



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3131

Introduced 2/17/2023, by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Workplace COVID-19 Safety Committees Act. Provides that each private employer of at least 30 employees shall establish a safety committee at each of the employer's primary places of employment. Establishes requirements for composition of committees and meetings, records, reporting, and training. Provides for the duties of committees relating to hazard assessment and control, safety and health planning, development of procedures for accident investigations, and other specified matters. Provides that the safety committee shall assist the employer in providing information, instruction, training, and supervision as is necessary to ensure the health and safety of employees at work and individuals affected by their activities. Provides that the Department of Labor may levy a civil penalty upon an employer that violates the Act as established by rule.

LRB103 26027 SPS 52381 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 1. Short title. This Act may be cited as the
5 Workplace COVID-19 Safety Committees Act.

6 Section 5. Findings. The General Assembly finds that
7 hundreds of thousands of Illinois workers have contracted the
8 disease related to the COVID-19 virus in the workplace, and
9 that also hundreds are disabled each year from work-related
10 injuries and diseases. The General Assembly finds that many
11 COVID-19 infections, deaths, and workplace injury and illness
12 losses are needless, costly, and could have been prevented.
13 The General Assembly concludes that the establishment of joint
14 management and worker safety committees will help prevent such
15 losses and may reduce workers' compensation costs in this
16 State.

17 Section 10. Purpose. It is the purpose of this Act to bring
18 workers and management together in a non-adversarial,
19 cooperative effort to promote safety and health in the
20 workplace during the duration of the COVID-19 pandemic and
21 beyond. The workplace safety committees established by this
22 Act shall consist of management and employee representatives

1 who have an interest in the general promotion of safety and
2 health in the workplace.

3 Section 15. Establishment of safety committees.

4 (a) Every public and private employer of 30 or more
5 employees shall establish and administer a safety committee.

6 (b) To determine the employment levels under subsection
7 (a), the employer shall count all permanent, contract,
8 temporary, and seasonal workers under the employer's direction
9 and control and shall base the number on peak employment.

10 (c) Temporary services employers and labor contractors
11 shall establish safety committees based upon the total number
12 of workers over which the employer or contractor exercises
13 direction and control.

14 (d) Employers who hire only seasonal workers shall hold
15 crew safety meetings prior to the commencement of work at each
16 job site. The meetings shall promote discussions of safety and
17 health issues. All workers shall be informed of their right to
18 inspect and report workplace hazards and shall be encouraged
19 to make those inspections and reports during the meetings
20 according to provisions established in the federal
21 Occupational Safety and Health Act of 1970.

22 Section 20. Location of safety committees.

23 (a) Safety committees shall be established at each of an
24 employer's primary places of employment. As used in this Act,

1 "primary place of employment" means a major economic unit at a
2 single geographic location, comprised of a building or group
3 of buildings, and all surrounding facilities, having the
4 following characteristics: it has both management and workers
5 present; it has control over a portion of a budget; and it has
6 the ability to take action on the majority of the
7 recommendations made by a safety committee.

8 (b) An employer's auxiliary, mobile, or satellite
9 locations, such as those found in construction operations,
10 trucking, branch or field offices, sales operations, or highly
11 mobile activities, may be combined into a single, centralized
12 safety committee. This centralized safety committee shall
13 represent the safety and health concerns of all the locations.

14 Section 25. Recognition and approval of certain safety
15 committees. Upon application, the Department of Labor and the
16 Department of Public Health may recognize and approve safety
17 committees that are innovative or differ in form or function
18 if those safety committees meet the intent of this Act.

19 Section 30. Safety committee formation and membership.

20 (a) The safety committees required under this Act shall be
21 composed of an equal number of employer and employee
22 representatives. Employee representatives shall be selected by
23 their exclusive representative for collective bargaining
24 purposes or, if there is no exclusive representative, employee

1 representatives shall be volunteers or shall be elected by
2 their peers. When agreed upon by workers and management, the
3 number of employees on the safety committee may be greater
4 than the number of employer representatives. Seasonal workers
5 shall not be counted for the purpose of determining the number
6 of members who will serve on the safety committee.

7 (b) The safety committees shall consist of:

8 (1) no fewer than 2 members for each employer with 30
9 or fewer employees; or

10 (2) no fewer than 4 members for each employer with
11 more than 30 employees.

12 The safety committees shall have a chairperson elected by
13 the safety committee members.

14 (c) Employee representatives attending safety committee
15 meetings required by this Act or participating in safety
16 committee instruction or training required by this Act shall
17 be compensated by the employer at the regular hourly wage.

18 (d) Employee representatives shall serve a continuous term
19 of at least one year. Length of membership shall be alternated
20 or staggered so that at least one experienced member is always
21 serving on the safety committee.

22 (e) Reasonable efforts shall be made to ensure that safety
23 committee members are representative of the major work
24 activities of the firm.

25 Section 35. Safety committee meetings.

1 (a) The safety committee shall develop a written agenda
2 for conducting safety committee meetings. The agenda shall
3 prescribe the order in which safety committee business will be
4 addressed during the meeting.

5 (b) The safety committee shall hold regular meetings at
6 least once a month.

7 (c) Quarterly safety committee meetings may be substituted
8 for monthly meetings when the safety committee's sole area of
9 responsibility involves low hazard work environments. A low
10 hazard workplace is a work environment that has not had a
11 workplace accident, injury, or reportable medical disease
12 causing the loss of working days for any worker during a
13 3-month period.

14 (d) Small farms with 5 or fewer full time employees may
15 substitute quarterly meetings for monthly meetings during the
16 farms' off season. "Off season" means that period of time when
17 only routine farm upkeep is being done.

18 (e) Minutes shall be made of each meeting. The employer
19 shall maintain the minutes for 3 years for inspection by the
20 Department of Labor and the Department of Public Health.
21 Copies of the minutes shall be posted or made available for all
22 employees and shall be sent to each safety committee member.
23 All reports, evaluations, and recommendations of the safety
24 committee shall be made a part of the minutes of the safety
25 committee meeting.

26 (f) For each recommendation made at the safety committee

1 meetings, a reasonable time limit shall be established for the
2 employer to respond in writing. The response should include
3 the action taken to comply with the recommendations, and, in
4 any case, the reasons why implementing the action was not
5 accomplished and a time frame to comply.

6 Section 40. Employee involvement. The safety committee
7 shall establish a system to allow the members to obtain
8 safety-related suggestions, reports of hazards, or other
9 information directly from all persons involved in the
10 operations of the workplace. The information obtained shall be
11 reviewed at the next safety committee meeting and shall be
12 recorded in the minutes for review and necessary action by the
13 employer.

14 Section 45. Hazard assessment and control.

15 (a) The safety committee shall assist the employer in
16 evaluating the employer's accident and illness prevention
17 program and shall make written recommendations to improve the
18 program when applicable. The safety committee shall also:

19 (1) include employer and employee representatives in
20 inspection teams, shall document in writing the location
21 and identity of the hazards, and shall make
22 recommendations to the employer regarding correction of
23 the hazards; and

24 (2) conduct quarterly inspections of satellite

1 locations by the safety committee team or by a person
2 designated at the location.

3 (b) The person designated to carry out inspection
4 activities at the locations identified in items (1) and (2) of
5 subsection (a) shall be selected by the employer and shall
6 receive training in hazard identification in the workplace.

7 Section 50. Safety and health planning. The safety
8 committee shall establish procedures for the review of all
9 safety and health inspection reports made by the safety
10 committee. Based on the results of the review, the safety
11 committee shall make recommendations for improvement of the
12 employer's accident and illness prevention program. The safety
13 committee shall evaluate the employer's accountability system
14 and make recommendations to implement supervisor and employee
15 accountability for safety and health.

16 Section 55. Accident investigation. The safety committee
17 shall establish procedures for investigating all
18 safety-related incidents including injury accidents,
19 illnesses, and deaths. This Section shall not be construed to
20 require the safety committee to conduct the investigations.

21 Section 60. Safety and health training and instruction.

22 (a) The following items shall be discussed with all safety
23 committee members:

- 1 (1) safety committee purposes and operation;
- 2 (2) rules adopted by the Department of Labor under
- 3 this Act; and
- 4 (3) methods of conducting safety committee meetings.

5 (b) Safety committee members shall have ready access to
6 Occupational Safety and Health Codes that apply to the
7 particular establishment and verbal instructions regarding
8 their use.

9 (c) All safety committee members shall receive training
10 based upon the type of business activity. At a minimum,
11 members shall receive training regarding:

- 12 (1) hazard identification in the workplace; and
- 13 (2) principles regarding effective accident and
- 14 incident investigations.

15 (d) The safety committee shall assist the employer in
16 providing information, instruction, training, and supervision
17 as is necessary to ensure, so far as is reasonably
18 practicable, the health and safety of employees at work and
19 individuals affected by their activities. This may include
20 training concerning hazard communication standards, emergency
21 action plans, fire safety, emergency exit routes, walking and
22 working surfaces, medical emergencies and first aid, blood
23 borne pathogens, fall protection, general safety and health,
24 lockout/tagout, powered industrial trucks, confined spaces,
25 and respiratory protection. The training shall be provided in
26 the primary languages used in the workplace as determined by

1 the Department of Labor by rule.

2 Section 65. Special COVID-19 pandemic provisions. During
3 the COVID-19 pandemic, until the health authorities declare an
4 end to it, the safety committee shall have the following
5 special functions:

6 (1) Collect and post in conspicuous places, such as
7 bulletin boards, lunch rooms, and dressing rooms at each
8 location, information issued by the Centers for Disease
9 Control and Prevention of the United States Department of
10 Health and Human Services, the United States Department of
11 Labor, the Occupational Safety and Health Administration,
12 the Department of Public Health, and others concerning
13 prevention and measures to avoid contagion with COVID-19.
14 The postings shall be printed in the primary languages
15 used in the workplace as determined by the Department of
16 Labor by rule.

17 (2) Collect and post in such locations, and deliver to
18 all workers, executive orders regarding COVID-19 issued by
19 the Governor of Illinois. The postings shall be printed in
20 the primary languages used in the workplace as determined
21 by the Department of Labor by rule.

22 (3) Prepare and implement a response plan to be
23 executed in case an outbreak occurs in the workplace. An
24 outbreak of COVID-19 means the existence of 2 or more
25 workers presenting symptoms related to COVID-19 infection.

1 (4) Make sure all mandated reporting of outbreaks to
2 the Department of Public Health is implemented.

3 Section 70. Civil penalty. Upon determination, after
4 reasonable notice and opportunity for a hearing, that an
5 employer has violated this Act, the Department of Labor may
6 levy a civil penalty as established by rule. The Attorney
7 General may bring an action in the circuit court to enforce the
8 collection of any monetary penalty.