



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5769

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- Thaddeus Jones - Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Personal Protective Equipment Responsibility Act. Requires an employer designated as an essential employer under a disaster proclamation issued pursuant to the Illinois Emergency Management Act or an executive order issued pursuant to the disaster proclamation to provide personal protective equipment to independent contractors and to all employees during the duration of the disaster proclamation or executive order. Defines terms. Authorizes the recovery of damages, including punitive damages, and attorney's fees. Effective immediately.

LRB101 21272 JLS 71861 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
5 Personal Protective Equipment Responsibility Act.

6 Section 5. Definitions. In this Act:

7 "Employee" means any individual permitted to work by an
8 employer in an occupation.

9 "Employer" means any entity, individual, partnership,
10 association, corporation, business trust, governmental or
11 quasi-governmental body, or any person or group of persons that
12 employs any person to work, labor, or exercise skill in
13 connection with the operation of any business, industry,
14 vocation, or occupation.

15 "Essential employer" means an employer engaged in an
16 essential business or operation as designated in a disaster
17 proclamation issued pursuant to the Illinois Emergency
18 Management Act or any executive order issued in furtherance of
19 the disaster proclamation.

20 "Operator" means the person or entity that has operational
21 or managerial control of the essential employer and includes
22 any officer, member, or partner of the person or entity that
23 has operational or managerial control of the essential

1 employer.

2 "Owner" means a person or entity that has legal ownership
3 of the essential employer.

4 "Personal protective equipment" means equipment worn to
5 minimize exposure to hazards that cause illnesses or serious
6 injuries, which may result from contact with biological,
7 chemical, radiological, physical, electrical, mechanical, or
8 other workplace hazards. "Personal protective equipment"
9 includes, but is not limited to, items such as face coverings,
10 gloves, safety glasses, safety face shields, shoes, earplugs or
11 muffs, hard hats, respirators, coveralls, vests, and full body
12 suits.

13 Section 10. Duty to provide personal protection equipment
14 to employees.

15 (a) The owner and the operator of an employer engaged in an
16 essential business have the duty, jointly and severally, to
17 provide independent contractors and employees with appropriate
18 face coverings and require that independent contractors and
19 employees wear face coverings when maintaining a 6-foot social
20 distance is not possible at all times. When the work
21 circumstances require, the owner and operator have a duty to
22 provide independent contractors and employees with other
23 personal protection equipment in addition to face coverings.

24 (b) The personal protective equipment required to be
25 provided under this Section must comply with the standards

1 established under the federal Occupational Safety and Health
2 Act of 1970 for general industry, shipyard employment, marine
3 terminals, longshoring, and construction, as applicable to the
4 employer.

5 (c) The personal protective equipment, including personal
6 protective equipment for eyes, face, head, and extremities,
7 protective clothing, respiratory devices, and protective
8 shields and barriers, must be provided, used, and maintained in
9 a sanitary and reliable condition wherever it is necessary by
10 reason of hazards of processes or environment, biological
11 hazards, chemical hazards, radiological hazards, or mechanical
12 irritants being encountered in a manner capable of causing
13 injury or impairment in the function of any part of the body
14 through absorption, inhalation, or physical contact.

15 (d) The duty imposed under this Act is in addition to any
16 other duty imposed under State or federal law.

17 (e) The duty imposed under this Act commences upon the
18 issuance of a disaster proclamation by the Governor under the
19 Illinois Emergency Management Act or any executive order issued
20 in furtherance of the disaster proclamation designating an
21 employer as an essential employer and continues until the
22 expiration of the disaster proclamation or executive order.

23 (f) The duty imposed under this Act upon owners and
24 operators is joint and several. Owners and operators are
25 jointly and severally liable for any damages arising out of a
26 violation of this Act.

1 Section 15. Injunctive relief. A person or an employee
2 aggrieved by a violation of this Act, or the employee's
3 representative, may bring an action against the owner or
4 operator of the essential business, or both, to restrain, by
5 preliminary or permanent injunction, the violation. The Court,
6 in its discretion, may exercise all powers necessary,
7 including, but not limited to, injunction, revocation,
8 forfeiture, or suspension of any license, registration,
9 certificate, or other evidence of authority of any person to do
10 business in this State.

11 Section 20. Action for damages.

12 (a) A person or employee who suffers actual damage as a
13 result of a violation of this Act by an owner or operator of an
14 essential business may bring an action against the owner and
15 operator. The court, in its discretion, may award actual
16 damages, punitive damages, and any other relief the court deems
17 proper.

18 (b) An action for damages may be commenced in any county in
19 which: the owner or operator of the essential business resides;
20 the essential business has its principal place of business or
21 is doing business; or the violation occurred.

22 (c) In an action for damages brought under this Act, the
23 court shall award the injured person or employee 3 times the
24 amount of actual damages resulting from the violation and may

1 award punitive damages, reasonable attorney's fees and costs to
2 the person, the employee, or the employee's representative.

3 (d) Any action for damages under this Act shall be forever
4 barred unless commenced within 3 years after the cause of
5 action accrued.

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