



Sen. Ira I. Silverstein

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1 AMENDMENT TO SENATE BILL 2943

2 AMENDMENT NO. _____. Amend Senate Bill 2943 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Workplace Bullying Prohibition Act.

6 Section 5. Findings. The General Assembly finds that a
7 safe work environment is beneficial for economic development in
8 this State. The General Assembly further finds that bullying
9 has been linked to other antisocial behavior such as
10 absenteeism, drug and alcohol use, and sexual violence. The
11 General Assembly finds that bullying reduces productivity,
12 increases costs, and reduces competitiveness in the economic
13 marketplace.

14 Section 10. Definitions. In this Act:

15 "Bullying" means any severe or pervasive physical or verbal

1 act or conduct, including communications made in writing or
2 electronically, directed toward a person that has or can be
3 reasonably predicted to have the effect or one or more of the
4 following:

5 (1) placing the person in reasonable fear of harm to
6 the person or the person's property;

7 (2) causing a substantially detrimental effect on the
8 person's physical or mental health;

9 (3) substantially interfering with the person's
10 productivity; or

11 (4) substantially interfering with the person's
12 ability to participate in or benefit from the opportunities
13 offered by the employer.

14 "Department" means the Department of Labor.

15 "Director" means the Director of Labor.

16 "Employee" means an individual permitted to work by an
17 employer.

18 "Employer" means any person or entity doing business in
19 this State that employs 3 or more individuals; however,
20 "employer" does not include the State, a State agency as
21 defined in the Illinois State Auditing Act, or a municipality
22 as defined in Section 1 of Article VII of the Illinois
23 Constitution.

24 Section 15. Bullying prohibited.

25 (a) Bullying on the basis of actual or perceived race,

1 color, religion, sex, national origin, ancestry, age, marital
2 status, physical or mental disability, military status, sexual
3 orientation, gender-related identity or expression,
4 unfavorable discharge from military service, association with
5 a person or group with one or more of the aforementioned actual
6 or perceived characteristics, or any other distinguishing
7 characteristic is prohibited in all places of employment, and
8 an employer shall prevent bullying in its place of employment.

9 (b) No person shall be subjected to bullying:

10 (1) during any period of employment activity;

11 (2) while working, on property of the employer, or at
12 employer-sponsored or employer-sanctioned events or
13 activities; or

14 (3) through the transmission of information from an
15 employment utilized computer, computer network, or other
16 similar electronic employer utilized equipment.

17 (c) Bullying that is prohibited by this Act may take
18 various forms including, without limitation, one or more of the
19 following: harassment, threats, intimidation, stalking,
20 physical violence, sexual harassment, sexual violence, theft,
21 public humiliation, destruction of property, or retaliation
22 for asserting or alleging an act of bullying. This list is
23 meant to be illustrative and non-exhaustive.

24 Section 20. Workplace bullying policy. An employer shall
25 create and maintain a policy on workplace bullying. The policy

1 must be filed electronically with the Department. An employer
2 shall communicate the policy to its employees. The policy must
3 be reviewed and updated every 2 years and filed electronically
4 with the Department.

5 Section 25. Interpretation. This Act shall not be
6 interpreted to prevent a victim from seeking redress under any
7 other available civil or criminal law. Nothing in this Act is
8 intended to infringe upon any right to exercise free expression
9 or the free exercise of religion or religiously based views
10 protected under the First Amendment to the United States
11 Constitution or under Section 3 or 4 of Article I of the
12 Illinois Constitution.

13 Section 30. Inapplicability. This Act does not apply to an
14 individual or organization that is lawfully monitoring for
15 compliance with public or worker safety laws, wage and hour
16 requirements, or other statutory requirements. This Act does
17 not apply to an individual or organization that is lawfully
18 picketing, patrolling, using a banner, or otherwise protesting
19 at the workplace and which arises out of a bona fide labor
20 dispute including any controversy concerning wages, salaries,
21 hours, or working conditions or benefits, including health and
22 welfare, sick leave, insurance, and pension or retirement
23 provisions, the making or maintaining of collective bargaining
24 agreements, and the terms to be included in those agreements.

1 Section 35. Violation. Any employer violating the
2 provisions of this Act is guilty of a business offense and
3 shall be fined not less than \$1,000 and not more than \$2,000
4 for each violation. Each day of violation shall be considered a
5 separate offense.".