	97	246
Remanded to Arbitrator	249	217	208	135	188
Remanded to Commissioner	24	18	10	4	17
Total cases returned to caseload	1,360	1,225	827	236	434
Total additions to the caseload	39,752	38,932	34,166	32,656	33,684
Change from previous year	(1%)	(2%)	(12%)	(4%)	3%

CASES CLOSED

As in other court systems, most cases filed at the Commission are settled. Please note that the figures below report only the final action on a case. If a case had more than one action (e.g., a case was decided at Arbitration, then decided on the Commission level, then settled), only the final action is reported here. An Arbitration case is counted as closed if it was dismissed, settled, or if a decision was issued and no appeal was filed.⁶

CASES CLOSED BY ARBITRATORS

FINAL ACTION	FY18	FY19	FY20	FY21	FY22
Voluntary dismissals	563	648	410	398	627
DWP	3,144	3,050	1,956	186*	1996
Total Dismissals	3,862	3,698	2,366	584	2623
Original settlements	4,578	4,403	3,003	2,845	2,704
SC before Arb. dec.	32,765	27,644	21,531	23,592	24,283
Total settlements	37,126	30,797	24,153	26,437	26,987
Arbitration decisions	<u>871</u>	<u>705</u>	<u>637</u>	<u>298</u>	<u>1392</u>
Total	41,704	35,200	27,156	27,319	31,002

*Commission suspended Red Lines due to concerns in recognition of due process consideration during the Covid Pandemic

⁶ “DWP” refers to cases that were Dismissed for Want of Prosecution. “Original settlements” are settlements that were filed without a prior application. “SC” refers to settlement contracts.

CASES CLOSED BY COMMISSIONERS

	FY17	FY18	FY19	FY20	FY21	FY22
Dismissals at Review	167	155	64	27	141	382
Total settlements	388	515	283	544	458	316
Review decisions	<u>675</u>	<u>699</u>	<u>1,283</u>	<u>1,633*</u>	<u>1360*</u>	<u>697</u>
Total	1,230	1,369	1,630	2,204	1,959	1,395

*FY 2021 Total Review decisions is an estimated average number that includes Medical Set Aside Orders and issued Orders.

TOTAL CASES CLOSED

	FY17		FY18		FY19		FY20		FY21		FY22	
Dismissals	4,142	9%	3,862	9%	3,762	10%	2,393	8%	725	2%	3,005	9%
Settlements	39,300	87%	37,126	88%	31,080	86%	24,697	87%	26,895	92%	27,303	84%
Decisions	<u>1,486</u>	3%	<u>1,570</u>	3%	<u>1,295</u>	4%	<u>1,305</u>	5%	<u>1,658</u>	6%	<u>1,887</u>	6%
Total	44,928		42,558		36,137		28,395		29,278		32,195	

TOTAL FIRST REPORTS OF INJURY

Period	Claim FY22	Covid-19 Claims FY22	COVID-19 ClaimsFY21
7/1/2021 – 8/31/2021	6,850	288	709
9/1/2021 – 10/31/2021	6,408	228	1,276
11/1/2021 – 12/31/2021	6,165	954	905
1/1/2021 – 2/28/2022	6,416	626	1,228
3/1/2022 – 4/30/2022	5,141	101	443
5/1/2022 – 6/30/2022	3,195	175	529
Total	34,163	2,371	5,090

TOP 10 SECTORS OF REPORTED INJURIES FY22

Rank	Industry Sector	# of Reports
1	Transportation and Warehousing	6,195
2	Manufacturing	4,721
3	Health Care & Social Assistance	4,521
4	Retail Trade	3,671
5	Administrative & Support/Waste Services	2,947
6	Public Administration	1,936
7	Construction	1,882
8	Accommodation & Food Services	1,672
9	Wholesale Trade	1,656
10	Educational Services	1,510

INJURY DATA

The statistics in this section come from the U.S. Bureau of Labor Statistics' (BLS) 2021 report and the Illinois Department of Public Health's (IDPH) Survey of Occupational Injuries and Illnesses in Illinois' 2020 report. The IDPH estimates a total of 102,000 non-fatal injury cases. The overall incidence rate for nonfatal occupational injuries and illnesses in Illinois was 2.6 per 100 full-time workers.⁷

RATE OF NON-FATAL WORK-RELATED INJURIES AND ILLNESSES IN ILLINOIS IN 2021⁷

State Government	4.5%	Overexertion & bodily reaction	10,960
Manufacturing	3.6%	Contact w/object, equipment	9,020
Transportation	3.5%	Fall, slip, trip	9,800
Education & health services	4.0%	Transportation incidents	1,560
Leisure and hospitality	2.7%	Exposure to harmful substance/environment	1,250
Construction	2.2%	Violence-intentional injury	1,020
Incidence rate for all worker	2.8%	Chemical	370

DISTRIBUTION OF 176 FATAL WORK-RELATED INJURIES IN ILLINOIS IN 2021⁸

Distribution by Industry		Distribution by Event	
Goods-producing		Transportation incident	34%
Agriculture	8%	Violence/injuries	21%
Construction	11%	Fall, slips, trips	19%
Government (state & local)	13%	Contact with objects/equip	13%
Service-providing		Roadway incident	21%
Retail Trade	5%		
Transportation & Warehousing	23%		

AVERAGE WEEKLY WAGE BY YEAR OF ACCIDENT⁹

	FY18	FY19	FY20	FY21	FY22
Claimants' Average Weekly Wage	\$849.93	\$879.83	\$916.47	\$978.83	\$1,165.27
SAWW as of end of FY	\$1,098.85	\$1,130.11	\$1,161.80	\$1,210.45	\$1,301.12
Claimants' wages as % of SAWW	77%	78%	79%	81%	90%

⁷ See <https://www.dph.illinois.gov/sites/default/files/publications/oppssurveyofoccinjuriesillinois2019final.pdf>

⁸ See https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries_illinois.htm

⁹ The average maximum rate for Temporary Total Disability (TTD) in FY '22 was \$1,734.83. The average maximum rate for Permanent Partial Disability (PPD) in FY '22 was \$937.11.

AGGREGATE BENEFIT PAYMENTS

TOTAL WORKERS' COMPENSATION BENEFIT PAYMENTS¹⁰

\$ in thousands	2016	2017	2018	2019	2020
Illinois	\$2,354,119	\$2,334,058	\$2,246,345	\$2,185,330	\$1,939,533
% change from prior year	(1.9%)	(1.1%)	(3.8%)	(2.4%)	(11.25%)
U.S. nonfederal total	\$58,355,672	\$59,004,481	\$59,388,264	\$59,671,192	\$55,659,423
%change from prior year	(0.0%)	0.1%	0.7%	0.3%	(6.72%)

TOTAL WORKERS' COMPENSATION MEDICAL BENEFIT PAYMENTS (NASI 2020)

\$ in thousands	2016	2017	2018	2019	2020
Illinois	\$1,059,354	\$1,036,322	\$1,037,812	\$1,040,217	\$866,971
% change from prior year	(2.5%)	(2.4%)	0.1%	0.5%	(16.65%)
U.S. nonfederal total	\$29,938,819	\$29,990,968	\$30,204,727	\$30,277,881	\$26,803,486
%change from prior year	(0.2%)	(0.7%)	0.7%	0.1%	(11.48%)

COST TO EMPLOYERS¹¹

Oregon Estimate of Premium Rates							
Per \$100 of payroll	2010	2012	2014	2016	2018	2020	2022
Illinois	\$3.05	\$2.83	\$2.35	\$2.23	\$1.80	\$1.46	\$1.39
Median	\$2.04	\$1.88	\$1.85	\$1.84	\$1.70	\$1.44	\$1.27
IL rank among 51 States	3	4	7	8	22	24	19
(1=most expensive)							

ESTIMATE OF EMPLOYERS COST PER \$100 OF PAYROLL¹²

	2015	2016	2017	2018	2019	2020
Illinois	\$1.21	\$1.15	\$1.08	\$1.00	\$0.94	\$0.85
% change from prior year	(6.2%)	(5.3%)	(6.7%)	(7.3%)	(6.2%)	(10.1%)
U.S. non federal total	\$1.29	\$1.27	\$1.21	\$1.15	\$1.11	\$1.07
% change from prior year	(2.9%)	(1.9%)	(4.4%)	(5.1%)	(3.5%)	(3.6%)

¹⁰ <https://www.nasi.org/wp-content/uploads/2022/11/2022-Workers-Compensation-Report-2020-Data.pdf>

¹¹ <https://www.oregon.gov/dcbs/reports/Documents/general/prem-rpt/22-2083.pdf>

¹² <https://www.nasi.org/wp-content/uploads/2022/11/2022-Workers-Compensation-Report-2020-Data.pdf>

STATUTORY FUNERAL BENEFIT IN DEATH CASES

Section 7(f) of the Illinois Workers' Compensation Act states employers are required to pay up to the sum of \$8,000 to the widow or widower, other dependent, next of kin or the person or persons incurring the expense of burial. This fee is assessed to fatal cases in the State of Illinois.

INSURANCE

COVERAGE OF EMPLOYEES

Employers are responsible for the payment of benefits to injured workers. Employers are required to either purchase workers' compensation insurance or obtain permission to self-insure. More workers are covered under the law in Illinois than in most other states.¹³

PERCENTAGE OF EMPLOYEES COVERED BY WORKERS' COMP 2020

Illinois		99.7%	
U.S. nonfederal average		97.4%	
NEIGHBORING STATES		LARGE INDUSTRIAL STATES	
Indiana	99.5%	California	100.0%
Iowa	98.8%	New York	99.7%
Wisconsin	99.1%	Pennsylvania	99.6%
Michigan	99.4%	Florida	96.5%
Missouri	95.9%	Texas	80.6%

DURATION OF DISABILITY

The duration of temporary total disability charted below is for claims with more than seven days of lost time at 36 months average maturity.¹⁴

TTD DURATION IN WEEKS

Illinois	18
11-state Median	14

NEIGHBORING STATES		LARGE INDUSTRIAL STATES	
Michigan	16	Massachusetts	25
Indiana	12	California	21
Wisconsin	9	Texas	16
Iowa	7	Louisiana	32
Minnesota	10	Pennsylvania	21

¹³ See NASI *Workers' Compensation: Benefits, Cost, and Coverage* October, 2022.

¹⁴ See WCRI *CompScope Benchmarks for Illinois*, 23rd Edition.

INJURY RATES

2021 FREQUENCY OF INJURY IN PRIVATE INDUSTRY RATE¹⁵

INCIDENCE RATES REPRESENT THE NUMBER OF INJURIES AND ILLNESSES PER 100 FULLTIME WORKERS

United States	2.7
Illinois	2.6

NEIGHBORING STATES		LARGE INDUSTRIAL STATES	
Wisconsin	3.2	Massachusetts	2.4
Iowa	3.3	California	3.2
Indiana	3.1	Texas	2.1
Michigan	3.0	Louisiana	1.9

INSURANCE FRAUD

The Illinois Department of Insurance investigates workers' compensation fraud through its Fraud Unit, which is funded by the Commission. It is illegal for anyone—a worker, employer, insurance carrier, or medical provider—to intentionally make a false statement to obtain or deny workers' compensation benefits, obtain workers' compensation insurance at less than the proper rate, obtain approval to self-insure, etc. A "statement" includes any writing, notice, proof of injury, medical bill, record, report, or test result. More information is available at <https://insurance.illinois.gov/Fraud/ContactFraudUnit.html>

INSURANCE COMPLIANCE PROGRAM

Illinois law requires employers to provide workers' compensation insurance for all their employees and to cover their entire liability. Employers who fail to comply leave their employees vulnerable to medical expenses if they should occur. These employers also enjoy an unfair competitive advantage over employers who comply with the law.

If the Commission finds that an employer has knowingly and willfully failed to obtain insurance, the employer may be fined up to \$500 for every day of noncompliance, with a minimum fine of \$10,000.00. Corporate officers may be held personally liable if the company fails to pay the fine. An employer may also face criminal charges, and/or a work-stop order for failing to obtain insurance. If an employer is found to be in non-compliance more than once, all the minimum penalties will double. The civil penalty for non-compliance may go up to \$1,000.00 for each day of non-compliance and the minimum penalty shall be \$20,000.00.

¹⁵ https://www.bls.gov/regions/midwest/news-release/workplaceinjuriesandillnesses_illinois

SELF-INSURANCE

To qualify for self-insurance, an employer must meet certain requirements, including the demonstration of sufficient financial strength to meet workers' compensation obligations in a timely manner, and providing security as mandated by the Commission.

The Self-Insurance Advisory Board (SIAB) evaluates initial and renewal applications and makes recommendations to the Chairman as to whether an employer shall be allowed the privilege of self-insurance. The SIAB and self-insurance staff conduct a thorough review and consider the applicant's financial condition, the nature and hazard of the employment, the number of employees, the amount of payroll, the employer's claim experience (frequency, severity and cost), claims administration program, and any other factors that may impact the ability to self-insure. The review also considers the earned points on three financial ratios: current assets to current liabilities; capital and retained earnings (net of treasury stock) to sale (less discounts) and capital and retained earnings to long-term debt.

To maintain the self-insurance privilege the employer is obligated to file an application each year, continue to meet the financial and security requirements and provide interim financial statements as required by law. A self-insured employer is required to promptly pay benefits due to injured employees or their dependents; meet all assessment obligations in accordance with the Workers' Compensation and Occupational Diseases Acts; report compensable injuries, diseases, and deaths to the Commission as required by law; and promptly notify the Commission of any change in financial condition that will impact the company's ability to self-insure.

PARENT COMPANIES IN THE COMMISSION'S SELF-INSURANCE PROGRAM

FISCAL YEAR	PARENT COMPANIES	SUBSIDIARIES	TOTAL SELF-INSURED ENTITIES
2022	181	367	548
2021	182	350	532
2020	192	352	544
2019	196	351	547
2018	210	359	569
2017	217	371	588
2016	225	377	602
2015	226	378	604

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