



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2544

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act
775 ILCS 5/6-102

Creates the Hotel Employee Safety Act. Provides that each hotel shall equip an employee who is assigned to work in a guest room or restroom, under circumstances where no other employee is present in the room, with a panic button or notification device. Provides that the employee may use the panic button or notification device to summon help if the employee reasonably believes that an ongoing crime, sexual harassment, sexual assault, or other emergency is occurring in the employee's presence. Provides that the panic button or notification device shall be provided by the hotel at no cost to the employee. Provides that each hotel shall develop, maintain, and comply with a written anti-sexual harassment policy containing specified content to protect employees against sexual assault and sexual harassment by guests. Provides that each hotel shall provide all employees with a current copy in English, Spanish, and Polish of the hotel's anti-sexual harassment policy, and post the policy in English, Spanish, and Polish in conspicuous places in areas of the hotel where employees can reasonably be expected to see it. Provides that it is a violation of the Act for a hotel to retaliate against an employee for reasonably using a panic button or notification device; availing himself or herself of certain anti-sexual harassment policy provisions; or disclosing, reporting, or testifying about any violation of the Act or any rule adopted under the Act. Provides that a complaint alleging a violation shall be filed by the aggrieved party with the Department of Human Rights no later than 180 days after the occurrence of the alleged violation and in accordance with rules adopted by the Department. Provides that investigations to enforce specified provisions of the Act shall be conducted by the Department. Provides that a hotel that violates the Act or any rule adopted under the Act shall be subject to a fine of not less than \$250 and not more than \$500 for each offense. Makes a corresponding change in the Illinois Human Rights Act.

LRB101 04938 TAE 49947 b

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 Hotel
5 Employee Safety Act.

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

7 "Complaining employee" means an employee who has alleged an
8 instance of sexual assault and sexual harassment by a guest.

9 "Department" means the Department of Human Rights.

10 "Employee" means any natural person who works full time or
11 part time at a hotel for or under the direction of the hotel or
12 any subcontractor of the hotel for wages or salary or
13 remuneration of any type under a contract or subcontract of
14 employment, whether express or implied.

15 "Guest" means any invitee to a hotel, including a
16 registered guest, person occupying a guest room with a
17 registered guest, visitor invited to a guest room by a
18 registered guest or other occupant of a guest room, person
19 patronizing food or beverage facilities provided by the hotel,
20 or any other person whose presence at the hotel is permitted by
21 the hotel. "Guest" does not include an employee.

22 "Guest room" means any room made available by a hotel for
23 overnight occupancy by guests.

1 "Hotel" means any building or buildings maintained,
2 advertised, and held out to the public to be a place where
3 lodging is offered for consideration to travelers and guests.
4 "Hotel" includes an inn, motel, tourist home or court, and
5 lodging house.

6 "Notification device" or "panic button" means a portable
7 emergency contact device that is designed so that an employee
8 can quickly and easily activate the button or device to
9 effectively summon to the employee's location prompt
10 assistance by a hotel security officer, manager, or other
11 appropriate hotel staff member designated by the hotel.

12 "Offending guest" means a guest a complaining employee has
13 alleged sexually assaulted and sexually harassed the
14 complaining employee.

15 "Restroom" means any room equipped with toilets.

16 "Sexual harassment" means any unwelcome sexual advance,
17 request for sexual favors, or other verbal or physical conduct
18 of a sexual nature.

19 Section 10. Hotels; panic buttons; anti-sexual harassment
20 policies.

21 (a) Each hotel shall equip an employee who is assigned to
22 work in a guest room or restroom, under circumstances where no
23 other employee is present in the room, with a panic button or
24 notification device. The employee may use the panic button or
25 notification device to summon help if the employee reasonably

1 believes that an ongoing crime, sexual harassment, sexual
2 assault, or other emergency is occurring in the employee's
3 presence. The panic button or notification device shall be
4 provided by the hotel at no cost to the employee.

5 (b) Each hotel shall develop, maintain, and comply with a
6 written anti-sexual harassment policy to protect employees
7 against sexual assault and sexual harassment by guests. This
8 policy shall:

9 (1) encourage an employee to immediately report to the
10 hotel any instance of alleged sexual assault and sexual
11 harassment by a guest;

12 (2) describe the procedures that the complaining
13 employee and hotel shall follow in cases under paragraph
14 (1);

15 (3) instruct the complaining employee to cease work and
16 to leave the immediate area where danger is perceived until
17 hotel security personnel or police arrive to provide
18 assistance;

19 (4) offer temporary work assignments to the
20 complaining employee during the duration of the offending
21 guest's stay at the hotel, this may include assigning the
22 complaining employee to work on a different floor or at a
23 different station or work area away from the offending
24 guest;

25 (5) provide the complaining employee with necessary
26 paid time off to:

1 (A) sign a police complaint against the offending
2 guest; and

3 (B) testify as a witness at any legal proceeding
4 that may ensue as a result of the complaint, if the
5 complaining employee is still in the hotel's employ at
6 the time the legal proceeding occurs;

7 (6) inform the complaining employee that the Illinois
8 Human Rights Act and Title VII of the Civil Rights Act of
9 1964 provide additional protections against sexual
10 harassment in the workplace; and

11 (7) inform the complaining employee that Section 15
12 makes it illegal for an employer to retaliate against any
13 employee who: reasonably uses a panic button or
14 notification device; in good faith avails himself or
15 herself of the requirements set forth in paragraph (3),
16 (4), or (5); or discloses, reports, or testifies about any
17 violation of this Act or rules adopted under this Act.

18 Each hotel shall provide all employees with a current copy
19 in English, Spanish, and Polish of the hotel's anti-sexual
20 harassment policy, and post the policy in English, Spanish, and
21 Polish in conspicuous places in areas of the hotel, such as
22 supply rooms or employee lunch rooms, where employees can
23 reasonably be expected to see it.

24 Section 15. Retaliation prohibited. It is unlawful for a
25 hotel to retaliate against an employee for:

1 (1) reasonably using a panic button or notification
2 device;

3 (2) availing himself or herself of the provisions of
4 paragraph (3), (4), or (5) of subsection (b) of Section 10;
5 or

6 (3) disclosing, reporting, or testifying about any
7 violation of this Act or any rule adopted under this Act.

8 Any complaint alleging a violation of this Section shall be
9 filed by the aggrieved party with the Department no later than
10 180 days after the occurrence of the alleged violation and in
11 accordance with rules adopted by the Department.

12 Section 20. Investigations. Investigations to enforce the
13 provisions of Sections 10 and 15 shall be conducted by the
14 Department.

15 Section 25. Penalties. A hotel that violates this Act or
16 any rule adopted under this Act shall be subject to a fine of
17 not less than \$250 and not more than \$500 for each offense.
18 Each day that a violation continues shall constitute a separate
19 offense.

20 Section 90. The Illinois Human Rights Act is amended by
21 changing Section 6-102 as follows:

22 (775 ILCS 5/6-102)

1 Sec. 6-102. Violations of other Acts. A person who violates
2 the Section 11-117-12.2 of the Illinois Municipal Code, Section
3 224.05 of the Illinois Insurance Code, Section 8-201.5 of the
4 Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11,
5 and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of
6 the Interest Act, the Military Personnel Cellular Phone
7 Contract Termination Act, Section 405-272 of the Civil
8 Administrative Code of Illinois, Section 10-63 of the Illinois
9 Administrative Procedure Act, Sections 30.25 and 30.30 of the
10 Military Code of Illinois, Section 16 of the Landlord and
11 Tenant Act, Section 26.5 of the Retail Installment Sales Act,
12 ~~or~~ Section 37 of the Motor Vehicle Leasing Act, or Section 15
13 of the Hotel Employee Safety Act commits a civil rights
14 violation within the meaning of this Act.
15 (Source: P.A. 100-1101, eff. 1-1-19.)