



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5567

Introduced 2/13/2026, by Rep. Kevin John Olickal

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Warehouse Worker Protection Act. Requires each employer to provide to each worker, upon hire or within 30 days after the effective date of the Act, whichever is later, a written description of each quota to which the worker is subject, including the quantified number of tasks to be performed or materials to be produced or handled within the defined time period, and any potential adverse employment action that could result from failure to meet the quota. Provides that a worker shall not be required to meet a quota that prevents compliance with meal or rest periods or use of bathroom facilities, including reasonable travel time to and from bathroom facilities. Requires employers to post a notice of workers' rights under the Act and to comply with certain recordkeeping requirements. Sets forth a rebuttable presumption of unlawful retaliation if an employer takes an adverse employment action against a worker within 90 days of the worker requesting certain information or making a complaint alleging a violation of the Act to the Director of Labor, the Department of Labor, or the employer. Sets forth provisions concerning definitions; enforcement of the Act by the Department; civil penalties; workplace inspections; private rights of action; the Attorney General's powers to intervene or initiate a civil action; and severability. Effective January 1, 2027.

LRB104 18412 RPS 31854 b

1 AN ACT concerning regulation.

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 Warehouse Worker Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Adverse employment action" means an action that a  
8 reasonable worker would find materially adverse.

9 "Aggregated work speed data" means a compilation of work  
10 speed data for multiple workers, in summary form, assembled in  
11 full or in another form such that the data cannot be identified  
12 with any individual.

13 "Controlled group of corporations" has the meaning given  
14 to that term under Section 1563 of the Internal Revenue Code,  
15 26 U.S.C. 1563, except that "50 percent" shall be substituted  
16 for "80 percent" where "80 percent" is specified in that  
17 definition.

18 "Defined time period" means any unit of time measurement  
19 equal to or less than the duration of a worker's shift,  
20 including hours, minutes, seconds, and any fraction thereof.

21 "Department" means the Department of Labor.

22 "Director" means the Director of Labor.

23 "Employer" means a person who directly or indirectly, or

1 through an agent or any other person, including through the  
2 services of a third-party employer, temporary services or  
3 staffing agency, independent contractor, or any similar  
4 entity, employs or exercises control over the wages, hours, or  
5 working conditions of 250 or more workers at a single  
6 warehouse distribution center in the State or 1,000 or more  
7 workers at one or more warehouse distribution centers in the  
8 State. For the purposes of this definition, all workers of a  
9 controlled group of corporations shall be counted in  
10 determining the number of workers employed at a single  
11 warehouse distribution center or at one or more warehouse  
12 distribution centers in the State.

13 "Person" means an individual, corporation, partnership,  
14 limited partnership, limited liability partnership, limited  
15 liability company, business trust, estate, trust, association,  
16 joint venture, agency, instrumentality, or any other legal or  
17 commercial entity, whether domestic or foreign.

18 "Quota" means a work performance standard under which:

19 (A) one or more workers are assigned or required to  
20 perform at a specified productivity speed or a quantified  
21 number of tasks or to handle or produce a quantified  
22 amount of material without mistakes within a defined time  
23 period and under which the worker may suffer an adverse  
24 employment action if the worker fails to complete or meet  
25 such work performance standard;

26 (B) actions by a worker are categorized and measured

1 between time performing tasks and not performing tasks  
2 within a defined time period;

3 (C) increments of time within a defined time period  
4 during which a worker is or is not doing a particular  
5 activity that are measured, recorded, or tallied; or

6 (D) a worker's performance is ranked in relation to  
7 the performance of other workers.

8 "Warehouse distribution center" means an establishment as  
9 defined by any of the following North American Industry  
10 Classification System (NAICS) codes, however such  
11 establishment is denominated:

12 (1) 493 for Warehousing and Storage, but not including  
13 493130 for Farm Product Warehousing and Storage;

14 (2) 423 for Merchant Wholesalers, Durable Goods;

15 (3) 424 for Merchant Wholesalers, Nondurable Goods,  
16 but not including 424510 for Grain and Field Bean Merchant  
17 Wholesalers, 424520 for Livestock Merchant Wholesalers,  
18 and 424590 for Other Farm Product Raw Material  
19 Wholesalers;

20 (4) 454110 for Electronic Shopping and Mail-Order  
21 Houses; or

22 (5) 492110 for Couriers and Express Delivery Services.

23 "Worker" means a person performing a nonadministrative job  
24 who is not exempt from the overtime and minimum wage  
25 requirements of the federal Fair Labor Standards Act of 1938,  
26 as amended, who works at a warehouse distribution center, and

1 who is subject to a quota as defined in this Section. "Worker"  
2 does not include a driver or courier to or from a warehouse  
3 distribution center.

4 "Work speed data" means information an employer collects,  
5 stores, analyzes, or interprets relating to an individual  
6 worker's performance of a quota, including, but not limited  
7 to, quantities of tasks performed, quantities of items or  
8 materials handled or produced, rates or speeds of tasks  
9 performed, measurements or metrics of worker performance in  
10 relation to a quota, and time categorized as performing tasks  
11 or not performing tasks. "Work speed data" does not include  
12 itemized wage statements or data that does not relate to the  
13 performance of a quota, except for any content of those  
14 records that includes work speed data.

15 Section 10. Disclosure of quotas. Each employer shall  
16 provide to each worker, upon hire or within 30 days after the  
17 effective date of this Act, whichever is later, a written  
18 description of each quota to which the worker is subject,  
19 including the quantified number of tasks to be performed or  
20 materials to be produced or handled within the defined time  
21 period, and any potential adverse employment action that could  
22 result from failure to meet the quota. Each time the quota  
23 changes thereafter, the employer shall provide an updated  
24 written description of each quota to which the worker is  
25 subject within 5 business days of the quota change. If an

1 employer takes an adverse employment action against a worker  
2 based on a quota, the worker has a right to request, and the  
3 employer shall provide, a written explanation regarding the  
4 manner in which the worker failed to perform, including the  
5 applicable quota and comparison of the work performance in  
6 relation to that quota. If a worker requests a written  
7 description of the quotas to which the worker was subject and a  
8 copy of the worker's own personal work speed data under this  
9 Section, the employer shall comply with this request as soon  
10 as practicable, but no later than 7 calendar days after the  
11 date of the request.

12 Section 15. Protection from quotas. A worker shall not be  
13 required to meet a quota that prevents compliance with meal or  
14 rest periods or use of bathroom facilities, including  
15 reasonable travel time to and from bathroom facilities. An  
16 employer shall not take adverse employment action against a  
17 worker for failure to meet a quota that does not allow a worker  
18 to comply with meal and rest periods or for failure to meet a  
19 quota that has not been disclosed to the worker under Section  
20 10. An employer shall not take adverse employment action  
21 against a worker for failure to meet a quota based on  
22 continuously measuring, recording, or tallying increments of  
23 time within a defined time period during which a covered  
24 worker is or is not doing a particular activity. An employer  
25 shall not take adverse employment action against a worker for

1 failure to meet a quota that measures a worker's total output  
2 over an increment of time that is shorter than such worker's  
3 workday.

4 Section 20. Time on task. Consistent with existing law,  
5 paid and unpaid breaks shall not be considered productive time  
6 for the purpose of any quota or monitoring system unless the  
7 worker is required to remain on call.

8 Section 25. Recordkeeping. Each employer shall establish,  
9 maintain, and preserve for 3 years contemporaneous, true, and  
10 accurate records to ensure compliance with worker and Director  
11 requests for records. An employer shall allow the Department  
12 access to such records, at reasonable times during business  
13 hours, to monitor compliance with the requirements of this  
14 Act. Nothing in this Section shall require an employer to keep  
15 such records if such employer does not use quotas or monitor  
16 work speed data as a performance standard that leads to an  
17 adverse employment action.

18 Section 30. Worker's right to request records.

19 (a) A current worker has the right to request a written  
20 description of each quota to which the worker is subject. If a  
21 current or former worker believes that the current or former  
22 worker has received an adverse employment action as a result  
23 of failing to meet a quota, or that meeting a quota caused a

1 violation of the worker's right to a meal or rest period or use  
2 of bathroom facilities, the current or former worker has the  
3 right to request, and the employer shall provide, a written  
4 description of each quota to which the worker is subject, a  
5 copy of the most recent 90 days of the worker's own personal  
6 work speed data, and a copy of the aggregated work speed data  
7 for similar workers at the same establishment for the same  
8 time period.

9 (b) Requested records under this Section shall be provided  
10 at no cost to the current or former worker.

11 (c) Nothing in this Section shall require an employer to  
12 use quotas or monitor work speed data. An employer that does  
13 not monitor this data has no obligation to provide it.

14 (d) The rights afforded under this Section are independent  
15 of any other right afforded to a worker or former worker under  
16 any State or federal law, including, but not limited to, the  
17 Personnel Record Review Act, to access documents maintained by  
18 an employer.

19 Section 35. Unlawful retaliation. For purposes of this  
20 Act, there shall be a rebuttable presumption of unlawful  
21 retaliation if an employer takes any adverse employment action  
22 against a worker within 90 days of the worker doing either of  
23 the following:

24 (1) initiating the worker's first request in a  
25 calendar year for information about a quota or personal

1 work speed data under Section 30 of this Act; or  
2 (2) making a complaint related to a quota alleging any  
3 violation of Section 10, 15, or 20 to the Director, the  
4 Department, or the employer.

5 Section 40. Notice to workers. Every employer covered by  
6 this Act shall post and keep posted, in conspicuous places on  
7 the premises of the employer where notices to workers are  
8 customarily posted, a notice, to be prepared or approved by  
9 the Director of Labor, regarding workers' rights under this  
10 Act, including what constitutes a permissible quota and  
11 workers' rights to request quota and work speed data  
12 information, and making a complaint alleging a violation of a  
13 worker's quota rights under this Act.

14 Section 45. Enforcement.

15 (a) The Department has the power to administer and enforce  
16 this Act, and it is the duty of the Department to enforce the  
17 provisions of this Act when, in the Department's judgment,  
18 there is cause and sufficient resources for investigation. The  
19 Department has the powers and the parties have the rights  
20 provided in the Illinois Administrative Procedure Act for  
21 contested cases.

22 (b) The Department shall have the power to conduct  
23 investigations in connection with the administration and  
24 enforcement of this Act, including the power to conduct

1 depositions and discovery and to issue subpoenas. Any  
2 investigator with the Department shall be authorized to visit  
3 and inspect, at all reasonable times, any places covered by  
4 this Act and shall be authorized to inspect, at all reasonable  
5 times, and request copies of records required to be kept under  
6 Section 25.

7 (c) If the Department finds cause to believe that this Act  
8 has been violated, the Department shall notify the parties in  
9 writing, and the matter shall be referred to an Administrative  
10 Law Judge to schedule a formal hearing in accordance with the  
11 Illinois Administrative Procedure Act. Administrative  
12 decisions shall be reviewed under the Administrative Review  
13 Law.

14 (d) If an employer is found to have violated this Act, the  
15 employer may be liable for a civil penalty as follows:

16 (1) Up to \$100 per pay period for every pay period in  
17 which the worker worked before the employer disclosed the  
18 quota, the change in quota, or the adverse employment  
19 actions the worker may be subject to.

20 (2) Up to \$100 for every instance in which an employer  
21 fails to provide a worker written explanation of the  
22 manner in which the worker failed to meet the quota as  
23 required by Section 10.

24 (3) Up to \$100 for every instance in which the  
25 employer failed to provide the worker with that worker's  
26 work speed data as required by Section 10.

1           (4) Up to \$100 for every instance in which the  
2 employer subjected the worker to a quota that prevented  
3 the worker from taking meal or rest periods or bathroom  
4 breaks as prohibited by Section 15 or took an adverse  
5 employment action against a worker for failing to meet  
6 such a quota.

7           (5) Up to \$100 for failing to keep or produce records  
8 as required by Section 25.

9           (6) Up to \$100 for every instance in which an employer  
10 did not comply with a worker's request for work speed data  
11 or other data or records provided for in Section 30.

12           (7) Up to \$100 for unlawful retaliation as prohibited  
13 by Section 35 and the worker is entitled to all legal and  
14 equitable relief as may be appropriate.

15           (8) Up to \$100 for failing to post the notice required  
16 by Section 40.

17           (e) In addition to the civil penalties described in  
18 subsection (d), an employer shall be additionally liable to  
19 the Department for a civil penalty of \$100 for each worker  
20 found to be affected by the violation of the Act. The civil  
21 penalty shall be deposited into the Wage Theft Enforcement  
22 Fund to be used for administration and enforcement of this  
23 Act.

24           (f) The Department is authorized to collect and supervise  
25 the payment of the civil penalty described in subsection (d)  
26 to a worker or workers under this Act. Any sums recovered by

1 the Department on behalf of a worker or workers under this Act  
2 shall be paid to the worker or workers affected.

3 Section 50. Workplace inspections. If a particular work  
4 site or employer that uses quotas as a performance standard to  
5 determine adverse employment actions and is subject to this  
6 Act is found to have an annual worker injury rate of at least  
7 1.5 times as high as the warehousing industry's average annual  
8 injury rate as published by the Bureau of Labor Statistics'  
9 most recent fatal and nonfatal occupational injuries and  
10 illnesses data, the Director shall determine whether an  
11 investigation of violations under this Act, if relevant to the  
12 Director's authority, is appropriate.

13 Section 55. Private right of action. A current or former  
14 worker may bring an action for injunctive relief to obtain  
15 compliance with Sections 10, 15, 20, and 30 and may, upon  
16 prevailing in the action, recover costs and reasonable  
17 attorney's fees in such action. In any action involving a  
18 quota that prevented the compliance with applicable  
19 regulations on workplace safety and health or meal or rest  
20 break requirements, the injunctive relief shall be limited to  
21 suspension of the quota and any adverse employment action that  
22 resulted from its enforcement by the employer.

23 Section 60. Attorney General; powers. The Attorney

1 General, pursuant to the authority under Section 6.3 of the  
2 Attorney General Act, may initiate or intervene in a civil  
3 action in the name of the People of the State in any circuit  
4 court to obtain all appropriate relief for violations  
5 established under this Act.

6 Section 97. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 99. Effective date. This Act takes effect January  
9 1, 2027.