

1 AN ACT concerning civil law.

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

4 Section 5. The Whistleblower Act is amended by changing  
5 Sections 5, 15, 20, 20.1, 20.2, 25, and 30 and by adding  
6 Section 31 and 32 as follows:

7 (740 ILCS 174/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Adverse employment action" means an action that a  
10 reasonable employee would find materially adverse. An action  
11 is materially adverse when it could dissuade a reasonable  
12 worker from disclosing or threatening to disclose information  
13 protected by Section 15 or from refusing under Section 20.

14 "Employer" means: an individual, sole proprietorship,  
15 partnership, firm, corporation, association, and any other  
16 entity that has one or more employees in this State, including  
17 a political subdivision of the State; a unit of local  
18 government; a school district, combination of school  
19 districts, or governing body of a joint agreement of any type  
20 formed by two or more school districts; a community college  
21 district, State college or university, or any State agency  
22 whose major function is providing educational services; any  
23 authority including a department, division, bureau, board,

1 commission, or other agency of these entities; and any person  
2 acting within the scope of his or her authority, express or  
3 implied, on behalf of those entities in dealing with its  
4 employees within the scope of his or her authority express or  
5 implied on behalf of those entities in dealing with its  
6 employees.

7 "Employee" means any individual permitted to work ~~who is~~  
8 ~~employed on a full time, part time, or contractual basis~~ by an  
9 employer unless:

10 (1) the individual has been and will continue to be  
11 free from control and direction over the performance of  
12 his or her work, both under his or her contract of service  
13 with his or her employer and in fact;

14 (2) the individual performs work which is either  
15 outside the usual course of business or is performed  
16 outside all of the places of business of the employer  
17 unless the employer is in the business of contracting with  
18 parties for the placement of employees; and

19 (3) the individual is in an independently established  
20 trade, occupation, profession, or business.

21 "Employee" also includes, but is not limited to, a  
22 licensed physician who practices his or her profession, in  
23 whole or in part, at a hospital, nursing home, clinic, or any  
24 medical facility that is a health care facility funded, in  
25 whole or in part, by the State.

26 "Public body" means any of the following: the State; any

1 officer, board, political subdivision, or commission of the  
2 State; any institution supported in whole or in part by public  
3 funds; units of local government; and school districts.

4 "Retaliatory action" means an adverse employment action or  
5 the threat of an adverse employment action by an employer or  
6 his or her agent to penalize or any non-employment action that  
7 would dissuade a reasonable worker from disclosing information  
8 under this Act. "Retaliatory action" includes, but is not  
9 limited to:

10 (1) taking, or threatening to take, any action that  
11 would intentionally interfere with an employee's ability  
12 to obtain future employment or post-termination  
13 retaliation to intentionally interfere with a former  
14 employee's employment;

15 (2) taking, or threatening to take, any action  
16 prohibited by subsection (G) of Section 2-102 of the  
17 Illinois Human Rights Act; or

18 (3) contacting, or threatening to contact, United  
19 States immigration authorities, or otherwise reporting, or  
20 threatening to report, an employee's suspected or actual  
21 citizenship or immigration status or the suspected or  
22 actual citizenship or immigration status of an employee's  
23 family or household member to a federal, State, or local  
24 agency.

25 "Retaliatory action" does not include:

26 (1) conduct undertaken at the express and specific

1 direction or request of the federal government;

2 (2) truthful, performance-related information about an  
3 employee or former employee provided in good faith to a  
4 prospective employer at the request of the prospective  
5 employer; or-

6 (3) conduct undertaken if specifically required by  
7 State or federal law. "Employee" also includes, but is not  
8 limited to, a licensed physician who practices his or her  
9 profession, in whole or in part, at a hospital, nursing  
10 home, clinic, or any medical facility that is a health  
11 care facility funded, in whole or in part, by the State.

12 "Supervisor" means any individual who has the authority to  
13 direct and control the work performance of the affected  
14 employee; or any individual who has managerial authority to  
15 take corrective action regarding a violation of the law, rule,  
16 or regulation disclosed by an employee in accordance with  
17 Section 15.

18 (Source: P.A. 95-128, eff. 1-1-08; 96-1253, eff. 1-1-11.)

19 (740 ILCS 174/15)

20 Sec. 15. Retaliation for certain disclosures prohibited.

21 (a) An employer may not take retaliatory action ~~retaliate~~  
22 against an employee who discloses or threatens to disclose to  
23 a public body conducting an investigation, or in a court, an  
24 administrative hearing, or any other proceeding initiated by a  
25 public body, information related to an activity, policy, or

1 practice of the employer where the employee has a good faith  
2 belief that the activity, policy, or practice (i) violates ~~in~~  
3 a court, an administrative hearing, or before a legislative  
4 commission or committee, or in any other proceeding, where the  
5 employee has reasonable cause to believe that the information  
6 discloses a violation of a State or federal law, rule, or  
7 regulation or (ii) poses a substantial and specific danger to  
8 employees, public health, or safety.

9 (b) An employer may not take retaliatory action ~~retaliate~~  
10 against an employee for disclosing or threatening to disclose  
11 information to a government or law enforcement agency  
12 information related to an activity, policy, or practice of the  
13 employer, where the employee has a good faith belief that the  
14 activity, policy, or practice of the employer (i) violates  
15 reasonable cause to believe that the information discloses a  
16 violation of a State or federal law, rule, or regulation or  
17 (ii) poses a substantial and specific danger to employees,  
18 public health, or safety.

19 (c) An employer may not take retaliatory action against an  
20 employee for disclosing or threatening to disclose to any  
21 supervisor, principal officer, board member, or supervisor in  
22 an organization that has a contractual relationship with the  
23 employer who makes the employer aware of the disclosure,  
24 information related to an activity, policy, or practice of the  
25 employer if the employee has a good faith belief that the  
26 activity, policy, or practice (i) violates a State or federal

1 law, rule, or regulation or (ii) poses a substantial and  
2 specific danger to employees, public health, or safety.

3 (Source: P.A. 95-128, eff. 1-1-08.)

4 (740 ILCS 174/20)

5 Sec. 20. Retaliation for certain refusals prohibited. An  
6 employer may not take retaliatory action ~~retaliate~~ against an  
7 employee for refusing to participate in an activity that the  
8 employee has a good faith belief that such participation would  
9 result in a violation of a State or federal law, rule, or  
10 regulation, including, but not limited to, violations of the  
11 Freedom of Information Act.

12 (Source: P.A. 96-555, eff. 8-18-09.)

13 (740 ILCS 174/20.1)

14 Sec. 20.1. Other retaliation. Any other act or omission  
15 not otherwise specifically set forth in this Act, whether  
16 within or without the workplace, also constitutes retaliatory  
17 action ~~retaliation~~ by an employer under this Act if the act or  
18 omission would be materially adverse to a reasonable employee  
19 and is because of the employee disclosing or attempting to  
20 disclose public corruption or wrongdoing.

21 (Source: P.A. 96-555, eff. 8-18-09.)

22 (740 ILCS 174/20.2)

23 Sec. 20.2. Threatening retaliation. An employer may not

1 threaten any employee with any act or omission if that act or  
2 omission would constitute retaliatory action ~~retaliation~~  
3 against the employee under this Act.

4 (Source: P.A. 96-555, eff. 8-18-09.)

5 (740 ILCS 174/25)

6 Sec. 25. Criminal ~~Civil~~ penalty. Violation of this Act is  
7 a Class A misdemeanor.

8 (Source: P.A. 93-544, eff. 1-1-04.)

9 (740 ILCS 174/30)

10 Sec. 30. Damages and penalties for the employee. If an  
11 employer takes any retaliatory action against an employee in  
12 violation of Section 15 or 20, the employee may bring a civil  
13 action against the employer for all relief necessary to make  
14 the employee whole, including but not limited to the  
15 following, as appropriate:

16 (1) permanent or preliminary injunctive relief;

17 (2) reinstatement with the same seniority status that  
18 the employee would have had, but for the violation;

19 (3) ~~(2)~~ back pay, with interest of 9% per annum up to 90  
20 calendar days from the date the complaint is filed and  
21 front pay; and

22 (4) liquidated damages of up to \$10,000;

23 (5) ~~(3)~~ compensation for any costs incurred ~~damages~~  
24 sustained as a result of the violation, including

1 litigation costs, expert witness fees, and reasonable  
2 attorney's fees; ~~and-~~

3 (6) additionally, the court shall award a civil  
4 penalty of \$10,000 payable to the employee.

5 (Source: P.A. 93-544, eff. 1-1-04.)

6 (740 ILCS 174/31 new)

7 Sec. 31. Attorney General enforcement.

8 (a) Whenever the Attorney General has reasonable cause to  
9 believe that any person or entity has engaged in a practice  
10 prohibited by this Act, the Attorney General may, pursuant to  
11 the authority conferred by Section 6.3 of the Attorney General  
12 Act, initiate or intervene in a civil action in the name of the  
13 People of the State in any appropriate court to obtain  
14 appropriate relief.

15 (b) Before initiating an action, the Attorney General may  
16 conduct an investigation and may:

17 (1) require an individual or entity to file a  
18 statement or report in writing, under oath or otherwise,  
19 as to all information the Attorney General may consider  
20 necessary;

21 (2) examine under oath any person alleged to have  
22 participated in, or with knowledge of, the alleged  
23 violation; or

24 (3) issue subpoenas or conduct hearings in aid of any  
25 investigation.



1       (c) Service by the Attorney General of any notice  
2 requiring a person or entity to file a statement or report, or  
3 of a subpoena upon any person or entity, shall be made:

4           (1) personally by delivery of a duly executed copy  
5 thereof to the person to be served or, if a person is not a  
6 natural person, in the manner provided in the Code of  
7 Civil Procedure when a complaint is filed; or

8           (2) by mailing by certified mail a duly executed copy  
9 thereof to the person to be served at his or her last known  
10 abode or principal place of business within this State or,  
11 if the person is not a natural person, in the manner  
12 provided in the Code of Civil Procedure when a complaint  
13 is filed.

14       The Attorney General may compel compliance with  
15 investigative demands under this Section through an order by  
16 any court of competent jurisdiction.

17       (d) (1) In an action brought under this Act, the Attorney  
18 General may obtain, as a remedy, monetary damages to the  
19 State, restitution, and equitable relief, including any  
20 permanent or preliminary injunction, temporary restraining  
21 order, or other order, including an order enjoining the  
22 defendant from engaging in a violation, or order any action as  
23 may be appropriate.

24       The Attorney General may request, and the court may grant,  
25 any remedy available under Section 30 of this Act to the  
26 employee or employees affected by the violation. Additionally,

1 the Attorney General may request and the court may impose a  
2 civil penalty not to exceed \$10,000 for each repeat violation  
3 within a 5-year period. For purposes of this Section, each  
4 violation of this Act for each employee that the employer took  
5 or threatened to take retaliatory action against shall  
6 constitute a separate and distinct violation.

7 (2) A civil penalty imposed under this subsection shall be  
8 deposited into the Attorney General Court Ordered and  
9 Voluntary Compliance Payment Projects Fund.

10 (740 ILCS 174/32 new)

11 Sec. 32. Defenses to actions. It shall be a defense to any  
12 action brought under this Act that the retaliatory action was  
13 predicated solely upon grounds other than the employee's  
14 exercise of any rights protected by this Act.

15 Section 90. Applicability. The changes made by this  
16 amendatory Act of the 103rd General Assembly apply to claims  
17 arising or complaints filed on or after January 1, 2025.

18 Section 99. Effective date. This Act takes effect on  
19 January 1, 2025.