

# SB0075



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0075

Introduced 1/23/2019, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Hotel and Casino Employee Safety Act. Requires hotels and casinos to adopt anti-sexual harassment policies and make panic buttons available to certain employees. Prohibits retaliation against an employee for using a panic button, availing himself or herself of the protections afforded by an anti-sexual harassment policy, or disclosing, reporting, or testifying about violations of the Act. Provides remedies for noncompliance. Limits home rule powers. Effective immediately.

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HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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 Hotel  
5 and Casino Employee Safety Act.

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

7 "Casino" means any gambling operation, person,  
8 association, corporation, partnership, or trust subject to the  
9 jurisdiction of the Gaming Board pursuant to the Riverboat  
10 Gambling Act.

11 "Complaining employee" means an employee who has alleged an  
12 instance of sexual assault or sexual harassment by a guest.

13 "Employee" means any natural person who works full time or  
14 part time at a hotel or casino for or under the direction of  
15 the hotel or casino or any subcontractor of the hotel or casino  
16 for wages or salary or remuneration of any type under a  
17 contract or subcontract of employment, whether expressed or  
18 implied.

19 "Guest" means any invitee to a hotel or casino, including a  
20 registered guest, person occupying a guest room with a  
21 registered guest or other occupant of a guest room, person  
22 patronizing food or beverage facilities provided by the hotel  
23 or casino, or any other person whose presence at the hotel or

1 casino is permitted by the hotel or casino. "Guest" does not  
2 include an employee.

3 "Guest room" means any room made available by a hotel for  
4 overnight occupancy by guests.

5 "Hotel" means any building or buildings maintained,  
6 advertised, and held out to the public to be a place where  
7 lodging is offered for consideration to travelers and guests.  
8 "Hotel" includes an inn, motel, tourist home or court, and  
9 lodging house.

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

17 "Offending guest" means a guest a complaining employee has  
18 alleged sexually assaulted or sexually harassed the  
19 complaining employee.

20 "Restroom" means any room equipped with toilets or urinals.

21 "Sexual harassment" means any harassment or discrimination  
22 on the basis of an individual's actual or perceived sex or  
23 gender, including unwelcome sexual advances, requests for  
24 sexual favors, or other verbal or physical conduct of a sexual  
25 nature.

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

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

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

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

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

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

1           (4) offer temporary work assignments to the  
2 complaining employee during the duration of the offending  
3 guest's stay at the hotel or casino, which may include  
4 assigning the complaining employee to work on a different  
5 floor or at a different station or work area away from the  
6 offending guest;

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

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

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

16           (6) inform the complaining employee that the Illinois  
17 Human Rights Act and Title VII of the Civil Rights Act of  
18 1964 provide additional protections against sexual  
19 harassment in the workplace; and

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

1           Each hotel and casino shall provide all employees with a  
2           current copy in English, Spanish, and Polish, or other  
3           predominant language of the workforce, of the anti-sexual  
4           harassment policy of the hotel or casino, and post the policy  
5           in English, Spanish, and Polish, or other available language,  
6           in conspicuous places in areas of the hotel or casino, such as  
7           supply rooms or employee lunch rooms, where employees can  
8           reasonably be expected to see it.

9           Section 15. Retaliation prohibited. It is unlawful for a  
10          hotel or casino to retaliate against an employee for:

11           (1) reasonably using a panic button or notification  
12          device;

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

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

18          Section 20. Violations. An employee or representative of  
19          employees claiming a violation of this Act may bring an action  
20          in the circuit court of the county in which the hotel or casino  
21          is located and is entitled to all remedies available under the  
22          law or in equity appropriate to remedy any such violation,  
23          including, but not limited to, injunctive relief or other  
24          equitable relief including reinstatement and compensatory

1 damages. For a willful violation of this Act, the amount of  
2 damages attributable to lost income due to the violation shall  
3 be trebled. An employee or representative of employees securing  
4 any relief pursuant to this Section shall be awarded reasonable  
5 attorney's fees and costs.

6 Section 25. Home rule. A home rule unit of local  
7 government, non-home rule municipality, or non-home rule  
8 county may regulate the implementation of this Act, but that  
9 regulation must be no less restrictive than this Act. This Act  
10 is a limitation under subsection (i) of Section 6 of Article  
11 VII of the Illinois Constitution on the concurrent exercise by  
12 home rule units of powers and functions exercised by the State.

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