**Eligibility of Independent Contractors for Workers' Compensation in Illinois**

Independent contractors are self-employed individuals or freelancers who are hired to carry out specific work duties for a company without acquiring the status of an employee. They enjoy flexibility in terms of work completion, but are required to have their own health insurance and pay taxes individually. Since more and more companies are using independent contractors for completing projects or one-off jobs in Illinois, the instances of independent contractors getting injured at their temporary workplace have increased as well.

Under the [Illinois Workers’ Compensation Act](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2430&ChapterID=68), independent contractors are not eligible for workers’ compensation if they sustain a work injury. However, there are factors that determine whether an injured worker is an independent contractor or an employee, and based on this distinction, they may qualify to receive the benefits. Some employers use tactics like misclassification of employees and label them as independent contractors in order to save the money they would have otherwise been required to spend on payroll taxes and workers’ compensation premiums.

**Conditions for Distinguishing an Employee from an Independent Contractor**

When workers’ compensation benefits are in question, it is not for your employer to decide whether you are an employee or a contractor. It is highly likely that your employer may label you as an independent contractor based on your contract, but there is a chance you may still qualify for the benefits based on your specific circumstances.

The Illinois Workers’ Compensation Commission has defined the criteria for classifying a worker as an employee that can be used to establish whether they are an independent contractor. One of the determining factors is the degree of control the employer has on the worker and their work schedule. The rule of thumb is that the greater the employer’s control over the contractor, the higher the chances of them being classified as an employee and hence receiving the benefits for their workplace injuries.

Other factors affecting the eligibility of an independent contractor for workers’ compensation benefits include:

* Whether the employer provided tools or other materials
* Whether the employer exclusively bound the contractor or they had the discretion of working with people of their choice
* Whether the employer provided specific instructions or the contractor had the flexibility of using their own approach to perform the job
* Whether the employer provided a uniform to the contractor
* Whether taxes were deducted from the contractor’s paycheck by the employer
* Whether the employer provided a schedule or the contractor set their own working hours

While this is not an exhaustive list of factors, they provide a good idea of when an independent contractor may be able to make a worker’s compensation claim. However, there are a lot of intricacies involved in such cases, and it is advisable to retain the services of an experienced [workers’ compensation attorney](https://www.yourrockfordlawyers.com/workplace-accidents/) to evaluate your particular situation and eligibility for benefits. [Contact](http://www.yourrockfordlawyers.com/contact/) Fisk & Monteleone LTD. today at 815-209-9030 to schedule a free case consultation and evaluate your legal options.