



Sen. Robert Peters

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10400SB1976sam001

LRB104 07813 SPS 26061 a

1 AMENDMENT TO SENATE BILL 1976

2 AMENDMENT NO. _____. Amend Senate Bill 1976 by replacing
3 everything after the enacting clause with the following:

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

1 more employees. "Employer" does not include the federal
2 government.

3 "Federal coal mine safety law" means the Federal Coal Mine
4 Health and Safety Act, 30 U.S.C. 801 et seq., and federal
5 regulations adopted under that statute, Subchapter O of
6 Chapter I of Title 30 of the Code of Federal Regulations, as
7 these federal statutes and regulations exist on April 28,
8 2025.

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

14 "State agency" means the Department of Labor or the
15 Department of Natural Resources.

16 "Stringent" means a law, rule, or standard's overall
17 effectiveness in protecting the rights and safety of workers.
18 A law, rule, or standard is considered to be more stringent if
19 it imposes a safety requirement or obligation on employers
20 that is stricter or more demanding than what is otherwise
21 imposed by law or if it provides for greater rights, benefits,
22 remedies, or procedures for employees than what is otherwise
23 provided by law.

24 Section 5-10. Operative provisions for wage and hour laws
25 and coal mine safety laws.

1 (a) Except as authorized by State law enacted after April
2 28, 2025, a State agency may not amend or revise the State
3 agency's rules in a manner that is less stringent in its
4 protection of workers' rights or worker safety than the
5 requirements established under federal wage and hour law or
6 federal coal mine safety law, as the laws exist on April 28,
7 2025.

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

13 (c) If a federal wage and hour law or federal coal mine
14 safety law is repealed, revoked, or amended in any manner that
15 results in the federal protections of workers' rights or
16 worker safety becoming less stringent, or if the applicable
17 federal agency issues a new interpretation of the federal wage
18 and hour law or federal coal mine safety law through an opinion
19 letter, ruling letter, administrative interpretation, program
20 policy manual, or program policy letter that results in the
21 federal protections of workers' rights or worker safety
22 becoming less stringent, and a State agency does not already
23 have corresponding rules in place that are at least as
24 stringent as the federal wage and hour law or federal coal mine
25 safety law being repealed, revoked, amended, or newly
26 interpreted, the applicable State agency or agencies shall, as

1 soon as practical, adopt a rule that incorporates the federal
2 wage and hour law or federal coal mine safety law being
3 repealed, revoked, amended, or newly interpreted as a minimum
4 requirement for this State. The State agency may also take
5 additional action to maintain the protection of workers'
6 rights or worker safety, including, but not limited to,
7 recommending legislation and developing policy. Any
8 requirement adopted by operation of this Section may be
9 enforced through the existing enforcement procedures
10 established under State law for violations of the Minimum Wage
11 Law or the Coal Mining Act, as applicable, including
12 applicable penalties and remedies.

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

23 Section 5-20. Rulemaking authority. In order to comply
24 with the requirements of this Act, the agency head of each

1 applicable State agency, or the agency head's authorized
2 representative, may adopt all necessary rules, in accordance
3 with the requirements of the Illinois Administrative Procedure
4 Act, to protect the rights and safety of workers.

5 Section 5-25. Severability. The provisions of this Act are
6 severable. If any provision of this Act or its application is
7 held invalid, that invalidity shall not affect other
8 provisions or applications that can be given effect without
9 the invalid provision or application.

10 Article 10. Safe and Healthy Workplace Act

11 Section 10-1. Short title.

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

14 (b) As used in this Article, "this Act" refers to this
15 Article.

16 Section 10-5. Scope.

17 (a) The grant of authority and obligations in this Act
18 apply and extend only to occupational safety or health issues
19 with respect to which no standard is in effect under section 6
20 of the federal Occupational Safety and Health Act, 29 U.S.C.
21 651 et seq. The grant of authority and obligations in this Act
22 do not apply to occupational safety or health issues with

1 respect to which a standard is in effect under section 6 of the
2 federal Occupational Safety and Health Act, 29 U.S.C. 651 et
3 seq.

4 (b) This Act does not apply to the development or
5 enforcement of occupational health and safety standards in the
6 public sector set forth in the Illinois Occupational Safety
7 and Health Act.

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

23 Section 10-15. Rulemaking authority.

24 (a) In order to accomplish the objectives of this Act and

1 to carry out the duties prescribed by this Act, the Director of
2 Labor may adopt rules, in accordance with the Illinois
3 Administrative Procedure Act, necessary to implement the
4 provisions of this Act. In developing rules, the Department of
5 Labor shall consider the federal occupational health or safety
6 standard being repealed or revoked as a minimum standard for
7 private employers in this State.

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

10 Section 10-20. Right of action.

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

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

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

23 (d) In any action brought under this Section the
24 Department of Labor shall be represented by the Office of the
25 Attorney General.

1 Section 10-25. Relief and penalties.

2 (a) An aggrieved employee, interested party, or the
3 Department of Labor prevailing in a civil action under Section
4 10-20 or any rules or standards adopted under this Act shall be
5 entitled to all appropriate relief, including declaratory and
6 injunctive relief and any other appropriate relief as deemed
7 necessary by the court to make the employee or employees
8 whole. The court shall award a prevailing employee or
9 interested party reasonable attorney's fees and costs.

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

14 (1) an employer found to be in violation of the rule or
15 standard may be assessed a civil penalty of not more than
16 \$1,000 per violation;

17 (2) an employer that repeatedly violates the rule or
18 standard may be assessed a civil penalty of not more than
19 \$10,000 per violation; and

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

24 Section 10-30. Severability. The provisions of this Act

1 are severable. If any provision of this Act or its application
2 is held invalid, that invalidity shall not affect other
3 provisions or applications that can be given effect without
4 the invalid provision or application.

5 Article 15. Amendatory Provisions

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

8 (820 ILCS 219/25)

9 Sec. 25. Occupational safety and health standards.

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

21 (1) Expert technical knowledge.

22 (2) Input from interested persons, including
23 employers, employees, recognized standards-producing

1 organizations, and the public.

2 (b) All federal occupational safety and health standards
3 which the United States Secretary of Labor promulgates or
4 modifies in accordance with the federal Occupational Safety
5 and Health Act of 1970 on or after the effective date of this
6 Act, unless revoked by the Secretary of Labor, shall become
7 rules of the Department within 6 months after their federal
8 promulgation date, unless there has been in effect in this
9 State at the time of the promulgation or modification of the
10 federal standard an alternate State standard that is at least
11 as effective in providing safe and healthful employment and
12 places of employment as a federal standard. The alternate
13 State standard, if not currently contained in the Department's
14 rules, shall not become effective, however, unless the
15 Department, within 45 days after the federal promulgation
16 date, files with the office of the Secretary of State in
17 Springfield, Illinois, a certified copy of the rule as
18 provided in the Illinois Administrative Procedure Act.

19 (c) If, after April 28, 2025, the United States Secretary
20 of Labor revokes or repeals a previously promulgated federal
21 Occupational Safety and Health Act standard or if the United
22 States Secretary of Labor amends a previously promulgated
23 federal Occupational Safety and Health Act standard or issues
24 a standard interpretation for a previously promulgated federal
25 Occupational Safety and Health Act standard that results in
26 the federal standard becoming less effective in providing safe

1 and healthful employment and places of employment, the
2 Illinois Department of Labor shall, as soon as practical and
3 in accordance with the process set forth in this Section,
4 adopt a standard that incorporates the federal occupational
5 health or safety standard as it existed prior to being
6 repealed, revoked, amended, or newly interpreted and addresses
7 the occupational safety or health issue that the repealed,
8 revoked, amended, or newly interpreted federal Occupational
9 Safety and Health Act standard had addressed.

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

11 Article 99. Effective Date

12 Section 99-99. Effective date. This Act takes effect upon
13 becoming law.".