



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3528

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-108 new

Provides that the Act may be referred to as the Consent-Required Workplace Act. Amends the Illinois Human Rights Act. Defines terms. Provides that an employer shall require active consent for any physical touch beyond a handshake between colleagues, contractors, customers, students, direct reports, or business-to-business clients. Provides that a person with a higher pay grade or higher status than another person shall not ask the other person to initiate a physical touch beyond a handshake or engage in unwanted or offensive speech. Provides that if employees develop a personal relationship, active consent paperwork may be filed with their employer. Provides that if a non-consensual behavior complaint is filed against an employer, the employer's policy shall be updated within 7 business days to address the current complaint. Provides that any employer having a complaint of a violation filed against it with the Department of Human Rights is subject to randomized auditing to ensure the company has an acceptable policy and is following the policy to protect its employees. Provides that if an employer receives 10 or more non-consensual behavior complaints, the Department is required to conduct an audit. Provides that a violation of the new provisions constitutes a civil rights violation. Provides that, in addition to any remedies available under the Act, a person or employer is subject to a \$1,000 penalty for each violation, collectible by the Department and to be used by the Department for the administration of the new provisions. Effective January 1, 2020.

LRB101 07029 LNS 52065 b

1 AN ACT concerning human rights.

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

4 Section 1. References to Act. This Act may be referred to
5 as the Consent-Required Workplace Act.

6 Section 10. The Illinois Human Rights Act is amended by
7 adding Section 2-108 as follows:

8 (775 ILCS 5/2-108 new)

9 Sec. 2-108. Consent-required workplace.

10 (a) For purposes of this Section:

11 "Acceptable policy" means outlining specific actions and
12 specific consequences to be carried out in the workplace
13 regarding active consent and non-consensual behavior.

14 "Active consent" means a person asking for any physical
15 touch beyond a handshake.

16 "Non-consensual behavior" means any physical touch beyond
17 a handshake that has been carried out, including, but not
18 limited to, brushing a person while walking past them, groping
19 a person while in an overcrowded space, putting hands on a
20 person while having a photo taken, and a violation of
21 subsection (c).

22 (b) An employer based in this State shall be responsible

1 for the workplace safety of its employees. An employer shall
2 require active consent for any physical touch beyond a
3 handshake between colleagues, contractors, customers,
4 students, direct reports, or business-to-business clients and
5 their employee.

6 (c) A person with a higher pay grade or higher status than
7 another person shall not ask the other person to initiate a
8 physical touch beyond a handshake or engage in unwanted or
9 offensive speech.

10 (d) If employees develop a personal relationship, active
11 consent paperwork may be filed with their employer.

12 (e) If a non-consensual behavior complaint is filed against
13 an employer, the employer's policy shall be updated within 7
14 business days to address the current complaint if it is not yet
15 included in the policy.

16 (f) Any employer having a complaint of a violation of this
17 Act filed against it with the Department is subject to
18 randomized auditing to ensure the employer has an acceptable
19 policy and is following the policy to protect its employees.

20 (g) If the Department receives 10 or more complaints of a
21 violation of this Section regarding an employer, the Department
22 shall conduct an audit to ensure compliance with this Section.

23 (h) A violation of this Section constitutes a civil rights
24 violation. In addition to any other remedies available under
25 this Act, a person or employer who violates this Section is
26 subject to a \$1,000 penalty for each violation, collectible by

1 the Department. The civil penalty shall be used by the
2 Department for the administration of this Section.

3 (i) This Section applies to all employees and employers,
4 including instructors at institutions of higher education and
5 students participating in school-sponsored work-study
6 programs.

7 Section 99. Effective date. This Act takes effect January
8 1, 2020.