

SB2943



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2943

Introduced 2/4/2014, 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 having more than 2 employees. Defines terms. Requires an employer to establish a policy regarding workplace bullying and file the policy with the Department of Labor. Provides that a violation of the Act constitutes a business offense subject to a fine of not less than \$1,000 and not more than \$2,000.

LRB098 14754 JLS 49654 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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.

13 Section 15. Bullying prohibited.

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

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

24 (1) during any period of employment activity;

25 (2) while working, on property of the employer, or at

1 employer-sponsored or employer-sanctioned events or
2 activities; or

3 (3) through the transmission of information from an
4 employment utilized computer, computer network, or other
5 similar electronic employer utilized equipment.

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

13 Section 20. Workplace bullying policy. An employer shall
14 create and maintain a policy on workplace bullying. The policy
15 must be filed with the Department. An employer shall
16 communicate the policy to its employees. The policy must be
17 reviewed and updated every 2 years and filed with the
18 Department. The Department shall monitor the implementation of
19 policies created under this Section.

20 Section 25. Interpretation. This Act shall not be
21 interpreted to prevent a victim from seeking redress under any
22 other available civil or criminal law. Nothing in this Act is
23 intended to infringe upon any right to exercise free expression
24 or the free exercise of religion or religiously based views

1 protected under the First Amendment to the United States
2 Constitution or under Section 3 or 4 of Article I of the
3 Illinois Constitution.

4 Section 30. Violation. A person violating the provisions
5 of this Act is guilty of a business offense and shall be fined
6 not less than \$1,000 and not more than \$2,000 for each
7 violation. Each day of violation shall be considered a separate
8 offense.