**Section** **350.270 Determination of Work-Relatedness**

a) Basic Requirement

An injury or illness is work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in subsection (b)(2) specifically applies.

b) Implementation

1) Work Environment

The work environment is defined as the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of work.

2) Exceptions

An injury or illness occurring in the work environment that falls under one or more of the following exceptions is not work-related and, therefore, is not recordable:

A) At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.

B) The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.

C) The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball or baseball.

D) The injury or illness is solely the result of an employee eating, drinking or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). EXAMPLE: if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. However, if the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.

E) The injury or illness is solely the result of an employee doing personal tasks (unrelated to the employment) at the establishment outside of the employee's assigned working hours.

F) The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or intentionally self-inflicted.

G) The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

H) The illness is the common cold or flu. Contagious diseases such as tuberculosis, brucellosis, hepatitis A, illness resulting from variants of SARS-CoV (including COVID-19), or plague are considered work-related if the employee is infected at work.

I) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

3) Determining whether the Precipitating Event Occurred in the Work Environment

If it is not obvious whether the precipitating event or exposure occurred in the work environment, the employer must evaluate the employee's work duties and environment to decide whether one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

4) Aggravating Pre-Existing Conditions

A pre-existing injury or illness has been significantly aggravated, for purposes of injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

A) Death, provided that the pre-existing injury or illness would likely not have resulted in death but for the occupational event or exposure.

B) Loss of consciousness, provided that the pre-existing injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

C) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

D) Medical treatment in a case in which no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

5) Pre-existing Conditions

An injury or illness is a pre-existing condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

6) Travel Status

Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities in the interest of the employer. Examples of these activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the following exceptions:

A) When a traveling employee checks into a hotel or motel, or other temporary residence, the employee establishes a home away from home. The employee's activities after the employee checks into the temporary residence must be evaluated by the employer for work-relatedness in the same manner as the employer evaluates the activities of a non-traveling employee. When the employee checks into the temporary residence, the employee is considered to have left the work environment. When the employee begins work each day, the employee re-enters the work environment. If the employee has established a home away from home and is reporting to a fixed worksite each day, injuries or illnesses are not work-related if they occur while the employee is commuting between the temporary residence and the job location.

B) Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

7) Work at Home

Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. EXAMPLE: If an employee drops a box of work documents and injures their foot, the case is considered work-related. If an employee is injured because the employee trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

(Source: Amended at 46 Ill. Reg. 3518, effective February 15, 2022)