

# SB1553



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1553

Introduced 2/20/2015, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

820 ILCS 55/10

from Ch. 48, par. 2860

Amends the Right to Privacy in the Workplace Act. Provides that it is unlawful for an employer to inquire into an employee's religious beliefs. Creates an exemption for churches and religious or faith-based organizations. Effective immediately.

LRB099 07968 JLS 28108 b

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 5. The Right to Privacy in the Workplace Act is  
5 amended by changing Section 10 as follows:

6 (820 ILCS 55/10) (from Ch. 48, par. 2860)

7 Sec. 10. Prohibited inquiries.

8 (a) It shall be unlawful for any employer to inquire, in a  
9 written application or in any other manner, of any prospective  
10 employee or of the prospective employee's previous employers,  
11 whether that prospective employee has ever filed a claim for  
12 benefits under the Workers' Compensation Act or Workers'  
13 Occupational Diseases Act or received benefits under these  
14 Acts.

15 (b) (1) Except as provided in this subsection, it shall be  
16 unlawful for any employer to request or require any employee or  
17 prospective employee to provide any password or other related  
18 account information in order to gain access to the employee's  
19 or prospective employee's account or profile on a social  
20 networking website or to demand access in any manner to an  
21 employee's or prospective employee's account or profile on a  
22 social networking website.

23 (2) Nothing in this subsection shall limit an employer's

1 right to:

2 (A) promulgate and maintain lawful workplace policies  
3 governing the use of the employer's electronic equipment,  
4 including policies regarding Internet use, social  
5 networking site use, and electronic mail use; and

6 (B) monitor usage of the employer's electronic  
7 equipment and the employer's electronic mail without  
8 requesting or requiring any employee or prospective  
9 employee to provide any password or other related account  
10 information in order to gain access to the employee's or  
11 prospective employee's account or profile on a social  
12 networking website.

13 (3) Nothing in this subsection shall prohibit an employer  
14 from obtaining about a prospective employee or an employee  
15 information that is in the public domain or that is otherwise  
16 obtained in compliance with this amendatory Act of the 97th  
17 General Assembly.

18 (3.5) Provided that the password, account information, or  
19 access sought by the employer relates to a professional  
20 account, and not a personal account, nothing in this subsection  
21 shall prohibit or restrict an employer from complying with a  
22 duty to screen employees or applicants prior to hiring or to  
23 monitor or retain employee communications as required under  
24 Illinois insurance laws or federal law or by a self-regulatory  
25 organization as defined in Section 3(A)(26) of the Securities  
26 Exchange Act of 1934, 15 U.S.C. 78(A)(26).

1 (4) For the purposes of this subsection, "social networking  
2 website" means an Internet-based service that allows  
3 individuals to:

4 (A) construct a public or semi-public profile within a  
5 bounded system, created by the service;

6 (B) create a list of other users with whom they share a  
7 connection within the system; and

8 (C) view and navigate their list of connections and  
9 those made by others within the system.

10 "Social networking website" shall not include electronic  
11 mail.

12 For the purposes of paragraph (3.5) of this subsection,  
13 "professional account" means an account, service, or profile  
14 created, maintained, used, or accessed by a current or  
15 prospective employee for business purposes of the employer.

16 For the purposes of paragraph (3.5) of this subsection,  
17 "personal account" means an account, service, or profile on a  
18 social networking website that is used by a current or  
19 prospective employee exclusively for personal communications  
20 unrelated to any business purposes of the employer.

21 (c) It shall be unlawful for an employer to inquire on a  
22 written form, including surveys, questionnaires, and job  
23 applications, or in any oral or other written manner about an  
24 employee's or prospective employee's religious, philosophical,  
25 or political beliefs or practices unless such beliefs or  
26 practices relate directly to or are essential for the

1 performance of the employment duties. It shall, however, not be  
2 unlawful for a church, religious institution, religious  
3 organization, or faith-based organization to inquire about an  
4 employee's or prospective employee's religious beliefs,  
5 practices, or adherence to a religious code of conduct as long  
6 as commitment to the religious beliefs, practices, or code of  
7 conduct is related to the employment duties or is necessary to  
8 be consistent with the basic tenets of the church, religious  
9 organization, or faith-based organization.

10 (Source: P.A. 97-875, eff. 1-1-13; 98-501, eff. 1-1-14.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.