



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3762

Introduced 2/18/2025, by Rep. Edgar González, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Workplace Extreme Temperature Safety Act. Provides that the Director of Labor shall adopt rules to establish excessive heat and excessive cold standards. Sets forth temporary excessive heat and excessive cold standards. Provides that, on or before January 1, 2026, the Director shall establish by rule an occupational temperature-related illness and injury prevention plan. Sets forth provisions concerning retaliation; violations; penalties; and enforcement of the Act.

LRB104 12261 SPS 22373 b

1 AN ACT concerning employment.

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

4 Section 1. Short title. This Act may be cited as the
5 Workplace Extreme Temperature Safety Act.

6 Section 5. Findings. The General Assembly finds and
7 declares:

8 (a) As the frequency of extreme weather events continues
9 to grow, workers are at an increased risk of serious injury or
10 death. Heat stress or cold stress can occur at temperatures as
11 low as 40 degrees Fahrenheit or as high as 78 degrees
12 Fahrenheit, depending on the working conditions. Unaddressed,
13 heat stress and cold stress can cause a range of serious
14 conditions, including stroke and death if not treated
15 properly. Heat related injuries and fatalities may be
16 underreported as heat stress exacerbates existing health
17 problems like asthma, kidney failure, and heart disease,
18 leading to potential comorbidities being reported. Workers in
19 agriculture and construction are at the highest risk of
20 weather-related injuries, but the problem affects all workers
21 exposed to extreme temperatures, including indoor workers
22 without adequately climate-controlled environments or
23 appropriate personal protective equipment.

1 (b) From 1979 to 2022, more than 14,000 Americans have
2 died directly from heat-related causes, according to the
3 United States Environmental Protection Agency.

4 (c) In the absence of a temperature stress standard
5 adopted by the Occupational Health and Safety Administration,
6 the Department of Labor should adopt a heat stress standard
7 for the protection of employees against temperature-related
8 hazards, illness, and injury that effects employers and
9 employees in this State in private and public employment.

10 Section 10. Definitions.

11 "Acclimatization" means the body's temporary adaptation to
12 work in heat that occurs as a person is exposed to extreme
13 temperature over a period of 7 to 14 days depending on the
14 amount of recent work in excessive heat and the individual
15 factors. "Acclimatization" may be lost after 7 consecutive
16 days away from working in the heat.

17 "Cold-related illness" means a medical condition resulting
18 from the body losing heat faster than it can produce heat
19 creating a risk of severe injury, illness, or death.

20 "Cold stress" means the net load to which a worker is
21 exposed from the combined contributions of metabolic heat,
22 environmental factors, including temperature, wind chill, and
23 moisture, and personal protective equipment worn that results
24 in a loss of heat to the body, causing body temperature to
25 drop.

1 "Director" means the Director of Labor, or the Director's
2 designee.

3 "Department" means the Department of Labor.

4 "Engineering controls" means the use of devices to reduce
5 exposure to extreme temperatures. "Engineering controls"
6 includes fans, heating stations, misting stations, and air
7 conditioning. "Engineering controls" does not include wearable
8 items.

9 "Employ" means to suffer or to permit to work.

10 "Employee" means any individual employed by an employer.

11 "Employer" means any individual, partnership, association,
12 corporation, and the State and any county and municipality,
13 and school district, agency, authority, department, bureau, or
14 instrumentality thereof, acting directly or indirectly in the
15 interest of an employer in relation to an employee.

16 "Excessive cold" means levels of outdoor or indoor
17 exposure to cold that exceed the capacities of the human body
18 to maintain normal body functions.

19 "Heat-related illness" means a medical condition resulting
20 from the inability of the body to manage excess heat,
21 including heat rash, heat cramps, heat exhaustion, heat
22 syncope, and heat stroke.

23 "Excessive heat" means levels of outdoor or indoor
24 exposure to heat that exceed the capacities of the human body
25 to maintain normal body functions.

26 "Heat stress" means the net load to which a worker is

1 exposed from the combined contributions of metabolic heat,
2 environmental factors, and clothing worn which result in an
3 increase in heat storage in the body, causing body temperature
4 to rise to sometimes dangerous levels.

5 "Occupation" means any occupation, service, trade,
6 business, industry or branch or group of industries or
7 employment or class of employment in which employees are
8 employed.

9 "Occupational safety and health standard" means a rule
10 that requires the following: a condition that is reasonably
11 appropriate or necessary to make employment and places of
12 employment safe and healthful; or the adoption or use of a
13 means, method, operation, practice, or process that is
14 reasonably appropriate or necessary to make employment and
15 places of employment safe and healthful.

16 Section 15. Establishment of excessive heat and cold
17 standards.

18 (a) The Director shall adopt rules to establish excessive
19 heat standards. Until rules are adopted under this Section,
20 excessive heat standards are as follows:

21 (1) for an outdoor place of employment, the heat index
22 equals or exceeds 80 degrees Fahrenheit;

23 (2) for an indoor place of employment:

24 (A) the temperature equals or exceeds 80 degrees
25 Fahrenheit and the heat index equals or exceeds 85

1 degrees Fahrenheit;

2 (B) if employees wear clothing that restricts heat
3 removal, the temperature equals or exceeds 80 degrees
4 Fahrenheit; and

5 (C) if employees work in a high radiant heat area,
6 the temperature equals or exceeds 80 degrees
7 Fahrenheit.

8 For indoor and outdoor places of employment, if the heat
9 index equals or exceeds 90 degrees Fahrenheit, employers shall
10 implement additional workplace safety standards, including the
11 possible utilization of personal protective equipment.

12 (b) The Director shall adopt rules to establish excessive
13 heat standards. Until rules are adopted under this Section,
14 excessive heat standards are as follows:

15 (1) for an outdoor place of employment, the wind chill
16 is equal or below 40 degrees Fahrenheit;

17 (2) for an indoor place of employment where heavy work
18 is performed, unless prohibited by process requirements,
19 the temperature is equal or below 60 degrees Fahrenheit;
20 and

21 (3) for an indoor place of employment where light work
22 is performed, unless prohibited by process requirements, a
23 temperature is equal or below 65 degrees Fahrenheit.

24 (c) Any temperature, heat index, or wind chill described
25 in this Section shall be based on a measurement of the National
26 Weather Service.

1 Section 20. Occupational temperature-related illness and
2 injury prevention plan.

3 (a) On or before January 1, 2026, the Director shall
4 establish by rule an occupational temperature-related illness
5 and injury prevention plan that contains the following:

6 (1) a standard that establishes temperature hazard
7 levels for employees that, if exceeded, trigger actions by
8 employers to protect employees from temperature-related
9 illness and injury; and

10 (2) a requirement that each employer develop,
11 implement, and maintain a plan to effectively prevent
12 temperature-related illness and injury for its employees.

13 (b) The occupational temperature-related illness and
14 injury prevention plan shall, to the extent permitted by
15 federal law, be developed and implemented with the
16 participation of employees and employee representatives,
17 including collective bargaining representatives. The plan
18 shall be tailored and specific to the hazards in a place of
19 employment. The plan shall be in writing in both English and in
20 the language that each employee understands, if that language
21 is not English. The plan shall be provided to the Director,
22 employees, and any employee representatives, including
23 collective bargaining representatives, on the last business
24 day of May each year and shall be made available at other times
25 of the year upon written request. The Director shall develop a

1 model occupational temperature-related illness and injury
2 prevention plan, consistent with the provisions of this Act,
3 that includes, but is not limited to:

4 (1) model training for employees and supervisors; and

5 (2) tailored to the specific hazards in places of
6 employment with high risks of exposure to heat and cold.

7 An employer may adopt the Director's model occupational
8 temperature-related illness and injury prevention plan, modify
9 that model plan, or develop their own occupational
10 temperature-related illness and injury prevention plan,
11 consistent with the provisions of this Act, including the
12 employee participation requirements.

13 (c) The occupational temperature-related illness and
14 injury prevention plan described in subsection (a) shall, at a
15 minimum, contain procedures and methods for the following:

16 (1) regular monitoring for employee exposure to heat
17 or cold to determine whether an employee's exposure has
18 been excessive;

19 (2) providing potable water, available immediately and
20 in immediate and safe proximity to heat impacted
21 employees;

22 (3) providing heat-impacted employees with paid rest
23 breaks and access to shade, cool-down areas or
24 climate-controlled spaces;

25 (4) providing warm, non-caffeinated beverages in
26 immediate and safe proximity to cold impacted employees;

1 (5) providing cold impacted employees with paid rest
2 breaks and access to warming stations sheltered from the
3 wind and any precipitation;

4 (6) providing an emergency response for any employee
5 who has suffered injury as a result of being exposed to
6 excessive heat or cold;

7 (7) limiting the length of time an employee may be
8 exposed to heat or cold during the workday;

9 (8) establishing guidelines for the usage of heat
10 insulating personal protection equipment for workers
11 exposed to temperatures below 65 degrees Fahrenheit for
12 light activity and 60 degrees Fahrenheit for moderate to
13 heavy activity;

14 (9) establishing a worker acclimatization policy
15 conforming with the recommended alert limits as
16 established by the "Occupational Exposure to Heat and Hot
17 Environments" published in 2016 by the Department of
18 Health and Human Services;

19 (10) for outdoor and indoor non-climate-controlled
20 environments, implementing a heat and cold alert system to
21 provide notification to employees when the National
22 Weather Service forecasts that excessive heat or excessive
23 cold is likely to occur in the following day or days in a
24 locality where an employer has employees in that State,
25 and when that notification occurs, including:

26 (A) postponing tasks that are non-essential until

- 1 the excessive temperature condition subsides;
- 2 (B) instituting or increasing rest allowances;
- 3 (C) reminding workers to drink liquids in small
4 amounts frequently to prevent dehydration; and
- 5 (D) to the extent practicable, monitoring the
6 environmental heat index at job sites and resting
7 places;
- 8 (11) preventing hazards, including through the use of:
- 9 (A) engineering controls that include the
10 isolation of hot or cold processes, the isolation of
11 employees from sources of heat or cold, local exhaust
12 ventilation, shielding from a radiant heat source or
13 freezers, the insulation of hot surfaces, air
14 conditioning, cooling fans, evaporative coolers, and
15 natural ventilation;
- 16 (B) administrative controls that limit exposure to
17 a hazard by adjustment of work procedures or work
18 schedules, including rotating employees, scheduling
19 work earlier or later in the day, using work-rest
20 schedules, reducing work intensity or speed, and
21 changing required work clothing;
- 22 (C) personal protective equipment, including
23 water-cooled garments, heated garments, air-cooled
24 garments, reflective clothing, and cooling and heating
25 vests; and
- 26 (D) administrative controls on routine temperature

1 variation of more than 50 degrees Fahrenheit between
2 work spaces;

3 (12) coordinating risk assessment efforts, plan
4 development, and implementation with other employers who
5 have employees who work at the same work site; and

6 (13) allowing employees to contact the employer
7 directly and efficiently to communicate if the employee
8 feels like the employee is suffering from an extreme
9 temperature-related illness.

10 (d) The occupational temperature-related illness and
11 injury prevention plan shall contain, at a minimum, annual
12 training and education, including training and education
13 regarding the following:

14 (1) the identification of extreme temperature-related
15 illness risk factors;

16 (2) personal factors that may increase susceptibility
17 to temperature-related illness;

18 (3) signs and symptoms of temperature-related illness;

19 (4) different types of temperature-related illness;

20 (5) the importance of consuming fluids;

21 (6) available engineering control measures;

22 (7) administrative control measures;

23 (8) the importance of reporting temperature-related
24 symptoms;

25 (9) recordkeeping requirements and reporting
26 procedures;

1 (10) emergency response procedures; and

2 (11) rights under this Act.

3 (e) The occupational temperature-related illness and
4 injury prevention plan shall contain, at a minimum, special
5 training and education to employees who are supervisors, in
6 addition to the training and education provided to all
7 employees under subsection (d), that shall include training
8 and education containing the following:

9 (1) procedures a supervisor shall follow with respect
10 to the prevention of employee exposure to excessive
11 temperatures;

12 (2) how to recognize high-risk situations, including
13 how to monitor weather reports and weather advisories, the
14 risk of assigning an employee to a situation that could
15 predictably compromise the safety of the employee, and
16 initially and regularly monitor for employee exposure to
17 heat or cold to determine whether an employee's exposure
18 has been excessive; and

19 (3) emergency response procedures if an employee
20 exhibits signs or reports symptoms consistent with
21 temperature-related illnesses.

22 (f) The occupational temperature-related illness and
23 injury prevention plan shall require that the education and
24 training:

25 (1) be provided by an employer for each new employee
26 before starting a job assignment;

1 (2) provide employees opportunities to ask questions,
2 provide feedback, and request additional instruction,
3 clarification, or follow-up;

4 (3) be provided by an individual with knowledge of
5 temperature-related illness prevention and the plan of the
6 employer; and

7 (4) be appropriate in content and commensurate to the
8 language, education level, and literacy of each employee.

9 (g) An employer shall maintain the following:

10 (1) records related to the heat-related illness and
11 injury prevention plan, including heat-related illness
12 risk and hazard assessments and identification,
13 evaluation, correction and training procedures;

14 (2) data on all heat-related illnesses, injuries, and
15 fatalities that have occurred at the place of employment,
16 including, but not limited to, the type of heat-related
17 illness or injury experienced and symptoms experienced,
18 the cause of death, the time at which manifestation of
19 illness, injury, or death occurred, environmental
20 measures, including temperature and humidity levels, at
21 time of manifestation of illness, injury or death, a
22 description of the location where the manifestation of
23 illness, injury, or death occurred; and

24 (3) data concerning environmental and physiological
25 measurements related to heat.

26 (h) An employer shall make the records and data available,

1 on request, for examination and copying at no cost, to an
2 employee, an employee's authorized representatives, including
3 collective bargaining representatives, and to the Director.
4 The employer shall preserve the records and data for a minimum
5 of 3 years.

6 (i) Employers shall comply with the provisions of the heat
7 stress and cold stress standards in accordance with this
8 section 60 days after the rules containing the heat stress
9 standard are adopted.

10 (k) this Act shall not apply to any employees directly
11 involved in the protection of life or property, including, but
12 not limited to, lifeguards, firefighters, paramedics, law
13 enforcement personnel, and employees engaged in the emergency
14 restoration of essential infrastructure and services,
15 including roads, bridges, utilities, and communications.

16 (l) After an employer has implemented an occupational
17 temperature-related illness and injury prevention plan each
18 employer shall, annually, on or before the first business day
19 of May, review, release, and give notice to employees and any
20 authorized representatives of their employees, including their
21 collective bargaining representatives, an updated copy of the
22 employer's temperature-related illness and injury prevention
23 plan.

24 Section 25. Retaliation.

25 (a) It is a violation of this Act for an employer to

1 retaliate through termination of employment, discipline, or
2 taking any other adverse action against any employee for
3 exercising any right under this Act. There shall be a
4 rebuttable presumption of unlawful retaliation under this
5 Section if an employer takes an adverse action against an
6 employee within 90 days after the employee exercises the
7 employee's rights under this Act.

8 (b) It is a violation of this Act for an employer to
9 retaliate or take adverse action against an employee if the
10 employee:

11 (1) makes a complaint to an employer, to a co-worker,
12 to a community organization, before a public hearing, or
13 to a State or federal agency that rights under this Act
14 have been violated;

15 (2) seeks assistance or intervention with respect to
16 heat-related health symptoms from, the employer, local
17 emergency services, the federal government, the State, or
18 a local government;

19 (3) refuses to work if the employee reasonably
20 believes:

21 (A) that an employer has not met the minimum
22 requirements under this Act to prevent illness and
23 injury; or

24 (B) that performing the required work in extreme
25 temperature conditions may result in illness or
26 injury;

1 (4) institutes any proceeding under or related to this
2 Act; or

3 (5) testifies or prepares to testify in an
4 investigation or proceeding under this Act.

5 Section 30. Violations. The Department, or the Attorney
6 General pursuant to its authority under Section 6.3 of the
7 Attorney General Act, shall have the authority to issue a
8 temporary emergency cease and desist order to halt any conduct
9 of the employer that is warranted by public health and safety
10 concerns or is in violation of this Act. The Attorney General
11 shall seek a court order extending any emergency cease and
12 desist order to halt any conduct of the employer that is
13 warranted by public health and safety concerns is in this Act
14 as soon as practicable. Before issuing a cease and desist
15 order authorized under this Section, the Attorney General
16 shall provide notice to the Director.

17 Section 35. Penalties. An employer who violates any
18 provision of this Act or any rule adopted under this Act shall
19 be subject to a civil penalty of not less than \$100 and not
20 more than \$5,000 for each violation found in an initial
21 investigation by the Department or determined by a court in a
22 civil action brought by an interested party, or determined by
23 a court in a civil action brought by the Attorney General
24 pursuant to its authority under Section 6.3 of the Attorney

1 General Act. An employer found to have committed any repeat
2 violation of this Act by the Department or circuit court
3 within 3 years following the first finding shall be subject to
4 a civil penalty of not less than \$250 and not more than \$15,000
5 for each such repeat violation. For purposes of this Section,
6 each violation of this Act for each employee and for each day
7 the violation continues shall constitute a separate and
8 distinct violation. Any penalty assessed under this Act
9 against a corporation, partnership, limited liability company,
10 or sole proprietorship, shall be effective against any
11 successor entity that is engaged in the same or equivalent
12 trade or activity, and has one or more of the same principals
13 or officers, as the corporation, partnership, limited
14 liability company, or sole proprietorship against which the
15 penalty was assessed. In determining the appropriateness of a
16 penalty to the employer, the Director or circuit court shall
17 consider the factors including, the history of violations by
18 the employer, the seriousness of the violation, the good faith
19 of the employer, and the size of the employer's business. The
20 amount of the penalty may be: (1) recovered in a civil action
21 brought by the Director in any circuit court, represented by
22 the Attorney General; or (2) ordered by the court, in an action
23 brought by any party, including the Attorney General for a
24 violation of this Act.

25 Section 40. Enforcement by the Department.

1 (a) The Department shall enforce the provisions of this
2 Act when, in the Department's judgment, there is cause and
3 sufficient resources for investigation. The Department shall
4 have the authority to conduct investigations in connection
5 with the administration and enforcement of this Act. The
6 Director, or the Director's designee, may:

7 (1) enter and inspect the place of business if any
8 employer for the purpose of examining and inspecting the
9 physical workplace;

10 (2) inspect or copy any records of the employer that
11 relate in any way to or have a bearing upon the question of
12 compliance with this Act;

13 (3) question any employee outside the presence of the
14 employer or any employer representative;

15 (4) conduct any tests at the employer's place of
16 business to determine if this Act has been violated; and

17 (5) require any employer to submit written statements,
18 including sworn statements, relating to compliance with
19 this Act as the Director may deem necessary or
20 appropriate.

21 (b) A representative of the employer and a representative
22 of the employees shall be given an opportunity to accompany
23 the Department during the physical inspection of any workplace
24 for the purpose of aiding the inspection.

25 (1) The Department may permit additional
26 representatives of the employer and representatives of the

1 employees to be present during the inspection if the
2 Department determines that the additional representatives
3 will aid the inspection. A different employer and employee
4 representative may be present during each phase of the
5 inspection if doing so does not interfere with the
6 inspection.

7 (2) The Department shall have authority to resolve all
8 disputes as to who shall be the representative of the
9 employer and the representative of the employees. If there
10 is no authorized representative of employees, or if the
11 Department is unable to determine with reasonable
12 certainty who is the representative, the Department shall
13 consult with a reasonable number of employees concerning
14 matters of safety and health in the workplace.

15 (3) The representative of the employees may be an
16 employee of the employer or a third party. When the
17 representative of the employees is not an employee of the
18 same employer, the representative of the employees may be
19 present during the inspection if, in the judgment of the
20 Department, good cause has been shown why a third party is
21 reasonably necessary to the conduct of an effective and
22 thorough physical inspection of the workplace.

23 (4) The Department is authorized to deny the right to
24 be present during an inspection for any person whose
25 conduct interferes with a fair and orderly inspection.

26 (c) The Director may compel, by subpoena, the attendance

1 and testimony of witnesses and the production of books,
2 payrolls, records, papers, and other evidence in any
3 investigation or hearing and may administer oaths to
4 witnesses.

5 (d) The Department shall conduct hearings in accordance
6 with the Illinois Administrative Procedure Act upon written
7 complaint by an investigator of the Department or any
8 interested person of a violation of this Act. After the
9 hearing, if supported by the evidence, the Department may:

10 (1) issue and cause to be served on any party an order
11 to cease and desist from further violation of this Act;

12 (2) take affirmative or other action as deemed
13 reasonable to eliminate the effect of the violation; and

14 (3) determine the amount of any civil penalty allowed
15 by this Act.

16 Section 45. Review under Administrative Review Law. Any
17 party to a proceeding under this Act may apply for and obtain
18 judicial review of an order of the Department entered under
19 this Act in accordance with the provisions of the
20 Administrative Review Law, and the Department in proceedings
21 under this Act may obtain an order from the court for the
22 enforcement of its order.

23 Section 50. Contempt. If it appears that an employer
24 covered by this Act has violated a valid order of the

1 Department issued under this Act, the Director may commence an
2 action and obtain from the court an order commanding the
3 employer to obey the order of the Department or be adjudged
4 guilty of contempt of court and punished accordingly.

5 Section 55. Action for civil enforcement by an interested
6 party.

7 (a) Upon a reasonable belief that an employer covered by
8 this Act is in violation of any part of this Act, an interested
9 party may initiate a civil action in the county where the
10 alleged offenses occurred or where any party to this Action
11 resides, asserting that a violation of this Act has occurred,
12 pursuant to the following sequence of events:

13 (1) The interested party submits to the Department a
14 complaint describing the violation and naming the employer
15 alleged to have violated this Act.

16 (2) The Department sends notice of complaint to the
17 named parties alleged to have violated this Act and the
18 interested party.

19 (3) The named party may either contest the alleged
20 violation or attempt to cure the alleged violation within
21 30 days after the receipt of the notice of complaint or, if
22 the named party does not respond within 30 days, the
23 Department issues a notice of right to sue to the
24 interested party as described in paragraph (4).

25 (4) The Department issues a notice of right to sue to

1 the interested party, if one or more of the following has
2 occurred:

3 (A) the named party has cured the alleged
4 violation to the satisfaction of the Director;

5 (B) the Director has determined that the
6 allegation is unjustified or that the Department does
7 not have jurisdiction over the matter or the parties;
8 or

9 (C) the Director has determined that the
10 allegation is justified or has not made a
11 determination, and either has decided not to exercise
12 jurisdiction over the matter or has concluded
13 administrative enforcement of the matter.

14 (b) If within 180 days after service of the notice of
15 complaint to the parties, the Department has not (i) resolved
16 the contest and cure period, (ii) with the mutual agreement of
17 the parties, extended the time for the named party to cure the
18 violation and resolve the complaint, or (iii) issued a right
19 to sue letter, the interested party may initiate a civil
20 action for penalties. The parties may extend the 180-day
21 period by mutual agreement. The limitations period for the
22 interested party to bring an action for the alleged violation
23 of the Act shall be tolled for the 180-day period and for the
24 period of any mutually agreed extensions. At the end of the
25 180-day period, or any mutually agreed extensions, the
26 Department shall issue a right to sue letter to the interested

1 party.

2 (c) Upon receipt of a right to sue letter from the
3 Department, an interested party may bring a civil action in
4 the county where the alleged offenses occurred or where any
5 party to this Action resides, in the name of the State or for
6 the benefit of any impacted employee. If this Action is
7 brought in the name of the State:

8 (1) No later than 30 days after filing an action, the
9 interested party shall serve upon the State through the
10 Attorney General a copy of the complaint and written
11 disclosure of substantially all material evidence and
12 information the interested party possesses.

13 (2) The State may elect to intervene and proceed with
14 the action no later than 60 days after it receives both the
15 complaint and the material evidence and information. The
16 State may, for good cause shown, move the court for an
17 extension of the time to intervene and proceed with the
18 action.

19 (3) Before the expiration of the 60-day period or any
20 extensions under subparagraph (2), the State shall:

21 (A) proceed with the action, in which case the
22 action shall be conducted by the State; or

23 (B) notify the court that it declines to take the
24 action, in which case the interested party bringing
25 the action shall have the right to conduct the action.

26 (4) When the State conducts the action, the interested

1 party shall have the right to continue as a party to the
2 action subject to the following limitations:

3 (A) the State may dismiss the action
4 notwithstanding the objections of the interested party
5 initiating the action if the interested party has been
6 notified by the State of the filing of the motion and
7 the court has provided the interested party with an
8 opportunity for a hearing on the motion; and

9 (B) the State may settle the action with the
10 defendant notwithstanding the objections of the person
11 initiating the action if the court determines, after a
12 hearing, that the proposed settlement is fair,
13 adequate, and reasonable under all the circumstances.

14 (5) If an interested party brings an action under this
15 Section, no person other than the State may intervene or
16 bring a related action on behalf of the State based on the
17 facts underlying the pending action.

18 (6) An action brought in court by an interested party
19 under this Section may be dismissed if the court and the
20 Attorney General give written consent to the dismissal and
21 their reasons for consenting.

22 (d) Any claim or action filed by an interested party under
23 this Section shall be made no later 3 years after the alleged
24 conduct resulting in the complaint, plus any period for which
25 the limitations period has been tolled.

26 (e) In an action brought by an interested party under this

1 Section, an interested party may recover against the covered
2 entity any statutory penalties set forth in Section 70,
3 injunctive relief, and any other relief available to the
4 Department. An interested party who prevails in a civil action
5 shall receive 10% of any statutory penalties assessed, plus
6 any attorney's fees and costs. The remaining 90% of any
7 statutory penalties assessed shall be deposited into a special
8 fund of the Department for enforcement of this Act.

9 Section 60. Private right of action.

10 (a) An employee aggrieved by any violation of this Act or
11 any rule adopted under this Act may file suit in circuit court,
12 in the county where the alleged offense occurred or where any
13 employee who is party to this Action resides, without regard
14 to exhaustion of any alternative administrative remedies
15 provided in this Act. Actions may be brought by one or more
16 employees for and on behalf of themselves and other employees
17 similarly situated. An employee whose rights have been
18 violated under this Act by an employer is entitled to collect:

19 (1) in the case of a notice violation, statutory
20 damages in an amount of not less than \$50 and not more than
21 \$500 for the violation of each subpart of each section of
22 this Act;

23 (2) in the case of a health and safety violation, in
24 addition to all other relief available for injury,
25 compensatory damages and an amount of statutory damages of

1 not less than \$50 and not more than \$500 for each violation
2 of this Act;

3 (3) in the case of unlawful retaliation, all relief
4 necessary to make the employee whole, including but not
5 limited to:

6 (A) permanent or preliminary injunctive relief;

7 (B) reinstatement with the same seniority status
8 that the employee would have had, but for the
9 violation;

10 (C) back pay, with interest of 9% per annum for no
11 more than 90 calendar days from the date the complaint
12 is filed and front pay;

13 (D) liquidated damages of up to \$10,000;

14 (E) compensation for any costs incurred as a
15 result of the violation, including litigation costs,
16 expert witness fees, and reasonable attorney's fees;
17 and

18 (F) a civil penalty of \$10,000, payable to the
19 employee.

20 (b) The right of an aggrieved employee to bring an action
21 under this Section terminates upon the passing of 3 years
22 after the date of the violation. This limitations period is
23 tolled if an employer or prospective employer has failed to
24 provide an employee or prospective employer information
25 required under this Act or has deterred an employee or
26 prospective employee from the exercise of rights under this

1 Act.

2 (c) Nothing in this Section shall be construed to limit in
3 any way an employee's rights to bring an action for injury
4 through a tort action, workers compensation, union grievance
5 procedure or any other legal avenue available to an employee.

6 Section 65. No diminution of obligations.

7 (a) No provision of this Act or any rules adopted under
8 this Act shall be construed as:

9 (1) requiring an employer to diminish or reduce
10 protections provided by the employer under an employer
11 policy or collective bargaining agreement that are more
12 favorable to employee safety than the protections required
13 by this Act or that provide rights or benefits to
14 employees not provided by this Act;

15 (2) prohibiting an employer from agreeing to provide
16 protections under an employer policy or collective
17 bargaining agreement that are more favorable to employees
18 than the protections required by this Act or to provide
19 rights or benefits to employees not provided by this Act;
20 or

21 (3) superseding any law providing collective
22 bargaining rights for employees or in any way reducing,
23 diminishing, or adversely affecting those collective
24 bargaining rights or the obligations of employers under
25 any law.

1 (b) To the extent any federal heat stress standard law,
2 rule, or regulation is more favorable to employees than any
3 requirement of this Act, the Director shall update the heat
4 stress standard rule to align with the federal standard.