

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" has the meaning ascribed to the term "riverboat"  
8 under the Riverboat Gambling Act.

9 "Casino employer" means any person, business, or  
10 organization that holds an owners license pursuant to the  
11 Riverboat Gambling Act that operates a casino and either  
12 directly employs or through a subcontractor, including through  
13 the services of a temporary staffing agency, exercises  
14 direction and control over any natural person who is working on  
15 the casino premises.

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

18 "Employee" means any natural person who works full-time or  
19 part-time for a hotel employer or casino employer for or under  
20 the direction of the hotel employer or casino employer or any  
21 subcontractor of the hotel employer or casino employer for  
22 wages or salary or remuneration of any type under a contract or  
23 subcontract of employment.

1 "Guest" means any invitee to a hotel or casino, including a  
2 registered guest, person occupying a guest room with a  
3 registered guest or other occupant of a guest room, person  
4 patronizing food or beverage facilities provided by the hotel  
5 or casino, or any other person whose presence at the hotel or  
6 casino is permitted by the hotel or casino. "Guest" does not  
7 include an employee.

8 "Guest room" means any room made available by a hotel for  
9 overnight occupancy by guests.

10 "Hotel" means any building or buildings maintained,  
11 advertised, and held out to the public to be a place where  
12 lodging is offered for consideration to travelers and guests.  
13 "Hotel" includes an inn, motel, tourist home or court, and  
14 lodging house.

15 "Hotel employer" means any person, business entity, or  
16 organization that operates a hotel and either directly employs  
17 or through a subcontractor, including through the services of a  
18 temporary staffing agency, exercises direction and control  
19 over any natural person who is working on the hotel premises  
20 and employed in furtherance of the hotel's provision of lodging  
21 to travelers and guests.

22 "Notification device" or "safety device" means a portable  
23 emergency contact device, supplied by the hotel employer or  
24 casino employer, that utilizes technology that the hotel  
25 employer or casino employer deems appropriate for the hotel's  
26 or casino's size, physical layout, and technological

1 capabilities and that is designed so that an employee can  
2 quickly and easily activate the device to alert a hotel or  
3 casino security officer, manager, or other appropriate hotel or  
4 casino staff member designated by the hotel or casino and  
5 effectively summon to the employee's location prompt  
6 assistance by a hotel or casino security officer, manager, or  
7 other appropriate hotel or casino staff member designated by  
8 the hotel or casino.

9 "Offending guest" means a guest a complaining employee has  
10 alleged sexually assaulted or sexually harassed the  
11 complaining employee.

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

13 "Sexual assault" means: (1) an act of sexual conduct, as  
14 defined in Section 11-0.1 of the Criminal Code of 2012; or (2)  
15 any act of sexual penetration, as defined in Section 11-0.1 of  
16 the Criminal Code of 2012 and includes, without limitation,  
17 acts prohibited under Sections 11-1.20 through 11-1.60 of the  
18 Criminal Code of 2012.

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

24 Section 10. Hotels and casinos; safety devices;  
25 anti-sexual harassment policies.

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

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

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

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

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

25           (4) offer temporary work assignments to the  
26 complaining employee during the duration of the offending

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

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

7 (A) file a police report or criminal complaint with  
8 the appropriate local authorities against the  
9 offending guest; and

10 (B) if so required, testify as a witness at any  
11 legal proceeding that may ensue as a result of the  
12 criminal complaint filed against the offending guest,  
13 if the complaining employee is still in the employ of  
14 the 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 safety device 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 employer and casino employer shall provide all  
2 employees with a current copy in English and Spanish of the  
3 hotel employer's or casino employer's anti-sexual harassment  
4 policy and post the policy in English and Spanish in  
5 conspicuous places in areas of the hotel or casino, such as  
6 supply rooms or employee lunch rooms, where employees can  
7 reasonably be expected to see it. Each hotel employer and  
8 casino employer shall also make all reasonable efforts to  
9 provide employees with a current copy of its written  
10 anti-sexual harassment policy in any language other than  
11 English and Spanish that, in its sole discretion, is spoken by  
12 a predominant portion of its employees.

13           Section 15. Retaliation prohibited. It is unlawful for a  
14 hotel employer or casino employer to retaliate against an  
15 employee for:

16           (1) reasonably using a safety device or notification  
17 device;

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

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

23           Section 20. Violations. An employee or representative of  
24 employees claiming a violation of this Act may bring an action

1 against the hotel employer or casino employer in the circuit  
2 court of the county in which the hotel or casino is located and  
3 is entitled to all remedies available under the law or in  
4 equity appropriate to remedy any such violation, including, but  
5 not limited to, injunctive relief or other equitable relief  
6 including reinstatement and compensatory damages. Before a  
7 representative of employees may bring a claim under this Act,  
8 the representative must first notify the hotel employer or  
9 casino employer in writing of the alleged violation under this  
10 Act and allow the hotel employer or casino employer 15 calendar  
11 days to remedy the alleged violation. An employee or  
12 representative of employees that successfully brings a claim  
13 under this Act shall be awarded reasonable attorney's fees and  
14 costs. An award of economic damages shall not exceed \$350 for  
15 each violation. Each day that a violation continues constitutes  
16 a separate violation.

17 Section 99. Effective date. This Act takes effect July 1,  
18 2020.