

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Article 5. Workers' Rights and Worker Safety Act

5 Section 5-1. Short title.

6 (a) This Article may be cited as the Workers' Rights and
7 Worker Safety Act.

8 (b) As used in this Article, "this Act" refers to this
9 Article.

10 Section 5-5. Definitions. As used in this Act:

11 "Employee" has the meaning set forth in Section 2 of the
12 Illinois Wage Payment and Collection Act.

13 "Employer" means any individual, partnership, association,
14 corporation, limited liability company, business trust,
15 governmental, or quasi-governmental body that employs one or
16 more employees. "Employer" does not include the federal
17 government.

18 "Federal coal mine safety law" means the Federal Coal Mine
19 Health and Safety Act, 30 U.S.C. 801 et seq., and federal
20 regulations adopted under that statute, Subchapter O of
21 Chapter I of Title 30 of the Code of Federal Regulations, as
22 these federal statutes and regulations exist on April 28,

1 2025.

2 "Federal wage and hour law" means the federal Fair Labor
3 Standards Act, 29 U.S.C. 201 et seq., and federal regulations
4 adopted under that statute, Subtitle B of Chapter V of Title 29
5 of the Code of Federal Regulations, as these federal statutes
6 and regulations exist on April 28, 2025.

7 "State agency" means the Department of Labor or the
8 Department of Natural Resources.

9 "Stringent" means a law, rule, or standard's overall
10 effectiveness in protecting the rights and safety of workers.
11 A law, rule, or standard is considered to be more stringent if
12 it imposes a safety requirement or obligation on employers
13 that is stricter or more demanding than what is otherwise
14 imposed by law or if it provides for greater rights, benefits,
15 remedies, or procedures for employees than what is otherwise
16 provided by law.

17 Section 5-10. Operative provisions for wage and hour laws
18 and coal mine safety laws.

19 (a) Except as authorized by State law enacted after April
20 28, 2025, a State agency may not amend or revise the State
21 agency's rules in a manner that is less stringent in its
22 protection of workers' rights or worker safety than the
23 requirements established under federal wage and hour law or
24 federal coal mine safety law, as the laws exist on April 28,
25 2025.

1 (b) Nothing in this Act shall limit the authority of a
2 State agency to establish workers' rights and worker safety
3 requirements for this State that are more stringent than those
4 provided under federal wage and hour law or federal coal mine
5 safety law, as the laws exist on April 28, 2025.

6 (c) If a federal wage and hour law or federal coal mine
7 safety law is repealed, revoked, or amended in any manner that
8 results in the federal protections of workers' rights or
9 worker safety becoming less stringent, or if the applicable
10 federal agency issues a new interpretation of the federal wage
11 and hour law or federal coal mine safety law through an opinion
12 letter, ruling letter, administrative interpretation, program
13 policy manual, or program policy letter that results in the
14 federal protections of workers' rights or worker safety
15 becoming less stringent, and a State agency does not already
16 have corresponding rules in place that are at least as
17 stringent as the federal wage and hour law or federal coal mine
18 safety law being repealed, revoked, amended, or newly
19 interpreted, the applicable State agency or agencies shall, as
20 soon as practical, adopt a rule that incorporates the federal
21 wage and hour law or federal coal mine safety law being
22 repealed, revoked, amended, or newly interpreted as a minimum
23 requirement for this State. The State agency may also take
24 additional action to maintain the protection of workers'
25 rights or worker safety, including, but not limited to,
26 recommending legislation and developing policy. Any

1 requirement adopted by operation of this Section may be
2 enforced through the existing enforcement procedures
3 established under State law for violations of the Minimum Wage
4 Law or the Coal Mining Act, as applicable, including
5 applicable penalties and remedies.

6 Section 5-15. Implementation and reporting. Each State
7 agency shall undertake all feasible efforts using the State
8 agency's authority under State and federal law to implement
9 and enforce this Act. Each State agency that takes actions to
10 enforce this Act shall submit a report to the General Assembly
11 at least once each year describing the State agency's
12 compliance with this Act. The report to the General Assembly
13 shall be filed with the Clerk of the House of Representatives
14 and the Secretary of the Senate in electronic form only, in the
15 manner that the Clerk and the Secretary shall direct.

16 Section 5-20. Rulemaking authority. In order to comply
17 with the requirements of this Act, the agency head of each
18 applicable State agency, or the agency head's authorized
19 representative, may adopt all necessary rules, in accordance
20 with the requirements of the Illinois Administrative Procedure
21 Act, to protect the rights and safety of workers.

22 Section 5-25. Severability. The provisions of this Act are
23 severable. If any provision of this Act or its application is

1 held invalid, that invalidity shall not affect other
2 provisions or applications that can be given effect without
3 the invalid provision or application.

4 Article 10. Safe and Healthy Workplace Act

5 Section 10-1. Short title.

6 (a) This Article may be cited as the Illinois Safe and
7 Healthy Workplace Act.

8 (b) As used in this Article, "this Act" refers to this
9 Article.

10 Section 10-5. Scope.

11 (a) The grant of authority and obligations in this Act
12 apply and extend only to occupational safety or health issues
13 with respect to which no standard is in effect under section 6
14 of the federal Occupational Safety and Health Act, 29 U.S.C.
15 651 et seq. The grant of authority and obligations in this Act
16 do not apply to occupational safety or health issues with
17 respect to which a standard is in effect under section 6 of the
18 federal Occupational Safety and Health Act, 29 U.S.C. 651 et
19 seq.

20 (b) This Act does not apply to the development or
21 enforcement of occupational health and safety standards in the
22 public sector set forth in the Illinois Occupational Safety
23 and Health Act.

1 Section 10-10. Operative provisions for the development of
2 occupational health and safety rules in the private sector
3 where no federal standard exists. If, after the effective date
4 of this Act, a federal occupational health or safety standard,
5 as defined under 29 U.S.C. 651 et seq., is repealed or revoked
6 and no federal standard exists regulating that occupational
7 safety or health issue for any employer that is not subject to
8 the Occupational Safety and Health Act, the Illinois
9 Department of Labor shall, as soon as practical, adopt rules
10 as the Director of the Illinois Department of Labor deems
11 necessary to incorporate the federal occupational health or
12 safety standard that was repealed or revoked to address that
13 occupational safety or health issue. No rules adopted by the
14 Illinois Department of Labor shall be construed to apply to
15 the federal government as an employer.

16 Section 10-15. Rulemaking authority.

17 (a) In order to accomplish the objectives of this Act and
18 to carry out the duties prescribed by this Act, the Director of
19 Labor may adopt rules, in accordance with the Illinois
20 Administrative Procedure Act, necessary to implement the
21 provisions of this Act. In developing rules, the Department of
22 Labor shall consider the federal occupational health or safety
23 standard being repealed or revoked as a minimum standard for
24 private employers in this State.

1 (b) Any standard adopted by operation of this Section may
2 be enforced through Section 10-20 of this Act.

3 Section 10-20. Right of action.

4 (a) As used in this Section, "interested party" means an
5 organization that monitors or is attentive to compliance with
6 public or worker safety laws.

7 (b) An aggrieved employee, an interested party, or the
8 Department of Labor may bring a civil action against a private
9 employer to enforce any rule adopted by the Department of
10 Labor in accordance with this Act.

11 (c) An action brought under this Section must be brought
12 no later than 3 years after the date of the alleged violation
13 and, if brought by an aggrieved employee, may be brought by one
14 or more employees on behalf of themselves and other employees
15 similarly situated.

16 (d) In any action brought under this Section the
17 Department of Labor shall be represented by the Office of the
18 Attorney General.

19 Section 10-25. Relief and penalties.

20 (a) An aggrieved employee, interested party, or the
21 Department of Labor prevailing in a civil action under Section
22 10-20 or any rules or standards adopted under this Act shall be
23 entitled to all appropriate relief, including declaratory and
24 injunctive relief and any other appropriate relief as deemed

1 necessary by the court to make the employee or employees
2 whole. The court shall award a prevailing employee or
3 interested party reasonable attorney's fees and costs.

4 (b) With respect to any occupational health and safety
5 rules and standards in the private sector where no federal
6 standard exists and for which no other civil penalties already
7 exist, the court may impose civil penalties as follows:

8 (1) an employer found to be in violation of the rule or
9 standard may be assessed a civil penalty of not more than
10 \$1,000 per violation;

11 (2) an employer that repeatedly violates the rule or
12 standard may be assessed a civil penalty of not more than
13 \$10,000 per violation; and

14 (3) an employer that willfully violates the rule or
15 standard, or who demonstrates plain indifference to any
16 provision of the rule or standard, may be assessed a civil
17 penalty of not more than \$70,000 per violation.

18 Section 10-30. Severability. The provisions of this Act
19 are severable. If any provision of this Act or its application
20 is held invalid, that invalidity shall not affect other
21 provisions or applications that can be given effect without
22 the invalid provision or application.

23 Article 15. Amendatory Provisions

1 Section 15-5. The Occupational Safety and Health Act is
2 amended by changing Section 25 as follows:

3 (820 ILCS 219/25)

4 Sec. 25. Occupational safety and health standards.

5 (a) All federal occupational safety and health standards
6 which the United States Secretary of Labor has promulgated or
7 modified in accordance with the federal Occupational Safety
8 and Health Act of 1970 and which are in effect on the effective
9 date of this Act shall be and are hereby made rules of the
10 Department unless the Director promulgates an alternate
11 standard that is at least as effective in providing safe and
12 healthful employment and places of employment as a federal
13 standard. Before developing and adopting an alternate standard
14 or modifying or revoking an existing standard, the Director
15 must consider factual information that includes:

16 (1) Expert technical knowledge.

17 (2) Input from interested persons, including
18 employers, employees, recognized standards-producing
19 organizations, and the public.

20 (b) All federal occupational safety and health standards
21 which the United States Secretary of Labor promulgates or
22 modifies in accordance with the federal Occupational Safety
23 and Health Act of 1970 on or after the effective date of this
24 Act, unless revoked by the Secretary of Labor, shall become
25 rules of the Department within 6 months after their federal

1 promulgation date, unless there has been in effect in this
2 State at the time of the promulgation or modification of the
3 federal standard an alternate State standard that is at least
4 as effective in providing safe and healthful employment and
5 places of employment as a federal standard. The alternate
6 State standard, if not currently contained in the Department's
7 rules, shall not become effective, however, unless the
8 Department, within 45 days after the federal promulgation
9 date, files with the office of the Secretary of State in
10 Springfield, Illinois, a certified copy of the rule as
11 provided in the Illinois Administrative Procedure Act.

12 (c) If, after April 28, 2025, the United States Secretary
13 of Labor revokes or repeals a previously promulgated federal
14 Occupational Safety and Health Act standard or if the United
15 States Secretary of Labor amends a previously promulgated
16 federal Occupational Safety and Health Act standard or issues
17 a standard interpretation for a previously promulgated federal
18 Occupational Safety and Health Act standard that results in
19 the federal standard becoming less effective in providing safe
20 and healthful employment and places of employment, the
21 Illinois Department of Labor shall, as soon as practical and
22 in accordance with the process set forth in this Section,
23 adopt a standard that incorporates the federal occupational
24 health or safety standard as it existed prior to being
25 repealed, revoked, amended, or newly interpreted and addresses
26 the occupational safety or health issue that the repealed,

1 revoked, amended, or newly interpreted federal Occupational
2 Safety and Health Act standard had addressed.

3 (Source: P.A. 102-705, eff. 1-1-23.)

4 Article 99. Effective Date

5 Section 99-99. Effective date. This Act takes effect upon
6 becoming law.