

ILLINOIS DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

REPORT TO THE GOVERNOR

PURSUANT TO 820 ILCS 219/1-925

ANNUAL GOVERNOR'S REPORT

January 1, 2023 through December 31, 2023

JB Pritzker
Governor

Jane R. Flanagan
Director



FEBRUARY 2024

Table of Contents

| | |
|---|-----------------|
| I. History & Background..... | p. 2-3 |
| II. Mission Statement..... | p. 3 |
| III. Vision..... | p. 4 |
| IV. Illinois Public Sector Demographics..... | p. 4 |
| V. Organizational Chart..... | p. 5 |
| VI. Division Activities..... | p. 6-10 |
| VII. Citations and Hazards..... | p. 11-12 |
| VIII. Fatality and Non-Fatal Incident Investigations..... | p. 13-15 |
| IX. Whistleblower Investigations..... | p. 16 |
| X. Legal Issues..... | p. 17 |
| XI. Safety and Health Achievement Recognition Program (SHARP)..... | p. 18 |
| XII. State Plan Application..... | p. 19-20 |

I. HISTORY & BACKGROUND

The Illinois Department of Labor (IDOL), Division of Occupational Safety and Health (Division) operates under the provisions of the Illinois Occupational Safety and Health Act, 820 ILCS 219 *et seq.*. Annually, the Division receives funding from two federal grants, OSHA 23(g) Enforcement Operational Program (Enforcement) and OSHA 21(d) On-Site Consultation Program (Consultation).

ENFORCEMENT

Illinois has had an occupational safety and health enforcement program, formerly known as Safety Inspection and Education, in place since 1985 to ensure safe and healthy working conditions for Illinois public sector employees. From 1985 to 2009 program operating costs were solely state funded. On September 1, 2009, the U.S. Department of Labor OSHA (OSHA) approved IDOL to become a developmental State and Local Government Plan (SLGP) for public sector worksites. Under OSHA's SLGP, States develop and operate their own safety and health programs, which must be at least as effective as OSHA and are eligible for up to 50 percent matching funds for operating costs. (More information regarding the status of the SLGP application is on page 19.)

Initially the program operated under the provisions of the Safety Inspection and Education Act, 820 ILCS 220, and the Health and Safety Act, 820 ILCS 225. As of January 1, 2015, the Acts were combined into the current Illinois Occupational Safety and Health Act (Act), 820 ILCS 219, and the program name was changed to IL OSHA. The Act authorizes the enforcement of standards (General Industry, Construction, and Maritime Industries) identical to those federal standards adopted by OSHA.

Any public employee has the right to file a hazardous working condition complaint with IL OSHA. IL OSHA inspectors also conduct Programmed Planned Inspections (PPIs) in high-hazard sectors, respond to worker complaints, and investigate serious incidents, including fatalities. A strong enforcement presence establishes an effective deterrent for public sector employers who fail to meet their occupational safety and health responsibilities.

CONSULTATION

In 1975, the United States Congress began funding the voluntary, employer driven On-Site Safety and Health Consultation program, and by 1980, all 50 States had a program. *See* 29 CFR 1908. The Illinois On-Site Safety and Health Consultation Program (Consultation) is an integral part of the Division. Primarily targeted to private sector, small to medium size employers in high-hazard industries, this no-cost safety and health consultation service is completely separate from enforcement and does not issue penalties or citations. On October 1, 2011, Consultation expanded its services to include public sector employers.

Consultation is funded 90% by OSHA and 10% by State matching funds. Services are provided through on-site and virtual visits, which are initiated by an employer making a consultation request.

Services include, but are not limited to, helping private and public employers identify safety and health hazards, control or eliminate hazards, establish or improve a workplace safety and health program, and better understand all requirements of applicable federal and/or state standards. Additional services, hazard-specific training, partnership development and other safety and health related presentations and activities are arranged through management and presented by the Marketing and Outreach Coordinator, supervisors, and consultation team.

II. MISSION STATEMENT

The mission of IL OSHA is to ensure safe and healthy working conditions by setting and enforcing standards and providing training, outreach, education, and assistance to employers and employees throughout Illinois.

The Division's mission is accomplished by:

- Improving workers' knowledge of safety and health by informing them of their rights to participate in all inspections/investigations/visits/training activities and by encouraging workers to report potential hazards without fear of retaliation from their employer.
- Establishing, adopting, maintaining, and enforcing standards that reduce hazards in the workplace.
- Encouraging employers and employees to recognize and reduce safety and health hazards in the workplace through education and training opportunities.
- Conducting inspections without advance notice.
- Investigating work-related incidents involving public sector employees that resulted in the loss of an eye, amputation, in-patient hospitalization, or death of one or more employees.
- Acting as a resource for occupational safety and health issues.
- Oversight of whistleblower discrimination investigations in accordance with the Whistleblower Investigation Manual.
- Ensuring that staff maintains and enhances professional standards of the Division by participating in continuing education courses at the OSHA Training Institute (OTI).
- Providing consultation services to help public and private employers identify safety and health hazards, control or eliminate hazards, establish, or improve workplace safety and health programs, and understand all requirements of applicable federal and/or state standards.

III. VISION

The vision for IL OSHA is to be a leading occupational safety and health resource for employers and employees in the public and private sector. This vision is and can be realized through timely, practical, useful, courteous, and professional services, all of which is built on the premise that occupational deaths, injuries, and illnesses can be prevented.

The Division focuses on:

- State and local agencies having effective, self-sufficient occupational safety and health programs that exceed standard requirements.
- Innovative concepts and strategies that will be used to increase awareness and stakeholder participation in occupational safety and health matters.
- Education, technical support, and consultation activities that will provide learning opportunities to enable state and local agencies to become more proactive in addressing occupational safety and health issues.
- Developing and implementing information technology improvements to better meet the needs of customers.
- Maintaining a professional team committed to being the State's resource for promoting safety and health in the public and private sector work force.

IV. ILLINOIS PUBLIC SECTOR DEMOGRAPHICS

The public-sector constituency covered under the Illinois Occupational Safety and Health Act, 820 ILCS 219, includes over 8,500 units of government¹ with an estimated 742,351 public employees in Illinois.²



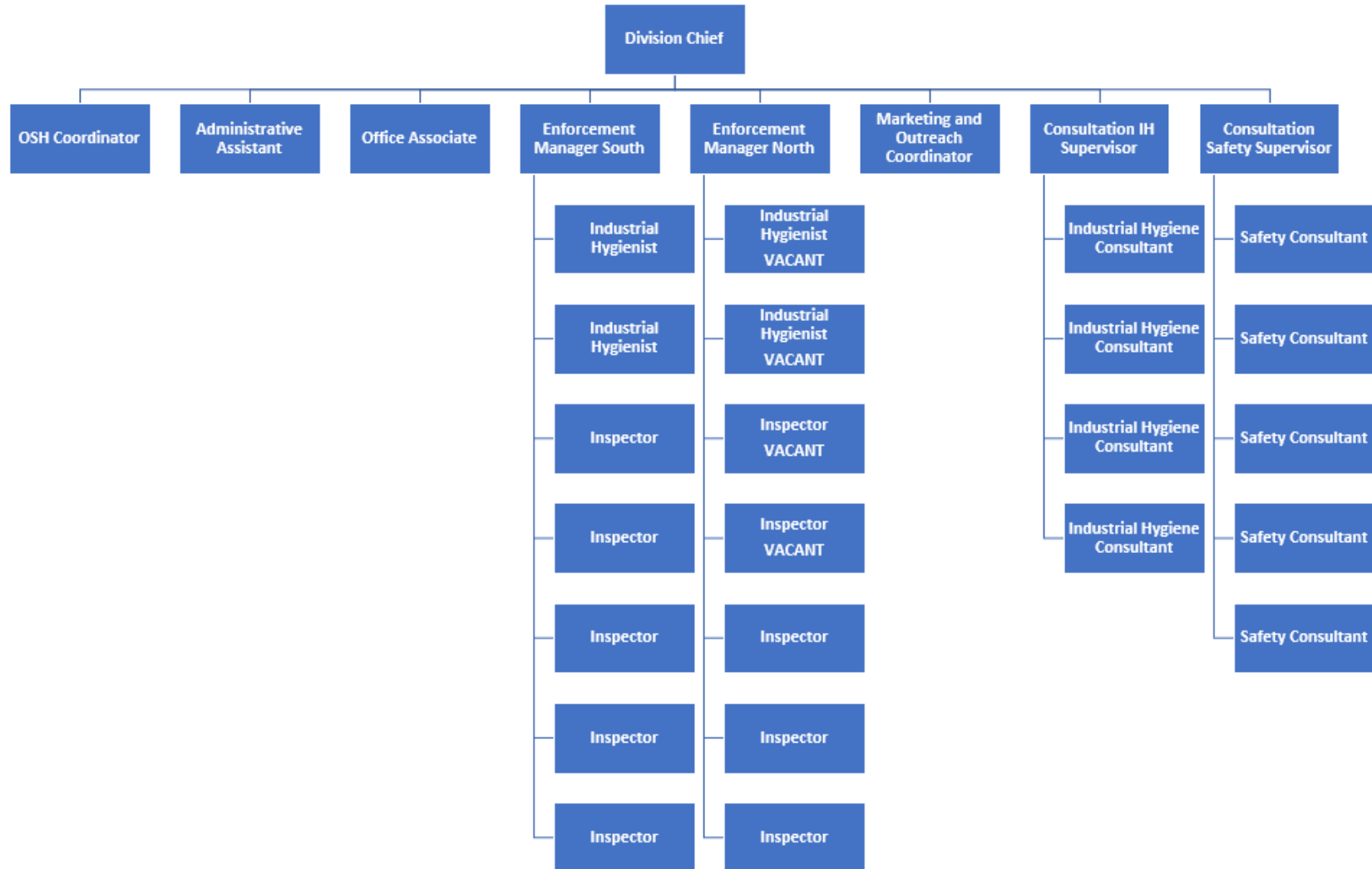
¹ Data source: Illinois State Comptroller, types of local governments, July 2023.

² Data Source: US Census Public Sector Annual Survey and Census of Governments, 2022.

V. ORGANIZATIONAL CHART

Fully staffed, the Division employs 32 professionals. This includes one Division Chief, four Supervisors, two Coordinators, 10 Safety Inspectors, four Industrial Hygiene Inspectors, five Safety Consultants, four Industrial Hygiene Consultants, and two support staff.

The Department's senior leadership, human resources, and the Division's leadership recognize and have actively worked to fill the large number of vacancies the Division endured in past years. This chart reflects the Division in December 2023 with only four vacancies.



VI. DIVISION ACTIVITIES



ENFORCEMENT

IL OSHA's system for conducting inspections is designed to allocate limited resources as effectively as possible to ensure that maximum protection is provided to state and local government employees. Inspections are scheduled and prioritized by unprogrammed and programmed with priority given to unprogrammed inspections.

Unprogrammed Inspections

Unprogrammed inspections are conducted in response to alleged hazardous working conditions identified at a specific worksite. Inspections are prioritized by imminent danger, fatality, non-fatal incident, complaints, referrals, follow-up, and monitoring.

Programmed Inspections

Inspectors could not possibly inspect every unit of government every year, and certainly could not inspect every establishment within those units of government. Therefore, a Site-Specific Targeting (SST) plan was developed to direct enforcement resources on four state and local government sectors. These operations incur a high percentage of reportable incidents and perform activities that can be regulated through standards adopted by and rules promulgated under the Act.

- 237310 – Road Maintenance/Construction (e.g. street or highway depts., road/bridge districts)
- 922160 – Local Fire Protection (e.g. fire depts., fire districts)
- 221310 – Water Supply/Distribution (e.g. water depts., water districts)
- 221320 – Sewage Treatment (e.g. sewer depts., wastewater treatment plants, sanitary districts)

Reportable incident data is collected by using the OSHA Information System (OIS). Periodic tracking and analysis of the data helps IL OSHA achieve its goal of reducing the number of injuries and illnesses that occur at state and local government establishments and by directing enforcement resources to inspect where the most serious injuries are likely to occur. See table 1.0 for inspection activity.

TABLE 1.0 – TOTALS BY ENFORCEMENT INSPECTION ACTIVITY

| ACTIVITY BY YEAR | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| UNPROGRAMMED INSPECTIONS | | | | | | | | | | |
| Complaint | 70 | 83 | 43 | 52 | 41 | 42 | 12 | 17 | 17 | 16 |
| Fatality | 13 | 9 | 4 | 4 | 7 | 4 | 3 | 27 | 6 | 7 |
| Follow-up | 27 | 20 | 27 | 5 | 0 | 7 | 3 | 16 | 7 | 33 |
| Monitoring | 1 | 1 | 3 | 3 | 0 | 0 | 1 | 5 | 0 | 7 |
| Non-Fatal Incident (amputation, loss of eye, inpatient hospitalization) | 0 | 33 | 42 | 37 | 31 | 26 | 21 | 6 | 13 | 11 |
| Referral | 47 | 8 | 12 | 4 | 5 | 2 | 4 | 6 | 11 | 8 |
| PROGRAMMED INSPECTIONS | | | | | | | | | | |
| Planned | 205 | 394 | 279 | 140 | 91 | 208 | 199 | 354 | 242 | 244 |
| TOTALS | 363 | 548 | 410 | 245 | 175 | 289 | 243 | 431 | 296 | 326 |



CONSULTATION

Because consultation is a voluntary activity, an employer must request a visit through the website worksafe.illinois.gov, by calling 800-972-4216, or by e-mailing DOL.consultation@illinois.gov. Once the request is received, a consultant will contact the employer to discuss their specific needs.

Consultations are either limited or comprehensive in scope and are categorized as initial visit, training and education, or follow-up. See Table 1.1 for Consultation visit activities.

Continued Program Efforts

In 2023, the Division focused on efforts to remove “IL OSHA” language and branding from materials, publications, and content related to the consultation program to reduce employer hesitation for requesting consultation services. The “worksafe” website is standalone and completely focused on promoting free safety and health consultation services.

TABLE 1.1 CONSULTATION VISIT ACTIVITIES

| ACTIVITY BY YEAR | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Initial Visits | 300 | 252 | 240 | 217 | 129 | 205 | 194 | 279 |
| Training & Assistance Visits | 4 | 4 | 5 | 4 | 1 | 1 | 3 | 10 |
| Follow-up Visits | 63 | 60 | 75 | 58 | 23 | 31 | 35 | 50 |
| TOTALS | 367 | 316 | 320 | 279 | 153 | 237 | 232 | 339 |

COMPLIANCE ASSISTANCE

To achieve the vision of being an occupational safety and health resource, the Division offers compliance assistance for employers and employees in the public and private sector. The Division provides workplace safety and health training through seminars, webinars, workshops, and speaking events to a variety of groups free of charge. These groups include small businesses, trade and professional associations, union locals, and community groups.

In 2023, a total of 39 compliance assistance activities were conducted:

- January 12 – Promoted OSHA Region V local emphasis program covering food processors via press releases and social media.
- January 13 – Participated in radio interview to inform of the newest OSHA Region V local emphasis program covering food processors.
- January 25 – Promoted the On-Site program to the statewide Building and Trades Council by presenting to 75 trade union members.
- February 7 – Conducted a presentation and initial meeting with the Latino Workers Safety Center out of the Chicagoland area.
- February 16 – Conducted an On-Site Consultation presentation and initial meeting with the Lansing Chamber of Commerce.
- February 17 – Attended Springfield Area Home and Builders Association 2023 Home Expo to meet with vendors and attendees to educate on the On-Site Consultation Program.
- February 22 – Attended Illinois Rural Water Association Annual Conference to meet with vendors and attendees to educate on the On-Site Consultation Program.

- March 1 – Wrote an informational article for Illinois Municipal League Review magazine outlining the roles and regulations of IL OSHA and how public employers can protect employees. On-Site Consultation Program was emphasized.
- March 20-23 – Attended ProMat a four-day warehouse and logistics tradeshow to educate vendors and attendees about the On-Site Consultation Program
- March 20 – Promoted March as National Ladder Safety Month via press release and social media.
- March 29 – IDOL joins the agriculture industry to recognize Stand Up 4 Grain Safety Week via press releases and social media.
- March 31 – Attended Capital Area Career Center (CACC) job fair at Lincoln Land Community College to promote OSHA Teen Safety.
- April 10-13 – Attended the Illinois Wastewater Professionals Conference to discuss compliance requirements and educate employers on the On-Site Consultation Program.
- April 17 – Attended joint federal OSHA and On-Site Consultation partnership signing with Hard Rock Casino in Rockford, IL, for the construction of the new casino.
- April 17 – Promoted National Work Zone Awareness Week via press releases and social media.
- April 21 – Provided training to fire department training officers on IL OSHA requirements.
- May 1 – Promoted national stand-down to prevent falls in construction via press releases and social media.
- May 8 – Promoted Fulton Corporation’s achievement of SHARP designation via press releases and social media.
- May 11 – Presented at IEMA “All-Hazards Safety Officer Course” in Cook County on IL OSHA 101 and Multi-Employer Citation Policy and stressing the On-Site Consultation Program.
- May 11-12 – Presented to Illinois Municipal Electric Agency (IMEA) Annual Conference stressing the On-Site Consultation Program.
- May 19 – Presented to the Workers Compensation Trust of Illinois Manufacturers 2023 annual meeting on IL OSHA 101 and stressed the On-Site Consultation Program.
- June 2 – Presented to the Illinois Mechanical and Specialty Contractors Association covering the multi-employer citation policy and stressed On-Site Consultation Program.
- June 15 – Presented IL OSHA updates and learning from incidents at the 1st Annual Illinois Fire Service Conference.
- June 15 – Presented IL OSHA inspections from the inspector perspective at the 1st Annual Illinois Fire Service Conference.
- June 20 – Presented at the American Water Works Association Safety Summit covering IL OSHA 101 and safety trends.
- June 23 – Conducted a radio interview with IL Radio Network promoting joint IL OSHA and federal OSHA’s trench safety stand down.
- June 28 – Presented a video conference for Project HOPE: Improving Public Health through Collaboration.

- July 10 – Trained construction employees from eight different organizations on heat exposure and illness prevention at Hard Rock Casino Rockford OSHA Partnership.
- July 31 – Attended the 2023 Legislative District Office Staff Training Day at the Abraham Lincoln Hotel providing information about IL OSHA the On-Site Consultation Program.
- August 10 – Presented the Ridge Incident, a firefighter line of duty death case study, virtually at the Intergovernmental Risk Management Agency meeting for fire departments.
- August 10-19 – Promoted the On-Site Consultation Program at the Illinois State Fair.
- August 22 – Presented the Ridge Incident, a firefighter line of duty death case study, to firefighters from Lynwood Fire Department.
- September 6 – Presented to employees with Illinois Office of the State Fire Marshal on current state of Illinois Fire Service, current IL OSHA efforts, and desire to continue cooperation with OSFM.
- September 14 – Presented at Illinois Potable Water Supply Operators Association Annual Conference Exhibition and Seminars for Water Treatment on IL OSHA water and wastewater plant inspection process.
- September 21 – Presented at Illinois Society of Fire Instructors and OFSM Annual Instructors Conference on the Myer Incident, a multiple firefighter injury case study.
- October 11 – Presented to statewide building trades unions about the On-Site Consultation Program.
- October 18 – Presented at Illinois Rural Water Association Northern Conference Exhibition and Seminars for Water Treatment Plants on IL OSHA water and wastewater plant inspection process.
- October 29 – Presented at Illinois Firefighters Association Conference on defenses for firefighters. Presented by Illinois OSFM on behalf of IL OSHA.
- December 5 – Presented on the Ridge Incident, a firefighter line of duty death case study, at a meeting of fire departments in the metro-east.

VII. CITATIONS AND HAZARDS

The Illinois Occupational Safety and Health Act, 820 ILCS 219/80-85, describes procedures for issuing citations and proposing penalties. If, after considering all evidence gathered in the course of an investigation, an inspector believes a violation of the Act exists, the inspector will recommend to an enforcement manager that a citation be issued. The citation will describe the nature of the violation, reference the appropriate standard, and provide a deadline for abatement. Citations are classified in five categories:

- **Other than Serious** – the most serious injury or illness that would likely result from a hazardous condition and which cannot reasonably be predicted to cause death or serious physical harm to exposed employees but does have a direct and immediate relationship to their safety and health.
- **Serious** – there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in the place of employment and is known to the employer.
- **Willful** – the evidence shows either an intentional violation of the Illinois Occupational Safety and Health Act or plain indifference to its requirements. A willful violation need not be committed with a bad purpose or evil intent; it is sufficient that the violation was deliberate, voluntary, or intentional.
- **Criminal/Willful** – the evidence demonstrates that an employer violated a specific standard; the violation was willful in nature; and the violation caused the death of an employee.
- **Repeat** – an employer has been cited previously for a substantially similar condition and that citation has become a final order.

Currently, most penalties are reserved for employers who do not meet abatement timeframes or receive repeat or willful violations. All citations with proposed monetary penalties are approved by the IL OSHA Division Chief.

Table 2.0 shows the number of violations issued annually. For 2023, IL OSHA averaged 4.85 violations per inspection. This is a higher average compared to the federal OSHA average and shows that IL OSHA is effectively using its limited resources to focus on employers that expose their employees to serious health and safety hazards.

The Illinois On-Site Consultation program issues notices of hazards, instead of citations, in categories that also reference the corresponding OSHA standard along with abatement timelines. See table 2.1 for more information.

TABLE 2.0 ENFORCEMENT VIOLATIONS

| | IMMINENT DANGER | SERIOUS | OTHER THAN SERIOUS | REPEAT | WILLFUL |
|-------------|-----------------|---------|--------------------|--------|---------|
| 2023 TOTALS | 0 | 831 | 299 | 16 | 2 |
| 2022 TOTALS | 0 | 1,584 | 226 | 39 | 12 |
| 2021 TOTALS | 0 | 2,148 | 260 | 18 | 1 |
| 2020 TOTALS | 0 | 857 | 93 | 2 | 3 |
| 2019 TOTALS | 0 | 542 | 60 | 13 | 0 |
| 2018 TOTALS | 0 | 234 | 51 | 7 | 0 |
| 2017 TOTALS | 0 | 379 | 112 | 13 | 0 |
| 2016 TOTALS | 0 | 730 | 258 | 0 | 0 |
| 2015 TOTALS | 0 | 813 | 242 | 5 | 0 |

TABLE 2.1 CONSULTATION HAZARDS NOTED

| | SERIOUS | OTHER THAN SERIOUS |
|-------------|---------|--------------------|
| 2023 TOTALS | 578 | 90 |
| 2022 TOTALS | 497 | 64 |
| 2021 TOTALS | 531 | 72 |
| 2020 TOTALS | 371 | 53 |
| 2019 TOTALS | 818 | 94 |
| 2018 TOTALS | 715 | 29 |
| 2017 TOTALS | 636 | 45 |
| 2016 TOTALS | 805 | 36 |
| 2015 TOTALS | 1739 | 43 |

VIII. FATALITY AND ACCIDENT INVESTIGATIONS

Public sector employers must report all work-related fatalities within eight hours and all work-related hospitalizations, amputations, and losses of an eye within 24 hours. This information must be reported verbally to IL OSHA by calling our confidential 24-hour number at (217) 782-7860. Incidents that meet these criteria are screened to determine if an on-site investigation and inspection is warranted to identify violations of the Illinois Occupational Safety and Health Act.

Fatality Investigations

There were 20 fatalities reported to IL OSHA in 2023. Seven met IL OSHA criteria for an on-site inspection and investigation. Total fatalities inspected broken out by activity and occupation are shown in Table 3.1 and Table 3.2.

Reportable Non-Fatal Incidents

Reportable, non-fatal incidents consist of amputations, loss of an eye, and injuries that result in an inpatient hospitalization. There were 112 incidents reported to IL OSHA in 2023. Eleven met IL OSHA criteria for an on-site inspection and investigation. 39 met IL OSHA criteria for a Rapid Response Investigation or RRI, where IL OSHA requires the employer conduct their own investigation, document findings, and take corrective action. Some incidents that are reported are determined to be of a non-occupational nature, do not meet reportable criteria, or, in some incident involving law enforcement, involve criminal activity.

Incident Reports

IL OSHA creates incident reports for certain inspections involving a fatality or reportable incident. Incident reports are not required by the Act, but further the mission of the Division by serving as a learning tool for employees and employers. In 2022 the Director of IDOL authorized IL OSHA to post anonymized incident reports on the Division webpage so they can serve as a readily accessible learning tool. Here are some examples:

[Report: Three Firefighters Hospitalized After Calling a Mayday and Bailing Out Second Floor of Apartment Building](#)

[Report: Firefighter Dies in House Fire After First Floor Collapse and Loss of Accountability](#)

[Report: Police Chief Fatally Injured While Responding to a Transformer Fire](#)

[Report: Wastewater Plant Lead Operator Drowns in Clarifier in Cold Weather](#)

[Report: Municipal Employee Fatally Injured While Jumpstarting Mobile Equipment](#)

[Report: Laborer Dies After Being Struck and Crushed by Refuse Truck](#)

LESSONS IDENTIFIED. LESSONS LEARNED.

TABLE 3.1 FATALITIES INSPECTED BY ACTIVITY

| ACTIVITY/YEAR | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|-------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Falls | 1 | 0 | 0 | 3 | 1 | 0 | 1 | 1 | 2 |
| Heart Attacks (work-related) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Struck by/Caught in Machinery | 3 | 0 | 0 | 2 | 1 | 1 | 2 | 1 | 1 |
| Transportation | 2 | 3 | 1 | 0 | 0 | 1 | 2 | 1 | 0 |
| Trenching | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gunshot/Stabbing | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 |
| Electrocution | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| Asphyxiation | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Drowning | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 1 |
| COVID-19 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Burns/Thermal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Natural Causes or Unknown | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 9 | 4 | 4 | 8 | 4 | 3 | 8 | 6 | 7 |

TABLE 3.2 FATALITIES INSPECTED BY OCCUPATION

| OCCUPATION BY YEAR | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|-----------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Law Enforcement/Corrections | 2 | 1 | 0 | 3 | 0 | 1 | 2 | 0 | 0 |
| Firefighter/EMT | 2 | 0 | 1 | 1 | 1 | 1 | 3 | 0 | 4 |
| Laborer | 2 | 2 | 0 | 2 | 0 | 0 | 1 | 1 | 1 |
| Electrician/Lineman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Technician/Engineer | 0 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Operator | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 2 | 2 |
| Janitor/Custodian | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| Administrator/Education | 3 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Driver | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Social Worker | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| TOTALS | 9 | 4 | 4 | 8 | 4 | 3 | 8 | 6 | 7 |

IX. WHISTLEBLOWER INVESTIGATIONS

The Illinois Occupational Safety and Health Act, 820 ILCS 219/110, prohibits a public employer from discharging or in any way discriminating against an employee for filing complaints, testifying, or otherwise acting to express rights under the Act. Discrimination complaints must be filed within 30 calendar days after the alleged violation occurs. To be a viable case, four determining factors must be present:

- Employee engaged in a protected activity
- Employer knowledge of that protected activity
- Adverse action
- Nexus between the protected activity and the adverse action

When the Department finds reason to believe that an employer has retaliated against a whistleblower, the IDOL Director shall bring action in the circuit court for appropriate relief, including rehiring or reinstatement of the employee to his or her former position with back pay, after consideration of any interim earnings of the employee. In such matters the Director shall be represented by the Attorney General. Whistleblower complaints are handled by two whistleblower investigators and a supervisor within IL OSHA. Total whistleblower complaints received, and case status are shown in Table 4.1.

TABLE 4.1 WHISTLEBLOWER

| ACTIVITY/YEAR | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Complaints Filed | 2 | 14 | 16 | 27 | 22 | 29 | 35 | 15 | 40 | 29 |
| Administratively Closed ³ | 0 | 7 | 10 | 19 | 17 | 24 | 23 | 15 | 29 | 20 |
| Dismissed - No Merit | 2 | 6 | 3 | 4 | 3 | 2 | 0 | 0 | 4 | 1 |
| Pending | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 7 | 5 | 8 |
| Settled | 0 | 0 | 2 | 3 | 2 | 3 | 0 | 0 | 0 | 0 |
| Withdrawn | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 0 |

³ Examples of administratively closed complaints include but are not limited to: inquiries, complaints not filed in a timely manner, complaints in which the complainant decides not to file after learning that his or her employer will be notified of the complaint or complaints that fall outside of OSHA’s authority.

X. LEGAL ISSUES

Contested Citations and Penalties

After receiving a citation, an employer may informally or formally contest the results of the citation and any proposed penalties. Informal conferences occur within the IL OSHA Division and are structured to produce an Informal Settlement Agreement (ISA). Employers that formally contest are referred to the IDOL Legal Division and have the right to a hearing before an IDOL administrative law judge. As of January 2024, one formal contest resulted in a Formal Settlement Agreement, and two formal contests are ongoing.

TABLE 5.1 LEGAL

| YEAR | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Formal Contest | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 3 |
| Penalties Collected | \$0 | \$0 | \$0 | \$1,250 | \$4,500 | \$11,510 | \$6,000 | \$126,000 | \$159,260 | \$82,204 |

X. SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)



The On-Site Safety and Health Consultation Program evaluates workplace safety and health programs of small to medium sized businesses to determine if they meet the criteria to be certified as a SHARP site. By achieving SHARP status, the employer is placed in an elite group of businesses that maintain exemplary workplace safety and health programs that result in immediate and long-term prevention of job-related injuries and illnesses. In addition to being granted an exemption from OSHA or IL OSHA programmed inspections for up to 2 years, and subsequent renewal for up to 3 years⁴, the employer provides protection, creates a culture, builds a reputation and saves money. By the end of 2023, 32 Illinois employers have achieved SHARP status.

| | |
|--|---|
| Addison Fire Protection District (Public Sector) | K-Plus Industrial Services, Inc. |
| Andrews Engineering | Mid-States Concrete |
| Avery Dennison | Minova |
| Becker Iron and Metal, Inc. | Obiter Research LLC |
| Catty Corporation | Roscoe Company |
| Chem Processing | Scot Forge – Franklin Park |
| CMS Inc. | Spoon River Pregnancy Center |
| Corrosion Materials | Staunton Fire Protection District (Public Sector) |
| Crane Composites | Swiss Precision Machining |
| DeKalb Area Retirement Center - Oak Crest | Teleweld Inc. |
| Duraco | The Scoular Company – Andres |
| Effingham Fire Department (Public Sector) | Thomas Electronics |
| Fulton Corporation | Troy Fire Protection District (Public Sector) |
| Gallagher Corporation | Tru Vue |
| Harris Rebar Rockford Inc. | Wise Plastics – St. Charles |
| In-Pipe Technology | Wise Plastics – West Chicago |

⁴ Participation in SHARP does not eliminate the responsibilities of employers or rights of workers under the Occupational Safety and Health Act. Under OSHA, the following types of incidents can trigger an OSHA enforcement inspection at SHARP sites: formal complaints, fatality, imminent danger situations and any other significant events as directed by the Assistant Secretary of OSHA.

XI. STATE PLAN APPLICATION

Overview

The Illinois Department of Labor was approved by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) to become a State and Local Government Plan (SLGP) for public sector worksites on September 1, 2009.

The OSHA SLGP application process has three major components. The first component is the developmental phase where the State must assure federal OSHA that within three years it will have in place all structural elements necessary for an effective occupational safety and health program. The elements include appropriate legislation, regulations, and procedures for setting standards, enforcement, appeal of citations and penalties, and a sufficient number of qualified enforcement personnel. Once the developmental steps have been completed and documented, the State is eligible for certification, which attests to the structural completeness of the plan. An operational status agreement will not be necessary for the Illinois SLGP proposal since OSHA does not have jurisdiction over the public sector and therefore does not have to relinquish any official authority. The ultimate accreditation of a State's plan is called final approval. Following certification status, the State must have demonstrated worker protection to be at least as effective as the protection provided by the federal program. The State must also meet 100 percent of the established compliance staffing levels and participate in the OSHA computerized inspection data system.

Benefits

IL OSHA requested and received \$1,227,100 for Enforcement and \$1,940,900 for Consultation in annual federal matching grants in federal fiscal year 2023, which are used to supplement Illinois' current safety and health activities.

| PROGRAM | FEDERAL FUNDS | STATE FUNDS | PROGRAM TOTAL |
|----------------------|---------------|-------------|---------------|
| CONSULTATION (90/10) | \$1,940,900 | \$214,011 | \$2,154,911 |
| ENFORCEMENT (50/50) | \$1,378,000 | \$1,378,000 | \$2,756,000 |

Federal funding enables the Division to remain proactive in approaching safety and health issues by providing better coverage, more enforcement, increased public awareness, and training to help employees and employers better understand safety and health topics. In addition, OSHA SLGP approval increases the professionalism and awareness of our safety and health program, provides the State with more professional resources, includes federal certification and training, computer tracking, program reporting, standards development, laboratory services, and testing protocols.

Status

On September 1, 2009, IL OSHA received developmental plan approval (see 74 Fed. Reg. 45114 (2009)) and began a three-year process to establish all structural elements necessary to be deemed effective. The initial three-year time frame for meeting developmental steps expired, and IL OSHA requested a two-year extension in October of 2012, which was granted by OSHA. This extension expired in 2014 with IL OSHA still not having met the required developmental steps for State Plan certification.

As of October 1, 2018, IL OSHA still struggled with meeting the staffing level requirement. An extension was requested and approved with stipulations that significant ongoing progress must be shown toward filling vacancies and heightened monitoring be put in place, including OSHA monitoring meetings and quarterly updates to OSHA Region V. Since that time, IL OSHA has maintained regular and productive communication with US DOL and has successfully demonstrated strong enforcement outcomes and very limited federal audit concerns.

Despite the competitive labor market, as of January 2024, the Division only has three vacancies out of 32 authorized positions. This is the lowest number of vacancies the Division has had in recent memory and will provide a strong position to apply for full State plan certification in 2024.