



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1744

Introduced 2/9/2007, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

New Act

Creates the Non-English-Speaking Workers Protection Act. Requires certain meatpacking operations that recruit non-English-speaking persons and have more than 10% non-English-speaking employees who speak the same non-English language to: provide a bilingual employee to respond to employment-related questions and serve as a referral agent to community services; file with the Director of Labor statements with specified information about conditions of employment; and provide transportation for a recruited employee, at no cost to the employee, to the location from which the employee was recruited if the employee meets certain criteria. Provides for criminal penalties, civil actions, and injunctive relief. Establishes the Meatpacking Industry Worker Rights Coordinator within the Department of Labor to inspect and review meatpacking operations as they relate to the Governor's Illinois Meatpacking Industry Workers Bill of Rights, and outlines the Bill of Rights. Gives the Coordinator access to meatpacking operations. Provides that the Coordinator shall submit an annual report to the General Assembly and the Governor regarding recommended actions for the fair treatment of workers in the meatpacking industry. Sets forth powers and duties of the Director of Labor.

LRB095 11152 WGH 31500 b

FISCAL 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
5 Non-English-Speaking Workers Protection Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context otherwise requires:

8 "Actively recruit" means any affirmative act, as defined by
9 the Department, done by or on behalf of an employer for the
10 purpose of recruitment or hiring of non-English-speaking
11 employees who reside more than 500 miles from the place of
12 employment.

13 "Director" means the Director of Labor.

14 "Coordinator" means the Meatpacking Industry Worker Rights
15 Coordinator appointed under Section 30.

16 "Department" means the Department of Labor.

17 "Employ" means to permit to work.

18 "Employee" means any individual employed by any employer
19 but does not include:

20 (i) Any individual employed in agriculture; or

21 (ii) Any individual employed as a child care provider
22 in or for a private home.

23 "Employer" means any individual, partnership, limited

1 liability company, association, corporation, business entity,
2 or organized group of persons employing 100 or more employees
3 at any one time, except for seasonal employment of not more
4 than 20 weeks in any calendar year, or person acting directly
5 or indirectly in the interest of an employer in relation to an
6 employee but does not include the United States, the State, or
7 any political subdivision thereof.

8 "Livestock product" means any carcass, part thereof, meat,
9 or meat food product of any livestock.

10 "Meat food product" and "poultry product" have the meanings
11 ascribed to those terms in the Meat and Poultry Inspection Act.

12 "Meatpacking operation" means a business in which
13 slaughtering, butchering, meat canning, meat packing, meat
14 manufacturing, poultry canning, poultry packing, poultry
15 manufacturing, pet food manufacturing, processing of
16 meatpacking products, or rendering is carried on.

17 "Meatpacking products" includes livestock products and
18 poultry products.

19 "Non-English-speaking employee" means an employee who does
20 not speak, read, or understand English to the degree necessary
21 for comprehension of the terms, conditions, and daily
22 responsibilities of employment.

23 Section 10. Recruitment of non-English-speaking persons.
24 If an employer or a representative of an employer actively
25 recruits any non-English-speaking persons for employment in

1 this State and if more than 10% of the employees of an employer
2 are non-English-speaking employees and speak the same
3 non-English language, the employer shall provide a bilingual
4 employee who is conversant in the identified non-English
5 language and available at the worksite for each shift during
6 which a non-English-speaking employee is employed to:

7 (1) explain and respond to questions regarding the
8 terms, conditions, and daily responsibilities of
9 employment; and

10 (2) serve as a referral agent to community services for
11 the non-English-speaking employees.

12 Section 15. Written statement; transportation.

13 (a) An employer or a representative of an employer who
14 actively recruits any non-English-speaking persons for
15 employment in this State and whose work force is more than 10%
16 non-English-speaking employees who speak the same non-English
17 language shall file with the Director a written statement
18 signed by the employer and each such employee which provides
19 relevant information regarding the position of employment,
20 including:

21 (1) the minimum number of hours the employee can expect
22 to work on a weekly basis;

23 (2) the hourly wages of the position of employment
24 including the starting hourly wage;

25 (3) a description of the responsibilities and tasks of

1 the position of employment;

2 (4) a description of the transportation and housing to
3 be provided, if any, including any costs to be charged for
4 housing or transportation, the length of time such housing
5 is to be provided, and whether or not such housing is in
6 compliance with all applicable state and local housing
7 standards; and

8 (5) any occupational physical demands and hazards of
9 the position of employment which are known to the employer.

10 The statement shall be written in English and in the
11 identified language of the non-English-speaking employee, and
12 the employer or the representative shall explain in detail the
13 contents of the statement prior to obtaining the employee's
14 signature. A copy of the statement shall be given to the
15 employee.

16 It is a violation of this subsection if an employer or
17 representative knowingly and willfully provides false or
18 misleading information on the statement or regarding the
19 contents of the statement.

20 (b) An employer shall provide transportation for a
21 recruited employee, at no cost to the employee, to the location
22 from which the employee was recruited if the employee:

23 (1) resigns from employment within 4 weeks after the
24 initial date of employment; and

25 (2) requests transportation within not more than 3 days
26 after the employee's last day of employment with the

1 employer which recruited the employee.

2 Section 20. Violations; penalty. Any employer who violates
3 Section 10 or 15 or the rules adopted pursuant thereto is
4 guilty of a petty offense with a maximum fine of \$500.

5 Section 25. Civil action; injunctive relief. Any person
6 aggrieved as a result of a violation of Section 10 or 15 or the
7 rules adopted pursuant thereto may file a civil action. If the
8 court finds that the respondent has intentionally violated
9 Section 10 or 15 or the rules adopted pursuant thereto, the
10 court may award damages up to and including an amount equal to
11 the original damages and provide injunctive relief.

12 Section 30. Meatpacking Industry Worker Rights
13 Coordinator; powers and duties.

14 (a) The position of Meatpacking Industry Worker Rights
15 Coordinator is established within the Department. The
16 Coordinator shall be appointed by the Governor.

17 (b) The duties of the Coordinator shall be to inspect and
18 review the practices and procedures of meatpacking operations
19 in the State of Illinois as they relate to the provisions of
20 the Governor's Illinois Meatpacking Industry Workers Bill of
21 Rights, which rights are outlined as follows:

22 (1) the right to organize;

23 (2) the right to a safe workplace;

1 (3) the right to adequate facilities and the
2 opportunity to use them;

3 (4) the right to complete information;

4 (5) the right to understand the information provided;

5 (6) the right to existing State and federal benefits
6 and rights;

7 (7) the right to be free from discrimination;

8 (8) the right to continuing training, including
9 training of supervisors;

10 (9) the right to compensation for work performed; and

11 (10) the right to seek State help.

12 (c) The Coordinator and his or her designated
13 representatives shall have access to all meatpacking
14 operations in the State of Illinois at any time meatpacking
15 products are being processed and industry workers are on the
16 job.

17 (d) Necessary office space, furniture, equipment, and
18 supplies as well as necessary assistance for the Coordinator
19 shall be provided by the Director.

20 (e) Preference shall be given to applicants for the
21 Coordinator position who are fluent in the Spanish language.

22 (f) The Coordinator shall, on or before December 1 of each
23 year, submit a report to the General Assembly and the Governor
24 regarding any recommended actions the Coordinator deems
25 necessary or appropriate to provide for the fair treatment of
26 workers in the meatpacking industry.

1 Section 35. Rules; Director; powers. The Director shall
2 adopt rules necessary to carry out this Act. The Director or a
3 representative of the Director, including the Coordinator,
4 may:

5 (1) inspect employment records of an employer relating
6 to the total number of employees, the total number of
7 non-English-speaking employees, and the services provided
8 to non-English-speaking employees; and

9 (2) interview an employer, any representative, any
10 agent, or an employee of the employer during working hours
11 or at other reasonable times.