



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3649

Introduced 2/9/2024, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Worker Freedom of Speech Act. Provides that an employer or the employer's agent, representative, or designee may not discharge, discipline, or otherwise penalize, threaten to discharge, discipline, or otherwise penalize, or take any adverse employment action against an employee: (1) because the employee declines to attend or participate in an employer-sponsored meeting or declines to receive or listen to communications from the employer or the agent, representative, or designee of the employer if the meeting or communication is to communicate the opinion of the employer about religious or political matters; (2) as a means of inducing an employee to attend or participate in meetings or receive or listen to communications; or (3) because the employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, of a violation or a suspected violation of the Act. Provides for a private right of action to enforce the provisions of the Act. Sets forth the duties and powers of the Department of Labor under the Act. Provides that, within 30 days after the effective date of the Act, an employer shall post and keep posted a notice of employee rights under the Act where employee notices are customarily placed. Provides for exceptions under the Act.

LRB103 36890 SPS 67002 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 Worker  
5 Freedom of Speech Act.

6 Section 5. Findings; legislative intent.

7 (a) The General Assembly finds that it is in the public  
8 policy interests of the State for all working Illinoisans to  
9 have protections from mandatory participation in  
10 employer-sponsored meetings if the meeting is designed to  
11 communicate an employer's position on religious or political  
12 matters.

13 (b) Employees should not be subject to intimidation  
14 tactics, acts of retaliation, discipline, or discharge from  
15 their employer for choosing not to participate in  
16 employer-sponsored meetings.

17 Section 10. Definitions. As used in this Act:

18 "Department" means the Department of Labor.

19 "Director" means the Director of Labor.

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

22 "Employer" has the meaning set forth in Section 2 of the

1 Illinois Wage Payment and Collection Act. "Employer" also  
2 means the State or any political subdivision of the State,  
3 unit of local government, or State or local government agency.

4 "Political matters" means matters relating to elections  
5 for political office, political parties, proposals to change  
6 legislation, proposals to change regulations, proposals to  
7 change public policy, and the decision to join or support any  
8 political party or political, civic, community, fraternal, or  
9 labor organization.

10 "Religious matters" means matters relating to religious  
11 belief, affiliation, and practice and the decision to join or  
12 support any religious organization or association.

13 Section 15. Employee protections. An employer or the  
14 employer's agent, representative, or designee may not  
15 discharge, discipline, or otherwise penalize, threaten to  
16 discharge, discipline, or otherwise penalize, or take any  
17 adverse employment action against an employee:

18 (1) because the employee declines to attend or  
19 participate in an employer-sponsored meeting or declines  
20 to receive or listen to communications from the employer  
21 or the agent, representative, or designee of the employer  
22 if the meeting or communication is to communicate the  
23 opinion of the employer about religious or political  
24 matters;

25 (2) as a means of inducing an employee to attend or

1           participate in meetings or receive or listen to  
2           communications described in paragraph (1); or

3                   (3) because the employee, or a person acting on behalf  
4           of the employee, makes a good faith report, orally or in  
5           writing, of a violation or a suspected violation of this  
6           Act.

7           Section 20. Right of action. An aggrieved employee may  
8           bring a civil action to enforce any provision of this Act no  
9           later than 90 days after the date of the alleged violation in  
10          the circuit court where the violation is alleged to have  
11          occurred or where the principal office of the employer is  
12          located. A civil action may be brought by one or more employees  
13          for and on behalf of themselves and other employees similarly  
14          situated. The court may award a prevailing employee all  
15          appropriate relief, including injunctive relief, reinstatement  
16          to the employee's former position or an equivalent position,  
17          back pay, reestablishment of any employee benefits, including  
18          seniority, to which the employee would otherwise have been  
19          eligible if the violation had not occurred, and any other  
20          appropriate relief as deemed necessary by the court to make  
21          the employee whole. The court shall award a prevailing  
22          employee reasonable attorney fees and costs.

23          Section 25. Powers of the Department.

24               (a) It shall be the duty of the Department to inquire

1 diligently into any alleged violations of this Act, to  
2 institute the actions for the penalties provided in this  
3 Section, and to enforce the provisions of this Act.

4 (b) An employee may file a complaint with the Department  
5 alleging violations of this Act by submitting a signed,  
6 completed complaint on the form provided by the Department and  
7 by submitting copies of all supporting documentation. A  
8 complaint shall be filed within one year after the date of the  
9 violation. The Department shall review a complaint to  
10 determine whether there is cause and sufficient resources for  
11 investigation.

12 (c) The Department shall have the following powers:

13 (1) Investigate and attempt equitably to adjust  
14 controversies between employees and employers regarding  
15 claims arising under this Act, including administering  
16 oaths, subpoenaing and examining witnesses, issuing  
17 subpoenas duces tecum requiring the production of books,  
18 papers, records, and documents as may be evidence of any  
19 matter under inquiry, and examining and inspecting the  
20 books, papers, records, and documents as may relate to the  
21 question in dispute. Service of subpoenas shall be made by  
22 any sheriff or any person. Any court in this State, upon  
23 the application of the Department, may compel attendance  
24 of witnesses, the production of books and papers, and the  
25 giving of testimony before the Department by attachment  
26 for contempt or in any other way as the production of

1 evidence may be compelled before the court.

2 (2) Take complaints of claims arising under this Act  
3 in the name of the Director and his or her successors in  
4 office and prosecute actions for relief for persons  
5 financially unable to prosecute the claims when in the  
6 judgment of the Department the claims are valid and  
7 enforceable in the courts. No court costs or any fees for  
8 necessary process and proceedings shall be payable in  
9 advance by the Department for prosecuting the actions. If  
10 there is a judgment rendered against the defendant, the  
11 court shall assess as part of the judgment the costs of the  
12 proceeding. Upon collection of the judgment, the  
13 Department shall pay from the proceeds of the judgment the  
14 costs to the person who is by law entitled to  
15 compensation. The Department may join in a single  
16 proceeding any number of claims against the same employer,  
17 but the court shall have discretionary power to order a  
18 severance or separate trial for hearings.

19 (3) Make complaint in any court of competent  
20 jurisdiction of violations of this Act.

21 In addition to these powers, subject to appropriation, the  
22 Department may establish an administrative procedure to  
23 adjudicate claims and to issue final and binding  
24 administrative decisions on claims subject to the  
25 Administrative Review Law. To establish the procedure, the  
26 Director or the Director's authorized representative may adopt

1 rules. The adoption, amendment, or rescission of rules for the  
2 procedure shall be in conformity with the requirements of the  
3 Illinois Administrative Procedure Act. If a final and binding  
4 administrative decision issued by the Department requires an  
5 employer or other party to pay wages, penalties, or other  
6 amounts in connection with a claim, and the employer or other  
7 party has neither: (i) made the required payment within 35  
8 days after the issuance of the final and binding  
9 administrative decision; nor (ii) timely filed a complaint  
10 seeking review of the final and binding administrative  
11 decision pursuant to the Administrative Review Law in a court  
12 of competent jurisdiction, the Department may file a verified  
13 petition against the employer or other party to enforce the  
14 final administrative decision and to collect any amounts due  
15 in connection therewith in the circuit court of any county  
16 where an official office of the Department is located.

17 (d) Nothing in this Section shall be construed to prevent  
18 an employee from bringing a civil action for his or her own  
19 claim for a violation of the Act as described in Section 20.

20 (e) Nothing in this Section shall be construed to limit  
21 the authority of the State's Attorney of any county to  
22 prosecute an action for violation of this Act or to enforce the  
23 provisions of this Act independently and without specific  
24 direction of the Department.

25 Section 30. Notice. Within 30 days after the effective

1 date of this Act, an employer shall post and keep posted a  
2 notice of employee rights under this Act where employee  
3 notices are customarily placed.

4 Section 35. Exceptions. This Act does not:

5 (1) prohibit communications of information that the  
6 employer is required by law to communicate, but only to  
7 the extent of the lawful requirement;

8 (2) limit the rights of an employer or its agent,  
9 representative, or designee to conduct meetings involving  
10 religious or political matters so long as attendance is  
11 wholly voluntary or to engage in communications so long as  
12 receipt or listening is wholly voluntary; or

13 (3) limit the rights of an employer or its agent,  
14 representative, or designee from communicating to its  
15 employees any information that is necessary for the  
16 employees to perform his or her lawfully required job  
17 duties.