



Rep. Sonya M. Harper

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LRB100 03464 MJP 37822 a

1 AMENDMENT TO HOUSE BILL 1593

2 AMENDMENT NO. _____. Amend House Bill 1593 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Hotel
5 Employee Safety Act.

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

7 "Department" means the Department of Human Rights.

8 "Employee" means any natural person who works full time or
9 part time at a hotel for or under the direction of the hotel or
10 any subcontractor of the hotel for wages or salary or
11 remuneration of any type under a contract or subcontract of
12 employment, whether express or implied.

13 "Complaining employee" means an employee that has alleged
14 an instance of sexual assault and sexual harassment by a guest.

15 "Guest" means any invitee to a hotel, including registered
16 guests, persons occupying guest rooms with registered guests,

1 visitors invited to guest rooms by a registered guest or other
2 occupant of a guest room, persons patronizing food or beverage
3 facilities provided by the hotel, or any other person whose
4 presence at the hotel is permitted by the hotel. "Guest" does
5 not include employees.

6 "Guest room" means any room made available by a hotel for
7 overnight occupancy by guests.

8 "Hotel" means any building or buildings maintained,
9 advertised, and held out to the public to be a place where
10 lodging is offered for consideration to travelers and guests.
11 "Hotel" includes inns, motels, tourist homes or courts, and
12 lodging houses.

13 "Notification device" or "panic button" means a portable
14 emergency contact device that is designed so that an employee
15 can quickly and easily activate the button or device to
16 effectively summon to the employee's location prompt
17 assistance by a hotel security officer, manager, or other
18 appropriate hotel staff member designated by the hotel.

19 "Offending guest" means a guest a complaining employee has
20 alleged sexually assaulted and sexually harassed the
21 complaining employee.

22 "Restroom" means any room equipped with toilets.

23 "Sexual harassment" means any unwelcome sexual advance,
24 request for sexual favors, or other verbal or physical conduct
25 of a sexual nature.

1 Section 10. Hotels; panic buttons; anti-sexual harassment
2 policies.

3 (a) Each hotel shall equip an employee who is assigned to
4 work in a guest room or restroom, under circumstances where no
5 other employee is present in the room, with a panic button or
6 notification device. The employee may use the panic button or
7 notification device to summon help if the employee reasonably
8 believes that an ongoing crime, sexual harassment, sexual
9 assault, or other emergency is occurring in the employee's
10 presence. The panic button or notification device shall be
11 provided by the hotel at no cost to the employee.

12 (b) Each hotel shall develop, maintain, and comply with a
13 written anti-sexual harassment policy to protect employees
14 against sexual assault and sexual harassment by guests. This
15 policy shall:

16 (1) encourage an employee to immediately report to the
17 hotel any instance of alleged sexual assault and sexual
18 harassment by a guest;

19 (2) describe the procedures that the complaining
20 employee and hotel shall follow in cases under paragraph
21 (1);

22 (3) instruct the complaining employee to cease work and
23 to leave the immediate area where danger is perceived until
24 hotel security personnel or police arrive to provide
25 assistance;

26 (4) offer temporary work assignments to the

1 complaining employee during the duration of the offending
2 guest's stay at the hotel, this may include assigning the
3 complaining employee to work on a different floor or at a
4 different station or work area away from the offending
5 guest;

6 (5) provide the complaining employee with necessary
7 paid time off to:

8 (A) sign a police complaint against the offending
9 guest; and

10 (B) testify as a witness at any legal proceeding
11 that may ensue as a result of the complaint, if the
12 complaining employee is still in the hotel's employ at
13 the time the legal proceeding occurs;

14 (6) inform the complaining employee that the Illinois
15 Human Rights Act and Title VII of the Civil Rights Act of
16 1964 provide additional protections against sexual
17 harassment in the workplace; and

18 (7) inform the complaining employee that Section 15
19 makes it illegal for an employer to retaliate against any
20 employee who reasonably uses a panic button or notification
21 device; in good faith avails himself or herself of the
22 requirements set forth in paragraph (3), (4), or (5); or
23 discloses, reports, or testifies about any violation of
24 this Act or rules adopted under this Act.

25 Each hotel shall provide all employees with a current copy
26 in English, Spanish, and Polish of the hotel's anti-sexual

1 harassment policy, and post the policy in English, Spanish and
2 Polish in conspicuous places in areas of the hotel, such as
3 supply rooms or employee lunch rooms, where employees can
4 reasonably be expected to see it.

5 Section 15. Retaliation prohibited. It shall be unlawful
6 for a hotel to retaliate against an employee for:

7 (1) reasonably using a panic button or notification
8 device;

9 (2) availing himself or herself of the provisions of
10 paragraph (3), (4), or (5) of subsection (b) of Section 10;
11 or

12 (3) disclosing, reporting, or testifying about any
13 violation of this Act or any rule adopted under this Act.

14 Any complaint alleging a violation of this Section shall be
15 filed by the aggrieved party with the Department no later than
16 180 days after the occurrence of the alleged violation and in
17 accordance with rules adopted by the Department.

18 Section 20. Investigations. Investigations to enforce the
19 provisions of Sections 10 and 15 shall be conducted by the
20 Department.

21 Section 25. Penalties. A hotel that violates this Act or
22 any rule adopted under this Act shall be subject to a fine of
23 not less than \$250 and not more than \$500 for each offense.

1 Each day that a violation continues shall constitute a separate
2 offense.

3 Section 90. The Illinois Human Rights Act is amended by
4 changing Section 6-102 as follows:

5 (775 ILCS 5/6-102)

6 Sec. 6-102. Violations of other Acts. A person who violates
7 the Military Leave of Absence Act, the Public Employee Armed
8 Services Rights Act, Section 11-117-12.2 of the Illinois
9 Municipal Code, Section 224.05 of the Illinois Insurance Code,
10 Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1,
11 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil
12 Procedure, Section 4.05 of the Interest Act, the Military
13 Personnel Cellular Phone Contract Termination Act, Section
14 405-272 of the Civil Administrative Code of Illinois, Section
15 10-63 of the Illinois Administrative Procedure Act, Sections
16 30.25 and 30.30 of the Military Code of Illinois, Section 16 of
17 the Landlord and Tenant Act, Section 26.5 of the Retail
18 Installment Sales Act, ~~or~~ Section 37 of the Motor Vehicle
19 Leasing Act, or Section 15 of the Hotel Employee Safety Act
20 commits a civil rights violation within the meaning of this
21 Act.

22 (Source: P.A. 97-913, eff. 1-1-13.)".