

1 AN ACT in relation to labor.

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 Labor Equity Act.

6 Section 5. Declaration of policy. It is the public
7 policy of this State to promote equity in labor relations,
8 defined herein as a condition in which employees have full
9 opportunity to exercise freedom of association,
10 self-organization, and designation of representatives of
11 their own choosing for the purpose of negotiating wages,
12 hours, and other terms or conditions of employment or other
13 mutual aid or protection. Equity in labor relations is a
14 superior means to ensure necessary improvements in wages,
15 working conditions, productivity, efficiency, and innovation.
16 In addition, such equity is beneficial to public health and
17 safety, as it permits employees and employers to cooperate
18 most effectively in ensuring healthful and safe working
19 conditions, as well as the safety and effectiveness of
20 products.

21 Equity in labor relations is undermined wherever
22 employers hire permanent replacements during a strike or
23 offer preferential treatment to only those employees who
24 refuse to participate in a strike or other concerted
25 activity. Such conduct has historically been shown to give
26 employers an overwhelming advantage in the collective
27 bargaining process, to the extent that collective bargaining
28 representatives may lose the ability to negotiate effectively
29 on behalf of the employees they represent.

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

1 "Employer" means any person who employs one or more
2 employees, is located in or does business in the State, and
3 is not a unit of government.

4 "Employ" means to have authority through one's self or
5 one's agents to hire, transfer, suspend, lay off, recall,
6 promote, discharge, direct, reward, and discipline employees
7 of the employer or to effectively recommend those actions if
8 the exercise of that authority is not of a merely routine or
9 clerical nature, but requires the consistent use of
10 independent judgment.

11 "Collective bargaining representative" means any
12 organization or individual designated as the exclusive
13 representative by a majority of employees in an appropriate
14 bargaining unit pursuant to the provisions of an applicable
15 State or federal law.

16 "Director" means the Illinois Director of Labor.

17 Section 15. Prohibited practices. After the effective
18 date of this Act, the State and all units of local government
19 and school districts are prohibited from entering into
20 contracts with, making loans or grants to, issuing bonds on
21 behalf of, making investments of or into, making deposits
22 into, or purchasing the securities of any employer which the
23 Director has found to have done the following:

24 (1) offered or granted the status of a permanent
25 replacement employee to an individual for performing
26 bargaining unit work for the employer during a lawful
27 labor dispute; or

28 (2) otherwise offered or granted an individual any
29 employment preference based on the fact that the
30 individual was employed or indicated a willingness to be
31 employed during a lawful labor dispute over an individual
32 who:

33 (A) was an employee of the employer at the

1 commencement of the dispute;

2 (B) has exercised the right to join, to
3 assist, or to engage in other concerted activities
4 for the purpose of collective bargaining or other
5 mutual aid or protection through the collective
6 bargaining representative involved in the dispute;
7 and

8 (C) is working for, or has unconditionally
9 offered to return to work for, the employer.

10 Any employer who has engaged in any of the activities
11 listed in this Section is also ineligible for any tax
12 exemption, deduction, or credit by this State, a unit of
13 local government, or a school district as well as for any
14 other type of benefit or advantage offered to selected
15 employers under the laws of this State or ordinances of a
16 unit of local government or rules and regulations of a school
17 district.

18 This Section does not apply until the employer's name is
19 placed on the list described in Section 20.

20 Section 20. Complaints; listing of employers. Any
21 individual or collective bargaining representative is
22 authorized to file a complaint with the Director of Labor
23 alleging that an employer has engaged in conduct described in
24 Section 15. Within 3 days of the filing of a complaint, the
25 Director shall provide notice of the complaint to the named
26 employer. A hearing on the complaint shall be commenced not
27 later than 30 days after the employer has received the
28 notice. Within 15 days following the conclusion of the
29 hearing, the Director shall issue a decision as to whether
30 the employer has engaged in any of the conduct described in
31 Section 15. If the employer has engaged in such conduct, the
32 employer's name shall be placed on a list of employers
33 subject to the restrictions imposed on the employer by

1 Section 15 of this Act.

2 Section 25. Removal of employer from list. An employer
3 placed on the list described in Section 20 may have his or
4 her name removed from the list if:

5 (1) 5 years have elapsed from the date of the
6 employer's latest placement on the list; or

7 (2) the employer has demonstrated that he or she is
8 no longer engaging in any of the conduct described in
9 Section 15. An employer who seeks removal from the list
10 under this paragraph (2) shall file a petition for
11 removal with the Director of Labor. Within 3 days of
12 receipt of the petition, the Director shall furnish
13 notice of the request to the party whose complaint led to
14 the Director's decision to place the employer on the
15 list, as well as to any intervening party in the hearing
16 on the complaint. Not more than 30 days following
17 receipt of the notice by the complaining party and any
18 intervenors, the Director shall hold a hearing on the
19 petition. If the Director finds that the employer is no
20 longer engaging in any of the conduct listed in Section
21 15, the Director shall order the employer's name removed
22 from the list. The Director shall render a decision and
23 issue any appropriate order on the petition not later
24 than 15 days following the conclusion of the hearing.

25 Once an employer's name is removed from the list, the
26 restrictions imposed against the employer pursuant to Section
27 15 shall be removed.

28 Section 30. Appeals. Appeals of decisions of the
29 Director under this Act shall be taken in accordance with the
30 Administrative Review Law.

31 Section 35. Application of Act. This Act is prospective
32 in effect only, and has no retroactive application to any

1 contract, agreement or investment entered into or any action
2 taken by the State, a unit of local government, or a school
3 district before the effective date of this Act.

4 Section 905. The Labor Dispute Act is amended by
5 changing Section 1 as follows:

6 (820 ILCS 5/1) (from Ch. 48, par. 2a)

7 Sec. 1. No restraining order or injunction shall be
8 granted by any court of this State in any case involving or
9 growing out of a dispute concerning terms or conditions of
10 employment, enjoining or restraining any person or persons,
11 either singly or in concert, from terminating any relation of
12 employment or from ceasing to perform any work or labor, or
13 from peaceably and without threats or intimidation
14 recommending, advising, or persuading others so to do; or
15 from peaceably and without threats or intimidation being upon
16 any public street, or thoroughfare or highway for the purpose
17 of obtaining or communicating information, or to peaceably
18 and without threats or intimidation persuade any person or
19 persons to work or to abstain from working, or to employ or
20 to peaceably and without threats or intimidation cease to
21 employ any party to a labor dispute, or to recommend, advise,
22 or persuade others so to do. This Act does not apply to any
23 injunction issued by a court under the Advertisement for and
24 Employment of Strike Workers Act.

25 (Source: P.A. 83-334.)

26 Section 910. The Advertisement for Strike Workers Act is
27 amended by changing the title of the Act and Section 0.01 and
28 adding Section 1.1 as follows:

29 (820 ILCS 25/Act title)

30 An Act in relation to ~~to-require-employers-in~~ advertising

1 for and employment of employees during a strike or lockout to
2 ~~state-in-such-advertising-that-such-strike-or-lockout-exists.~~

3 (820 ILCS 25/0.01) (from Ch. 48, par. 2b.9)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Advertisement for and Employment of Strike Workers Act.

6 (Source: P.A. 86-1324.)

7 (820 ILCS 25/1.1 new)

8 Sec. 1.1. Employment of permanent replacements
9 prohibited. No employer covered by the Illinois Public Labor
10 Relations Act or the Illinois Educational Labor Relations Act
11 may employ permanent replacements for employees lawfully
12 striking under the Illinois Public Labor Relations Act or the
13 Illinois Educational Labor Relations Act. The circuit court
14 has the authority to issue restraining orders or injunctions
15 for the purpose of enforcing this Section. Venue for an
16 action in the circuit court shall be in the county in which
17 the labor dispute arises.