

HB3776



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3776

Introduced 2/22/2021, by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

New Act

Creates the COVID-19 Workplace Safety Response Act. Provides that each public and private employer with at least 30 employees shall establish a safety committee at each of the employer's primary places of employment. Sets forth requirements for the composition of the committees, meetings, records, and training. Establishes the duties of committees relating to hazard assessment and control, safety and health planning, especially as related to the global COVID-19 pandemic, development of procedures for contact tracing, accident investigations, and other specified matters. Provides for the Illinois Department of Public Health and the Illinois Department of Labor to adopt necessary rules.

LRB102 15118 JLS 20473 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 COVID-19 Workplace Safety Response Act.

6 Section 5. Legislative Findings. The General Assembly
7 finds that thousands of Illinois workers have contracted the
8 COVID-19 virus in the workplace, in addition to the hundreds
9 that are disabled each year from work-related injuries and
10 diseases. Data prepared by the Department of Public Health
11 shows that as of September 30, 2020 there were at least 2,600
12 COVID-19 infections directly connected to outbreaks at
13 workplaces in Illinois. These metrics may not include
14 secondary exposures, that is individuals who were at least
15 infected by someone who directly contracted the virus at their
16 workplace. The General Assembly finds that many COVID-19
17 infections, deaths, and workplace injury and illness losses
18 are needless, costly, and could have been prevented. Columbia
19 University has indicated that workplace outbreaks are one of
20 the most significant factors driving the increases in
21 Illinois, adding that many additional outbreaks have never
22 been made public. The General Assembly concludes that the
23 establishment of joint management and worker safety committees

1 will help prevent such losses.

2 Section 10. Purpose. It is the purpose of this Act to bring
3 workers and management together in a non-adversarial,
4 cooperative effort to promote safety and health in the
5 workplace and prevent outbreaks, including those of COVID-19,
6 and other health hazards. The workplace safety committees
7 established by this Act shall consist of management and
8 employee representatives who have an interest in the general
9 promotion of safety and health in the workplace.

10 Section 15. Establishment of workplace safety committees.

11 (a) Every public and private employer of 30 or more
12 employees shall establish and administer a safety committee.

13 (b) To determine employment levels for purposes of
14 subsection (a), the employer shall count all permanent,
15 contract, temporary, and seasonal workers under the employer's
16 direction and control and shall base the number on peak
17 employment in the last 12 months.

18 (c) Temporary services employers and labor contractors
19 shall establish safety committees based upon the total number
20 of workers over which the employer or contractor exercises
21 direction and control.

22 (d) Employers who hire only seasonal workers shall hold
23 crew safety meetings prior to the commencement of work at each
24 job site. The meetings shall promote discussions of safety and

1 health issues. All workers shall be informed of their right to
2 inspect and report workplace hazards and shall be encouraged
3 to make those inspections and reports during the meetings
4 according to provisions established in the federal
5 Occupational Safety and Health Act.

6 Section 20. Location of safety committees.

7 (a) Safety committees shall be established at each of an
8 employer's primary places of employment. As used in this Act,
9 "primary place of employment" means a major economic unit at a
10 single geographic location, comprised of a building or group
11 of buildings, and all surrounding facilities, having the
12 following characteristics: it has both management and workers
13 present; it has control over a portion of a budget; and it has
14 the ability to take action on the majority of the
15 recommendations made by a safety committee.

16 (b) An employer's auxiliary, mobile, or satellite
17 locations, such as those found in construction operations,
18 trucking, branch or field offices, sales operations, or highly
19 mobile activities, may be combined into a single, centralized
20 committee. This centralized committee shall represent the
21 safety and health concerns of all the locations.

22 Section 25. Recognition and approval of certain safety
23 committees. Upon application, the Illinois Department of Labor
24 and the Illinois Department of Public Health may recognize and

1 approve safety committees that are innovative or differ in
2 form or function if those committees meet the intent of this
3 Act.

4 Section 30. Safety committee formation and membership.

5 (a) The safety committees required under this Act shall be
6 composed of an equal number of employer and employee
7 representatives. Employee representatives shall be selected by
8 their exclusive representative for collective bargaining
9 purposes or, if there is no exclusive representative, employee
10 representatives shall be volunteers or shall be selected by
11 their peers. When agreed upon by workers and management, the
12 number of employee representatives on the committee may be
13 greater than the number of employer representatives. Seasonal
14 workers shall not be counted for the purpose of determining
15 the number of members who will serve on the committee.

16 (b) The safety committees shall consist of:

17 (1) no fewer than 2 members for each employer with 30
18 or fewer current employees, or

19 (2) no fewer than 4 members for each employer with
20 more than 30 current employees; and

21 (3) have a chairperson elected by the committee
22 members.

23 (c) Employee representatives attending safety committee
24 meetings required by this Act or participating in safety
25 committee instruction or training required by this Act shall

1 be compensated by the employer at the regular hourly wage.

2 (d) Employee representatives shall serve a continuous term
3 of at least one year. Length of membership shall be alternated
4 or staggered so that at least one experienced member is always
5 serving on the committee.

6 (e) Reasonable efforts shall be made to ensure that
7 committee members are representative of the major work
8 activities of the firm.

9 Section 35. Safety committee meetings.

10 (a) The committee shall develop a written agenda for
11 conducting safety committee meetings. The agenda shall
12 prescribe the order in which committee business will be
13 addressed during the meeting.

14 (b) The safety committee shall hold regular meetings at
15 least once a month.

16 (c) The safety committee shall hold regular meetings in
17 person or via a remote conferencing application when
18 recommended by the Illinois Department of Public Health.

19 (d) Quarterly safety committee meetings may be substituted
20 for monthly meetings when the committee's sole area of
21 responsibility involves low hazard work environments.

22 (e) Minutes shall be made of each meeting. The employer
23 shall review the minutes and maintain them for 3 years for
24 inspection by the Illinois Department of Labor, the Illinois
25 Department of Public Health and any other government entity.

1 Copies of minutes shall be posted or made available for all
2 employees and shall be sent to each committee member. All
3 reports, evaluations, and recommendations of the safety
4 committee shall be made a part of the minutes of the safety
5 committee meeting.

6 (f) For each recommendation made at the committee
7 meetings, a reasonable time limit shall be established for the
8 employer to respond in writing. The response shall include the
9 action taken to comply with the recommendation, and, in any
10 case, the reasons why implementing the action was not
11 accomplished and a time frame to comply.

12 Section 40. Employee involvement. The committee shall
13 establish a system to allow the members to obtain
14 safety-related suggestions, reports of hazards, or other
15 information directly from all persons involved in the
16 operations of the workplace. The information obtained shall be
17 reviewed at the next safety committee meeting and shall be
18 recorded in the minutes for review and necessary action by the
19 employer.

20 Section 45. Tasks. The safety committee shall review the
21 employer's injury and illness prevention programs and provide
22 feedback to improve the program when applicable. The safety
23 committee shall also:

24 (1) Include employer and employee representatives in

1 inspection teams to raise concerns and provide
2 recommendations on the location and identity of the
3 hazards and shall make recommendations to the employer
4 regarding correction of the hazards.

5 (2) Conduct quarterly inspections of satellite
6 locations by the committee team or by a person designated
7 at the location.

8 Section 50. Safety and health planning. The safety
9 committee shall establish procedures for the review of all
10 safety and health inspection reports made by the committee.
11 Based on the results of the review, the committee shall make
12 recommendations for improvement of the employer's injury and
13 illness prevention program.

14 Section 55. Accountability. The safety committee shall
15 evaluate the employer's accountability system and make
16 recommendations to implement supervisor and employee
17 accountability for safety and health.

18 Section 60. Incident investigation. The safety committee
19 shall provide recommendations and input into the employer's
20 investigating all safety-related incidents including injuries,
21 illnesses, and deaths. This Section does not require the
22 committee to conduct the investigations.

1 Section 65. Safety and health training and instruction.

2 (a) The following items shall be discussed with all safety
3 committee members:

4 (1) safety committee purposes and operation;

5 (2) rules adopted by the Illinois Department of Labor
6 and Illinois Department of Public Health under this Act;
7 and

8 (3) methods of conducting safety committee meetings.

9 (b) Committee members shall have ready access to federal
10 Occupational Safety and Health Codes that apply to the
11 particular establishments and oral instructions regarding
12 their use.

13 (c) An employer must provide all safety committee members
14 training based upon the type of business activity. At a
15 minimum, members shall receive training regarding:

16 (1) hazard identification in the workplace; and

17 (2) principles regarding effective accident and
18 incident investigations.

19 Section 70. Pandemic provisions. During a pandemic, such
20 as COVID-19, and until the Illinois Department of Public
21 Health declares an end to the pandemic, the employer shall
22 have the following special functions:

23 (1) Collect and post in conspicuous places, such as
24 bulletin boards, lunch rooms and dressing rooms at each
25 location, information issued by the Centers for Disease

1 Control and Prevention of the United States Department
2 Health and Human Services, the United States Department of
3 Labor, the Occupational Safety and Health Administration,
4 the Illinois Department of Public Health, and others
5 concerning prevention and measures to avoid contagion with
6 COVID-19 and other pandemics.

7 (2) Collect and post in such locations, and distribute
8 to all workers, executive orders regarding COVID-19 and
9 other pandemics issued by the Governor of Illinois.

10 (3) Prepare and implement a mitigation plan to prevent
11 exposures in a workplace. Mitigations shall be adopted
12 based upon recommendations made by the Illinois Department
13 of Public Health.

14 (4) Prepare and implement a response plan to be
15 executed in case an outbreak occurs in the workplace,
16 including contact tracing as specified by the Illinois
17 Department of Public Health. An "outbreak" is defined as
18 the existence of 2 or more workers presenting health
19 symptoms related to the pandemic.