



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4182

Introduced 10/19/2021, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

820 ILCS 275/5
820 ILCS 275/10
820 ILCS 275/15
820 ILCS 275/20

Amends the Workplace Violence Prevention Act. Expands the purpose of the Act to include assisting employees in protecting themselves from unlawful violence and harassment at the workplace because of an employee's employment duties or place of employment. Expands the definition of "petitioner" to include an employee. Provides that an employer may seek a workplace protection restraining order to prohibit further violence or threats of violence by a respondent if: (i) an employee believes that the respondent has made a credible threat of violence to be carried out against the employee outside of the workplace because of the employee's employment duties or place of employment; or (ii) the respondent has made a credible threat of violence at the workplace against an employee, customer, or guest. Permits an employee to obtain a workplace restraining order.

LRB102 21057 KTG 30007 b

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 5. The Workplace Violence Prevention Act is
5 amended by changing Sections 5, 10, 15, and 20 as follows:

6 (820 ILCS 275/5)

7 Sec. 5. Purpose. This Act is intended to assist employers
8 in protecting their workforces, customers, guests, and
9 property by limiting access to workplace venues by potentially
10 violent individuals and to assist employees in protecting
11 themselves from unlawful violence and harassment at the
12 workplace because of an employee's employment duties or place
13 of employment.

14 (Source: P.A. 98-430, eff. 1-1-14; 99-78, eff. 7-20-15.)

15 (820 ILCS 275/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Credible threat of violence" means a statement or course
18 of conduct that causes a reasonable person to fear for the
19 person's safety at his or her workplace or for the safety of
20 others at his or her workplace.

21 "Employee" means:

22 (1) a person employed or permitted to work or perform

1 a service for remuneration;

2 (2) a member of a board of directors of any
3 organization;

4 (3) an elected or appointed public officer; and

5 (4) a volunteer, independent contractor, agency
6 worker, or any other person who performs services for an
7 employer at the employer's place of work.

8 "Employer" means an individual, partnership, association,
9 limited liability company, corporation, business trust, the
10 State, a governmental agency, or a political subdivision that
11 has at least 15 employees during any work week.

12 "Petitioner" means any employer or employee who commences
13 a proceeding for a workplace protection restraining order.

14 "Respondent" means a person against whom a workplace
15 protection restraining order proceeding has been commenced.

16 "Workplace" or "place of work" means any property that is
17 owned or leased by the employer and at which the official
18 business of the petitioner is conducted.

19 "Unlawful violence" means any act of violence, harassment,
20 or stalking as defined by the Criminal Code of 2012.

21 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

22 (820 ILCS 275/15)

23 Sec. 15. Employer's right to a workplace protection
24 restraining order. An employer may seek a workplace protection
25 restraining order to prohibit further violence or threats of

1 violence by the respondent if:

2 (1) an employee has suffered unlawful violence and the
3 respondent has made a credible threat of violence to be
4 carried out at the employee's workplace;

5 (2) an employee believes that the respondent has made
6 a credible threat of violence to be carried out at the
7 employee's workplace or otherwise to be carried out
8 against the employee outside of the workplace because of
9 the employee's employment duties or place of employment;

10 or

11 (3) an unlawful act of violence has been carried out
12 at the workplace or the respondent has made a credible
13 threat of violence at the workplace against an employee,
14 customer, or guest.

15 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

16 (820 ILCS 275/20)

17 Sec. 20. Affidavit. An employer or employee may obtain a
18 workplace protection restraining order if the employer files
19 an affidavit that shows by a preponderance of the evidence
20 that:

21 (1) the conditions of Section 15 of this Act have been
22 met;

23 (2) if the petitioner is seeking an emergency order,
24 great or irreparable harm has been suffered, will be
25 suffered, or is likely to be suffered by an employee at the

1 workplace;

2 (3) if the employer is seeking a workplace protection
3 restraining order involving an employee who is a victim of
4 unlawful violence by a family or household member as
5 defined by item (6) of Section 103 of the Illinois
6 Domestic Violence Act of 1986, the conditions of Section
7 21 of this Act have been met.

8 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)