

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The One Day Rest In Seven Act is amended by changing Section 7 and by adding Section 5.5 as follows:

(820 ILCS 140/5.5 new)

Sec. 5.5. Retaliation prohibited. An employer, or agent or officer of an employer, violates this Act if he or she discharges, takes an adverse action against, or in any other manner discriminates against any employee because that employee has:

(1) exercised a right under this Act;

(2) made a complaint to his or her employer or to the Director or the Director's authorized representative;

(3) caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act; or

(4) testified or is about to testify in an investigation or proceeding under this Act.

(820 ILCS 140/7) (from Ch. 48, par. 8g)

Sec. 7. Civil offense.

(a) Any employer who violates Sections 2, 3, or 3.1 shall be guilty of a civil offense, and shall be subject to a civil

penalty as follows:

(1) For an employer with fewer than 25 employees, a penalty not to exceed \$250 per offense, payable to the Department of Labor, and damages of up to \$250 per offense, payable to the employee or employees affected.

(2) For an employer with 25 or more employees, a penalty not to exceed \$500 per offense, payable to the Department of Labor, and damages of up to \$500 per offense, payable to the employee or employees affected.

(b) An offense under this Act shall be determined on an individual basis for each employee whose rights are violated.

(1) Each week that an employee is found to not have been allowed 24 consecutive hours of rest as required in Section 2 shall constitute a separate offense.

(2) Each day that an employee is found not to have been provided a meal period as required in Section 3 shall constitute a separate offense.

(3) A violation of Section 8.5 shall constitute a single offense, and is subject to a civil penalty not to exceed \$250 payable to the Department of Labor.

(4) An employee who has been unlawfully retaliated against in violation of Section 5.5 shall be entitled to recover, through a claim filed with the Department, all legal and equitable relief as may be appropriate.

(c) The Director of Labor shall enforce this Act in accordance with the Illinois Administrative Procedure Act. The

Director of Labor shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases, including, but not limited to, provisions for depositions, subpoena power and procedures, and discovery and protective order procedures.

(d) Penalties and fees under this Section may be assessed by the Department and recovered in a civil action brought by the Department in any circuit court or in any administrative adjudicative proceeding under this Act. In any such civil action under this Act, the Department shall be represented by the Attorney General. Any funds collected by the Department of Labor under this Act shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund.

(Source: P.A. 102-828, eff. 1-1-23.)

Section 99. Effective date. This Act takes effect upon becoming law.