

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Article 5. Workers' Rights and Worker Safety Act

Section 5-1. Short title.

(a) This Article may be cited as the Workers' Rights and Worker Safety Act.

(b) As used in this Article, "this Act" refers to this Article.

Section 5-5. Definitions. As used in this Act:

"Employee" has the meaning set forth in Section 2 of the Illinois Wage Payment and Collection Act.

"Employer" means any individual, partnership, association, corporation, limited liability company, business trust, governmental, or quasi-governmental body that employs one or more employees. "Employer" does not include the federal government.

"Federal coal mine safety law" means the Federal Coal Mine Health and Safety Act, 30 U.S.C. 801 et seq., and federal regulations adopted under that statute, Subchapter O of Chapter I of Title 30 of the Code of Federal Regulations, as these federal statutes and regulations exist on April 28,

2025.

"Federal wage and hour law" means the federal Fair Labor Standards Act, 29 U.S.C. 201 et seq., and federal regulations adopted under that statute, Subtitle B of Chapter V of Title 29 of the Code of Federal Regulations, as these federal statutes and regulations exist on April 28, 2025.

"State agency" means the Department of Labor or the Department of Natural Resources.

"Stringent" means a law, rule, or standard's overall effectiveness in protecting the rights and safety of workers. A law, rule, or standard is considered to be more stringent if it imposes a safety requirement or obligation on employers that is stricter or more demanding than what is otherwise imposed by law or if it provides for greater rights, benefits, remedies, or procedures for employees than what is otherwise provided by law.

Section 5-10. Operative provisions for wage and hour laws and coal mine safety laws.

(a) Except as authorized by State law enacted after April 28, 2025, a State agency may not amend or revise the State agency's rules in a manner that is less stringent in its protection of workers' rights or worker safety than the requirements established under federal wage and hour law or federal coal mine safety law, as the laws exist on April 28, 2025.

(b) Nothing in this Act shall limit the authority of a State agency to establish workers' rights and worker safety requirements for this State that are more stringent than those provided under federal wage and hour law or federal coal mine safety law, as the laws exist on April 28, 2025.

(c) If a federal wage and hour law or federal coal mine safety law is repealed, revoked, or amended in any manner that results in the federal protections of workers' rights or worker safety becoming less stringent, or if the applicable federal agency issues a new interpretation of the federal wage and hour law or federal coal mine safety law through an opinion letter, ruling letter, administrative interpretation, program policy manual, or program policy letter that results in the federal protections of workers' rights or worker safety becoming less stringent, and a State agency does not already have corresponding rules in place that are at least as stringent as the federal wage and hour law or federal coal mine safety law being repealed, revoked, amended, or newly interpreted, the applicable State agency or agencies shall, as soon as practical, adopt a rule that incorporates the federal wage and hour law or federal coal mine safety law being repealed, revoked, amended, or newly interpreted as a minimum requirement for this State. The State agency may also take additional action to maintain the protection of workers' rights or worker safety, including, but not limited to, recommending legislation and developing policy. Any

requirement adopted by operation of this Section may be enforced through the existing enforcement procedures established under State law for violations of the Minimum Wage Law or the Coal Mining Act, as applicable, including applicable penalties and remedies.

Section 5-15. Implementation and reporting. Each State agency shall undertake all feasible efforts using the State agency's authority under State and federal law to implement and enforce this Act. Each State agency that takes actions to enforce this Act shall submit a report to the General Assembly at least once each year describing the State agency's compliance with this Act. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

Section 5-20. Rulemaking authority. In order to comply with the requirements of this Act, the agency head of each applicable State agency, or the agency head's authorized representative, may adopt all necessary rules, in accordance with the requirements of the Illinois Administrative Procedure Act, to protect the rights and safety of workers.

Section 5-25. Severability. The provisions of this Act are severable. If any provision of this Act or its application is

held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Article 10. Safe and Healthy Workplace Act

Section 10-1. Short title.

(a) This Article may be cited as the Illinois Safe and Healthy Workplace Act.

(b) As used in this Article, "this Act" refers to this Article.

Section 10-5. Scope.

(a) The grant of authority and obligations in this Act apply and extend only to occupational safety or health issues with respect to which no standard is in effect under section 6 of the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq. The grant of authority and obligations in this Act do not apply to occupational safety or health issues with respect to which a standard is in effect under section 6 of the federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq.

(b) This Act does not apply to the development or enforcement of occupational health and safety standards in the public sector set forth in the Illinois Occupational Safety and Health Act.

Section 10-10. Operative provisions for the development of occupational health and safety rules in the private sector where no federal standard exists. If, after the effective date of this Act, a federal occupational health or safety standard, as defined under 29 U.S.C. 651 et seq., is repealed or revoked and no federal standard exists regulating that occupational safety or health issue for any employer that is not subject to the Occupational Safety and Health Act, the Illinois Department of Labor shall, as soon as practical, adopt rules as the Director of the Illinois Department of Labor deems necessary to incorporate the federal occupational health or safety standard that was repealed or revoked to address that occupational safety or health issue. No rules adopted by the Illinois Department of Labor shall be construed to apply to the federal government as an employer.

Section 10-15. Rulemaking authority.

(a) In order to accomplish the objectives of this Act and to carry out the duties prescribed by this Act, the Director of Labor may adopt rules, in accordance with the Illinois Administrative Procedure Act, necessary to implement the provisions of this Act. In developing rules, the Department of Labor shall consider the federal occupational health or safety standard being repealed or revoked as a minimum standard for private employers in this State.

(b) Any standard adopted by operation of this Section may be enforced through Section 10-20 of this Act.

Section 10-20. Right of action.

(a) As used in this Section, "interested party" means an organization that monitors or is attentive to compliance with public or worker safety laws.

(b) An aggrieved employee, an interested party, or the Department of Labor may bring a civil action against a private employer to enforce any rule adopted by the Department of Labor in accordance with this Act.

(c) An action brought under this Section must be brought no later than 3 years after the date of the alleged violation and, if brought by an aggrieved employee, may be brought by one or more employees on behalf of themselves and other employees similarly situated.

(d) In any action brought under this Section the Department of Labor shall be represented by the Office of the Attorney General.

Section 10-25. Relief and penalties.

(a) An aggrieved employee, interested party, or the Department of Labor prevailing in a civil action under Section 10-20 or any rules or standards adopted under this Act shall be entitled to all appropriate relief, including declaratory and injunctive relief and any other appropriate relief as deemed

necessary by the court to make the employee or employees whole. The court shall award a prevailing employee or interested party reasonable attorney's fees and costs.

(b) With respect to any occupational health and safety rules and standards in the private sector where no federal standard exists and for which no other civil penalties already exist, the court may impose civil penalties as follows:

(1) an employer found to be in violation of the rule or standard may be assessed a civil penalty of not more than \$1,000 per violation;

(2) an employer that repeatedly violates the rule or standard may be assessed a civil penalty of not more than \$10,000 per violation; and

(3) an employer that willfully violates the rule or standard, or who demonstrates plain indifference to any provision of the rule or standard, may be assessed a civil penalty of not more than \$70,000 per violation.

Section 10-30. Severability. The provisions of this Act are severable. If any provision of this Act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Article 15. Amendatory Provisions

Section 15-5. The Occupational Safety and Health Act is amended by changing Section 25 as follows:

(820 ILCS 219/25)

Sec. 25. Occupational safety and health standards.

(a) All federal occupational safety and health standards which the United States Secretary of Labor has promulgated or modified in accordance with the federal Occupational Safety and Health Act of 1970 and which are in effect on the effective date of this Act shall be and are hereby made rules of the Department unless the Director promulgates an alternate standard that is at least as effective in providing safe and healthful employment and places of employment as a federal standard. Before developing and adopting an alternate standard or modifying or revoking an existing standard, the Director must consider factual information that includes:

(1) Expert technical knowledge.

(2) Input from interested persons, including employers, employees, recognized standards-producing organizations, and the public.

(b) All federal occupational safety and health standards which the United States Secretary of Labor promulgates or modifies in accordance with the federal Occupational Safety and Health Act of 1970 on or after the effective date of this Act, unless revoked by the Secretary of Labor, shall become rules of the Department within 6 months after their federal

promulgation date, unless there has been in effect in this State at the time of the promulgation or modification of the federal standard an alternate State standard that is at least as effective in providing safe and healthful employment and places of employment as a federal standard. The alternate State standard, if not currently contained in the Department's rules, shall not become effective, however, unless the Department, within 45 days after the federal promulgation date, files with the office of the Secretary of State in Springfield, Illinois, a certified copy of the rule as provided in the Illinois Administrative Procedure Act.

(c) If, after April 28, 2025, the United States Secretary of Labor revokes or repeals a previously promulgated federal Occupational Safety and Health Act standard or if the United States Secretary of Labor amends a previously promulgated federal Occupational Safety and Health Act standard or issues a standard interpretation for a previously promulgated federal Occupational Safety and Health Act standard that results in the federal standard becoming less effective in providing safe and healthful employment and places of employment, the Illinois Department of Labor shall, as soon as practical and in accordance with the process set forth in this Section, adopt a standard that incorporates the federal occupational health or safety standard as it existed prior to being repealed, revoked, amended, or newly interpreted and addresses the occupational safety or health issue that the repealed,

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revoked, amended, or newly interpreted federal Occupational
Safety and Health Act standard had addressed.

(Source: P.A. 102-705, eff. 1-1-23.)

Article 99. Effective Date

Section 99-99. Effective date. This Act takes effect upon
becoming law.