



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1363

Introduced 2/18/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

New Act

Creates the Workplace Bullying Prohibition Act. Provides that bullying is prohibited in the workplace. Applies to employers that employ 3 or more individuals but excludes the State, State agencies, and units of local government. Defines terms. Requires an employer to establish a policy regarding workplace bullying and file the policy electronically with the Department of Labor. Provides an exception for certain labor activities. Provides that a violation of the Act by an employer constitutes a business offense subject to a fine of not less than \$1,000 and not more than \$2,000.

LRB099 04164 JLS 28974 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 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
16 act or conduct, including communications made in writing or
17 electronically, directed toward a person that has or can be
18 reasonably predicted to have the effect or one or more of the
19 following:

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

22 (2) causing a substantially detrimental effect on the

1 person's physical or mental health;

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

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

7 "Department" means the Department of Labor.

8 "Director" means the Director of Labor.

9 "Employee" means an individual permitted to work by an
10 employer.

11 "Employer" means any person or entity doing business in
12 this State that employs 3 or more individuals; however,
13 "employer" does not include the State, a State agency as
14 defined in the Illinois State Auditing Act, or a unit of local
15 government as defined in Section 1 of Article VII of the
16 Illinois Constitution.

17 Section 15. Bullying prohibited.

18 (a) Bullying on the basis of actual or perceived race,
19 color, religion, sex, national origin, ancestry, age, marital
20 status, physical or mental disability, military status, sexual
21 orientation, gender-related identity or expression,
22 unfavorable discharge from military service, association with
23 a person or group with one or more of the aforementioned actual
24 or perceived characteristics, or any other distinguishing
25 characteristic is prohibited in all places of employment, and

1 an employer shall prevent bullying in its place of employment.

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

3 (1) during any period of employment activity;

4 (2) while working, on property of the employer, or at
5 employer-sponsored or employer-sanctioned events or
6 activities; or

7 (3) through the transmission of information from an
8 employment utilized computer, computer network, or other
9 similar electronic employment utilized equipment.

10 (c) Bullying that is prohibited by this Act may take
11 various forms including, without limitation, one or more of the
12 following: harassment, threats, intimidation, stalking,
13 physical violence, sexual harassment, sexual violence, theft,
14 public humiliation, destruction of property, or retaliation
15 for asserting or alleging an act of bullying. This list is
16 meant to be illustrative and non-exhaustive.

17 Section 20. Workplace bullying policy. An employer shall
18 create and maintain a policy on workplace bullying. The policy
19 must be filed electronically with the Department. An employer
20 shall communicate the policy to its employees. The policy must
21 be reviewed and updated every 2 years and filed electronically
22 with the Department.

23 Section 25. Interpretation. This Act shall not be
24 interpreted to prevent a victim from seeking redress under any

1 other available civil or criminal law. Nothing in this Act is
2 intended to infringe upon any right to exercise free expression
3 or the free exercise of religion or religiously based views
4 protected under the First Amendment to the United States
5 Constitution or under Section 3 or 4 of Article I of the
6 Illinois Constitution.

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

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