

AN ACT concerning employment.

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

Section 5. The Right to Privacy in the Workplace Act is amended by changing Sections 15 and 20 and by adding Sections 14, 16, 17, 18, 19, and 25 as follows:

(820 ILCS 55/14 new)

Sec. 14. Employment requirements.

(a) If an employer receives a written notification from any federal agency or other outside vendor not responsible for the enforcement of immigration law, including, but not limited to, the Social Security Administration, the Internal Revenue Service, or an insurance company, of a discrepancy as it relates to an employee's individual taxpayer identification number or other identifying documents, the following rights and protections are granted to the employee:

(1) The employer shall not take any adverse action against the employee solely based on the receipt of the notification.

(2) The employer shall provide a notice to the employee and to the employee's authorized representative, if any, as soon as practicable, but not more than 5 business days after the date of receipt of the

notification or after the employer makes the determination that an employee must respond to the notification in any manner, whichever is longer, unless a shorter timeline is provided for under federal law or a collective bargaining agreement. The employer shall notify the employee in person and deliver the notification by hand, if possible. If hand delivery is not possible, then the employer shall notify the employee by mail and email, if the email address of the employee is known, and shall notify the employee's authorized representative. Upon request by the employee or the employee's authorized representative, the employer shall give to the employee the original notification. The notice to the employee shall include, but shall not be limited to: (i) an explanation that the federal agency or outside vendor not responsible for the enforcement of immigration law has notified the employer that the identification documents presented by the employee do not appear to match; (ii) the time period the employee has to contest the disputed information, if such a time period is required by federal law; and (iii) any action the employer is requiring the employee to take.

(3) The employee may have a representative of the employee's choosing in any meetings, discussions, or proceedings with the employer.

(b) This Section applies to public and private employers.

(820 ILCS 55/15) (from Ch. 48, par. 2865)

Sec. 15. Administration and enforcement by the Department and Attorney General.

(a) It shall be the duty of the Department to enforce the provisions of this Act when, in the Department's judgment, there is cause and sufficient resources for investigation. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act, and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, records of the employer or prospective employer related to its employees or prospective employees and related to its activities under and in compliance with this Act. The Department shall have the authority to request the issuance of a search warrant or subpoena to inspect the files of the employer or prospective employer, if necessary. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, and (iii) determine the amount of any civil penalty allowed by the Act. The Director of

Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses

The Director of Labor or his authorized representative shall administer and enforce the provisions of this Act. The Director of Labor may issue rules and regulations necessary to administer and enforce the provisions of this Act.

(a-5) If the Attorney General has reasonable cause to believe that any person or entity has engaged in a practice prohibited by this Act, the Attorney General may, pursuant to the authority conferred by Section 6.3 of the Attorney General Act, initiate or intervene in a civil action in the name of the People of the State in any appropriate court to obtain appropriate relief.

(b) If an employee or applicant for employment alleges that he or she has been denied his or her rights under this Act, he or she may file a complaint with the Department of Labor. The Department shall investigate the complaint pursuant to its authority under subsection (a) ~~and shall have authority to request the issuance of a search warrant or subpoena to inspect the files of the employer or prospective employer, if necessary.~~ The Department shall attempt to resolve the complaint by conference, conciliation, or persuasion. If the complaint is not so resolved and the Department finds the employer or prospective employer has violated the Act, the

Department may commence an action in the circuit court to enforce the provisions of this Act including an action to compel compliance. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.

(c) (Blank). ~~If an employer or prospective employer violates this Act, an employee or applicant for employment may commence an action in the circuit court to enforce the provisions of this Act, including actions to compel compliance, where efforts to resolve the employee's or applicant for employment's complaint concerning the violation by conference, conciliation or persuasion under subsection (b) have failed and the Department has not commenced an action in circuit court to redress the violation. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.~~

(d) (Blank). ~~Failure to comply with an order of the court may be punished as contempt. In addition, the court shall award an employee or applicant for employment prevailing in an action under this Act the following damages:~~

~~(1) Actual damages plus costs.~~

~~(2) For a willful and knowing violation of this Act, \$200 plus costs, reasonable attorney's fees, and actual damages.~~

~~(3) For a willful and knowing violation of Section~~

~~12(c) or Section 12(c-2) of this Act, \$500 per affected employee plus costs, reasonable attorney's fees, and actual damages.~~

~~(4) For a willful and knowing violation of Section 13, a civil penalty of a minimum of \$2,000 up to a maximum of \$5,000 for a first violation and a civil penalty of a minimum of \$5,000 up to a maximum of \$10,000 for each subsequent violation per affected employee plus costs, reasonable attorney's fees, and actual damages.~~

~~(e) (Blank). Any employer or prospective employer or his agent who violates the provisions of this Act is guilty of a petty offense.~~

(f) Any employer or prospective employer, or the officer or agent of any employer or prospective employer, who discharges or in any other manner discriminates against any employee or applicant for employment because that employee or applicant for employment has made a complaint to his employer, or to the Director of Labor or his authorized representative, or because that employee or applicant for employment has caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act, or because that employee or applicant for employment has testified or is about to testify in an investigation or proceeding under this Act, is guilty of a petty offense.

(g) No employer or prospective employer shall be subject to concurrent or duplicative enforcement actions under this

Act based on the same set of facts or alleged violations involving the same individual or individuals. Upon the initiation of any action under this Act, any other action arising from the same set of facts or alleged violations and involving the same individual or individuals shall be barred. For the purposes of this Section, an action is deemed to be initiated upon the filing of a complaint in circuit court.

(Source: P.A. 103-879, eff. 1-1-25.)

(820 ILCS 55/16 new)

Sec. 16. Action for civil penalties brought by an interested party.

(a) As used in this Section, "interested party" means a not-for-profit corporation, as defined by the General Not For Profit Corporation Act of 1986, or a labor organization, as defined by 29 U.S.C. 152(5), that monitors or is attentive to compliance with worker safety and privacy laws, wage and hour requirements, or other statutory requirements.

(b) Upon a reasonable belief that an employer or prospective employer covered by this Act is in violation of any part of this Act, an interested party may bring a civil action in the county where the alleged offenses occurred or where any party to the action resides, in the name of the State or for the benefit of any impacted employees or prospective employees.

(1) No later than 30 days after filing an action, the

interested party shall serve upon the State through the Attorney General a copy of the complaint and written disclosure of substantially all material evidence and information the interested party possesses.

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

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

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

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

(4) When the State conducts the action, the interested party shall have the right to continue as a party to the action subject to the following limitations:

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



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

(5) If an interested party brings an action under this Section, no person other than the State may intervene or bring a related action on behalf of the State based on the facts underlying the pending action. An interested party may bring the action subject to the following limitations:

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

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

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

(c) Any claim or action filed by an interested party under

this Section shall be made no later than 3 years after the alleged conduct resulting in the complaint, plus any period for which the limitations period has been tolled.

(d) In an action brought by an interested party under this Section, an interested party may recover against the covered entity any statutory penalties set forth in Section 17, injunctive relief, and any other relief available to the Department. An interested party who prevails in a civil action shall receive 10% of any statutory penalties assessed, plus any attorney's fees and costs. The remaining 90% of any statutory penalties assessed shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund and shall be used for the purposes set forth in Section 75 of the Child Labor Law of 2024.

(820 ILCS 55/17 new)

Sec. 17. Private right of action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by an employer or prospective employer may file suit in circuit court of Illinois, in the county where the alleged offense occurred, where the employee or prospective employee who is party to the action resides, or where the employer or prospective employer which is party to the action is located, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more affected employees or

prospective employees for and on behalf of themselves and employees or prospective employees similarly situated. An employee or prospective employee may recover for a violation of the Act under this Section or under Section 15 or 16 at the employee or prospective employee's option, but not under more than one Section. An employee or prospective employee whose rights have been violated under this Act by an employer or prospective employer is entitled to collect under this Section:

(1) in the case of a violation of this Act or any rule adopted under this Act as it relates to the employee or prospective employee, a civil penalty of not less than \$100 and not more than \$1,000 for each violation found by a court;

(2) in the case of a violation of this Act or any rule adopted under this Act as it relates to denial or loss of employment for the employee or prospective employee, all relief necessary to make the employee whole, including, but not limited to, the following:

(A) reinstatement with the same seniority status that the employee would have had but for the violation, as appropriate;

(B) back pay, with interest, as appropriate; and

(C) a civil penalty of \$10,000; and

(3) compensation for any damages sustained as a result of the violation, including litigation costs, expert

witness fees, and reasonable attorney's fees.

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

(820 ILCS 55/18 new)

Sec. 18. Penalties.

(a) An employer or prospective employer that violates any of the provisions of this Act or any rule adopted under this Act shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for each violation of his Act found by the Department or determined by a court in a civil action brought by the Department or by an interested party, as defined in subsection (a) of Section 16, or determined by a court in a civil action brought by the Attorney General pursuant to its authority under Section 6.3 of the Attorney General Act. An employer or prospective employer that commits a second or subsequent violation of the same provisions or this Act or any rule adopted under this Act within a 3-year period shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000 for each violation of this Act

found by the Department or determined by a court in a civil action brought by the Department or by an interested party, as defined in subsection (a) of Section 16, or determined by a court in a civil action brought by the Attorney General pursuant to its authority under Section 6.3 of the Attorney General Act. For purposes of this subsection, each violation of this Act or any rule adopted under this Act shall constitute a separate and distinct violation.

(b) In determining the amount of a penalty, the Director or circuit court shall consider (i) the appropriateness of the penalty to the size of the business of the employer charged and (ii) the gravity of the violation.

(c) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the penalties set forth in this Act. Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 19.

(820 ILCS 55/19 new)

Sec. 19. Review under the Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department, in proceedings under this Act, may obtain an order from the court for the

enforcement of its order.

(820 ILCS 55/20)

Sec. 20. Dismissal of complaint. The Director or any court of competent jurisdiction shall summarily dismiss any complaint alleging a violation of Section 5 of this Act which states as the sole cause of the complaint that the employer offered a health, disability, or life insurance policy that makes a distinction between employees for the type of coverage or the price of coverage based upon the employees' use of lawful products.

(Source: P.A. 87-807.)

(820 ILCS 55/25 new)

Sec. 25. Voluntary compliance and safe harbor. No penalties shall be imposed for violations of Section 14 if the employer or prospective employer:

(1) acts in good faith reliance on guidance issued by the Illinois Department of Labor or the federal Department of Homeland Security; or

(2) makes a bona fide administrative error that does not affect an employee or prospective employee's employment or pay.

(820 ILCS 55/12 rep.)

(820 ILCS 55/13 rep.)

Section 10. The Right to Privacy in the Workplace Act is amended by repealing Sections 12 and 13.

Section 15. The Child Labor Law of 2024 is amended by changing Section 75 as follows:

(820 ILCS 206/75)

Sec. 75. Civil penalties.

(a) Any person employing, allowing, or permitting a minor to work who violates any of the provisions of this Act or any rule adopted under the Act shall be subject to civil penalties as follows:

(1) if a minor dies while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed \$60,000, payable to the Department;

(2) if a minor receives an illness or an injury that is required to be reported to the Department under Section 35 while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed \$30,000, payable to the Department;

(3) an employer who employs, allows, or permits a minor to work in violation of Section 40 shall be subject

to a penalty not to exceed \$15,000, payable to the Department;

(4) an employer who fails to post or provide the required notice under subsection (g) of Section 35 shall be subject to a penalty not to exceed \$500, payable to the Department; and

(5) an employer who commits any other violation of this Act shall be subject to a penalty not to exceed \$10,000, payable to the Department.

In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the employer charged and the gravity of the violation shall be considered.

Each day during which any violation of this Act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the Act shall, with respect to each minor so employed, constitute a separate and distinct offense.

(b) Any administrative determination by the Department of the amount of each penalty shall be final unless reviewed as provided in Section 70.

(c) The amount of the penalty, when finally determined, may be recovered in a civil action brought by the Director in any circuit court, in which litigation the Director shall be represented by the Attorney General. In an action brought by the Department, the Department may request, and the Court may



impose on a defendant employer, an additional civil penalty of up to an amount equal to the penalties assessed by the Department to be distributed to an impacted minor. In an action concerning multiple minors, any such penalty imposed by the Court shall be distributed equally among the minors employed in violation of this Act by the defendant employer.

(d) Penalties recovered under this Section shall be paid by certified check, money order, or by an electronic payment system designated by the Department, and deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund, a special fund in the State treasury. Moneys in the Fund shall be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act, the Private Employment Agency Act, or the Right to Privacy in the Workplace Act ~~or for the activities or purposes related to the enforcement of the Private Employment Agency Act.~~

(Source: P.A. 103-721, eff. 1-1-25.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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