

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 Worker
5 Freedom of Speech Act.

6 Section 5. Findings; legislative intent.

7 (a) The General Assembly finds that it is in the public
8 policy interests of the State for all working Illinoisans to
9 have protections from mandatory participation in
10 employer-sponsored meetings if the meeting is designed to
11 communicate an employer's position on religious or political
12 matters.

13 (b) Employees should not be subject to intimidation
14 tactics, acts of retaliation, discipline, or discharge from
15 their employer for choosing not to participate in
16 employer-sponsored meetings.

17 Section 10. Definitions. As used in this Act:

18 "Department" means the Department of Labor.

19 "Director" means the Director of Labor.

20 "Employee" has the meaning given in Section 2 of the
21 Illinois Wage Payment and Collection Act.

22 "Employer" has the meaning given in Section 2 of the

1 Illinois Wage Payment and Collection Act. "Employer" includes
2 the State or any political subdivision of the State, unit of
3 local government, or State or local government agency.

4 "Interested party" means an organization that monitors or
5 is attentive to compliance with public or worker safety laws,
6 wage and hour requirements, or other statutory requirements.

7 "Political matters" means matters relating to elections
8 for political office, political parties, proposals to change
9 legislation, proposals to change regulations, proposals to
10 change public policy, and the decision to join or support any
11 political party or political, civic, community, fraternal, or
12 labor organization.

13 "Religious matters" means matters relating to religious
14 belief, affiliation, and practice and the decision to join or
15 support any religious organization or association.

16 "Voluntary" means, with respect to an action, that the
17 action is not:

18 (1) incentivized by a positive change in any
19 employment condition, including, but not limited to, any
20 form of compensation or any other benefit of employment;
21 and

22 (2) taken under threat of a negative change in any
23 employment condition for non-attendance, including, but
24 not limited to, the provisions set forth in Section 15,
25 any negative performance evaluation, or any other adverse
26 change in any form of compensation or any other benefit of

1 employment.

2 Section 15. Employee protections. An employer or the
3 employer's agent, representative, or designee may not
4 discharge, discipline, or otherwise penalize, threaten to
5 discharge, discipline, or otherwise penalize, or take any
6 adverse employment action against an employee:

7 (1) because the employee declines to attend or
8 participate in an employer-sponsored meeting or declines
9 to receive or listen to communications from the employer
10 or the agent, representative, or designee of the employer
11 if the meeting or communication is to communicate the
12 opinion of the employer about religious matters or
13 political matters;

14 (2) as a means of inducing an employee to attend or
15 participate in meetings or receive or listen to
16 communications described in paragraph (1); or

17 (3) because the employee, or a person acting on behalf
18 of the employee, makes a good faith report, orally or in
19 writing, of a violation or a suspected violation of this
20 Act.

21 Section 20. Right of action. An aggrieved employee may
22 bring a civil action to enforce any provision of this Act no
23 later than one year after the date of the alleged violation. A
24 civil action may be brought by one or more employees for and on

1 behalf of themselves and other employees similarly situated.
2 The court may award a prevailing employee all appropriate
3 relief, including injunctive relief, reinstatement to the
4 employee's former position or an equivalent position, back
5 pay, reestablishment of any employee benefits, including
6 seniority, to which the employee would otherwise have been
7 eligible if the violation had not occurred, and any other
8 appropriate relief as deemed necessary by the court to make
9 the employee whole. The court shall award a prevailing
10 employee reasonable attorney's fees and costs.

11 Section 25. Powers of the Department and civil penalties.

12 (a) The Department shall inquire into any alleged
13 violations of this Act, brought to its attention by an
14 interested party, to institute the actions for the penalties
15 provided in this Section and to enforce the provisions of this
16 Act. In addition to the relief set forth in Section 20, an
17 employer shall be assessed a civil penalty of \$1,000 for each
18 violation of Section 15, payable to the Department. Each
19 employee who is subject to a violation of Section 15 shall
20 constitute a separate violation.

21 (b) Upon a reasonable belief that an employer covered by
22 this Act is in violation of any part of this Act, an interested
23 party may assert that a violation of this Act has occurred and
24 bring an action for penalties in the county where the
25 violation is alleged to have occurred or where the principal

1 office of the employer is located, pursuant to the following
2 sequence of events:

3 (1) The interested party submits to the Department a
4 complaint describing the violation and naming the employer
5 alleged to have violated this Act.

6 (2) The Department sends notice of complaint to the
7 named party alleged to have violated this Act and the
8 interested party. The named party may either contest the
9 alleged violation or cure the alleged violation.

10 (3) The named party contests or cures the alleged
11 violation within 30 days after the receipt of the notice
12 of complaint or, if the named party does not respond
13 within 30 days, the Department issues a notice of right to
14 sue to the interested party as described in paragraph (4).

15 (4) The Department issues a notice of right to sue to
16 the interested party, if one or more of the following has
17 occurred:

18 (A) the named party has cured the alleged
19 violation to the satisfaction of the Director;

20 (B) the Director has determined that the
21 allegation is unjustified or that the Department does
22 not have jurisdiction over the matter or the parties;
23 or

24 (C) the Director has determined that the
25 allegation is justified or has not made a
26 determination, and either has decided not to exercise

1 jurisdiction over the matter or has concluded
2 administrative enforcement of the matter.

3 (c) If, within 180 days after service of the notice of
4 complaint to the parties, the Department has not (i) resolved
5 the contest and cure period, (ii) with the mutual agreement of
6 the parties, extended the time for the named party to cure the
7 violation and resolve the complaint, or (iii) issued a right
8 to sue letter, the interested party may initiate a civil
9 action for penalties. The parties may extend the 180-day
10 period by mutual agreement. The limitations period for the
11 interested party to bring an action for the alleged violation
12 of this Act shall be tolled for the 180-day period and for the
13 period of any mutually agreed extensions. At the end of the
14 180-day period, or any mutually agreed extensions, the
15 Department shall issue a right to sue letter to the interested
16 party.

17 (d) Any claim or action filed under this Section must be
18 made within 3 years after the alleged conduct resulting in the
19 complaint plus any period for which the limitations period has
20 been tolled.

21 (e) In an action brought under this Section, an interested
22 party may recover against the employer any statutory penalties
23 set forth in subsection (a) and injunctive relief. An
24 interested party who prevails in a civil action shall receive
25 10% of any statutory penalties assessed, plus any attorney's
26 fees and expenses in bringing the action.

1 (f) Nothing in this Section shall be construed to prevent
2 an employee from bringing a civil action for the employee's
3 own claim for a violation of this Act as described in Section
4 20.

5 Section 30. Notice. Within 30 days after the effective
6 date of this Act, an employer shall post and keep posted a
7 notice of employee rights under this Act where employee
8 notices are customarily placed.

9 Section 35. Exceptions. Nothing in this Act:

10 (1) prohibits communications of information that the
11 employer is required by law to communicate, but only to
12 the extent of the lawful requirement;

13 (2) limits the rights of an employer or its agent,
14 representative, or designee to conduct meetings involving
15 religious matters or political matters, so long as
16 attendance is voluntary, or to engage in communications,
17 so long as receipt or listening is voluntary;

18 (3) limits the rights of an employer or its agent,
19 representative, or designee from communicating to its
20 employees any information that is necessary for the
21 employees to perform their required job duties;

22 (4) prohibit an employer or its agent, representative,
23 or designee from requiring its employees to attend any
24 training intended to foster a civil and collaborative

1 workplace or reduce or prevent workplace harassment or
2 discrimination;

3 (5) prohibits an institution of higher education, or
4 any agent, representative, or designee of the institution,
5 from conducting meetings or participating in any
6 communications with its employees concerning any
7 coursework, symposia, research, publication, or an
8 academic program at the institution;

9 (6) prohibits a political organization, a political
10 party organization, a caucus organization, a candidate's
11 political organization, or a not-for-profit organization
12 that is exempt from taxation under Section 501(c)(4),
13 501(c)(5), or 501(c)(6) of the Internal Revenue Code from
14 requiring its staff or employees to attend an
15 employer-sponsored meeting or participate in any
16 communication with the employer or the employer's agent,
17 representative or designee for the purpose of
18 communicating the employer's political tenets or purposes;

19 (7) prohibits the General Assembly or a State or local
20 legislative or regulatory body from requiring their
21 employees to attend an employer-sponsored meeting or
22 participate in any communication with the employer or the
23 employer's agent, representative, or designee for the
24 purpose of communicating the employer's proposals to
25 change legislation, proposals to change regulations, or
26 proposals to change public policy; or

1 (8) prohibits a religious organization from requiring
2 its employees to attend an employer-sponsored meeting or
3 participate in any communication with the employer or the
4 employer's agent, representative or designee for the
5 purpose of communicating the employer's religious beliefs,
6 practices, or tenets.