

Illinois Appellate Decision Signals Employers Risk Losing Workers' Comp Protection from Coworker Violence Suits

2 min read

Oct 23, 2025

By: Lauren N. Kus

An Illinois appellate court's unpublished decision in *Kamil Kordas v. Bob's All Bright Electric, Inc., and Thomas Clarizio*, 2025 IL App (3d) 240482, illustrates that, while workplace assaults are generally covered exclusively by the Illinois Workers' Compensation Act, an employer could face civil liability if it intentionally places an employee in danger by concealing, or failing to warn about, a coworker's known violent tendencies.

Although the court's majority found the workers' compensation bar applied to the facts presented, a strong dissent opens a roadmap for plaintiffs to overcome the exclusivity bar when there is evidence of employer knowledge and concealment of an employee's violent behavior. The ruling raises the stakes of how employers assess, document, and communicate known safety risks involving employees—particularly where privacy obligations also apply.

Significance of this Decision for Employers

The decision confirms the general rule, namely that injuries from coworker assaults at work are typically “accidental” and compensable exclusively under the Illinois Workers' Compensation Act. This usually forecloses any civil suits filed against the employer.

However, under the court's reasoning, together with the dissent, a different result is possible if a plaintiff can show intentional employer conduct—specifically, that the employer knew of a coworker's violent history or propensity for violence and either concealed that risk or failed to warn those placed in harm's way. In that event, an employee's civil claim could be allowed to proceed, exposing the employer to potentially high damages outside the workers' compensation system.

What the Court Ruled—and What the Dissent Would Allow

In the unpublished decision, the court affirmed summary judgment for the employer because the record did not show that the employer knew of the coworker's violent history or workplace behavior or that it intentionally concealed such danger. The assault appeared random and not rooted in personal hostility, which caused it to fall within workers' compensation.

A dissenting justice, however, would have allowed the case to go to a jury based on evidence suggesting the employer knew of serious mental health issues and concealed that information, framing the key question as whether the employer intentionally placed the plaintiff in danger. The dissent would treat intentional concealment of known violent tendencies as sufficient to bypass the exclusive-remedy bar.

Practical Implications for Employers

Employers must navigate two important considerations that can be in opposition with one another: safeguarding employees from foreseeable violence and complying with strict privacy protections governing health and conviction records.

This decision emphasizes that the more an employer knows about a risk of violence and the closer the employer's conduct approaches intentional concealment or disregard of that risk, the greater the chance a civil claim will survive the workers' compensation bar.

Evidence that may increase an employer's risk includes prior violent incidents, credible threats, or other reliable indicators of a propensity for violence—especially if known by the employer and not addressed. While the majority did not find such proof in this case, the dissent suggests that a serious mental health history, with concealment, could suffice in some circumstances.

Key Risk Management Takeaways

Employers should focus on structured, privacy-compliant safety practices that reduce both harm and civil exposure. These include robust threat assessment and reporting protocols, well-documented supervisory responses to safety concerns, and carefully tailored communications or accommodations that address foreseeable risks without disclosing more than the law allows.

Where credible indicators of violent propensity exist, employers should take concrete protective measures and avoid actions that could be characterized as intentional concealment. An employer's goal should be to demonstrate proactive, good-faith risk mitigation while complying with applicable privacy and employment laws.

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution,

and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Authors



Lauren N. Kus

Associate

📞 312-704-3596

Related Capabilities

Appellate

Complex Tort & General Casualty

Employment Advice & Counseling

Employment Litigation

Labor & Employment

Litigation & Trial