

LABOR DAY REPORT



ILLINOIS ATTORNEY GENERAL'S OFFICE



2022 Labor Day Report
Office of the Illinois Attorney General



Attorney General Raoul speaks about the 2021 investigation of subcontractors at the Rivian facility in Normal to union members at the Statewide Building Trades Meeting on Feb. 16, 2022, at the UA Local 137 union hall in Springfield. More information about the investigation and resulting settlement can be found on page 5.

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A MESSAGE

FROM ATTORNEY GENERAL RAOUL



September 2022

Labor Day is when we honor workers in Illinois and across the country for their fundamental role in supporting our society. In the spirit of working people, I am proud to share our first Labor Day Report detailing the work that my office has done over the past two years to enforce labor-related laws and protect the people of Illinois.

One of my top priorities as Illinois Attorney General was to create the framework and secure the resources for a Workplace Rights Bureau to become a permanent fixture in the office. Through enabling legislation that my office initiated, the bureau has been able to use its enhanced authority to protect workers from a variety of different unscrupulous employment practices, as well as entering consent decrees to stop actions that have harmed workers and ensure that employers follow the law in the future. Since being formally added to the Attorney General Act in 2020, the Workplace Rights Bureau has collected over \$1.4 million in owed wages and penalties. Attorneys and staff throughout the office also contribute to the bureau's work and the fight to ensure that working people receive their wages, are free from discrimination, and have a safe workplace.

Besides highlighting the investigatory and legal work of the bureau and the office in this report, I am also happy to announce that we are actively interacting with communities across Illinois through a formalized outreach program focused on workplace rights issues. I urge you to reach out to our office about hosting an outreach presentation by the Workplace Rights Bureau or if you have any questions about our efforts to protect workers across Illinois.

Finally, I want to especially thank all the workers, advocates, unions, organizations, and businesses that have reached out to the Workplace Rights Bureau. Your cooperation and partnership are key to our service to the State of Illinois. By working together, we can ensure a better Illinois for everyone.

Happy Labor Day!

A handwritten signature in black ink, appearing to read "Kwame Raoul".

Kwame Raoul
Attorney General

INTRODUCTION TO THE BUREAU

The Workplace Rights Bureau protects and advances the employment rights of all Illinois workers. While the bureau has been in place in the office for several years, it was codified into law as the Worker Protection Unit in 2020. That new law, Public Act 101-0527, amended the Illinois Attorney General Act to create the Worker Protection Unit within the Attorney General's office. This legislation also gave the bureau enhanced authority to enforce labor laws in Illinois. Besides being one of the many bureaus in the Attorney General's office, the Workplace Rights Bureau works with other state agencies, like the Illinois Department of Labor, and federal partners to protect Illinois workers. The bureau includes six attorneys and two professionals and is headquartered in Chicago with staff also serving in the office's main location in Springfield.

Besides the Workplace Rights Bureau, attorneys and staff from other divisions and bureaus of the Office of the Illinois Attorney General perform important functions to help working people. Attorneys from the Civil Appeals Division, which represents the state in both federal and state appellate courts, assist with multistate actions coordinated with attorneys general across the country. The Government Representation Division provides legal representation for the state and all state officers, boards, commissions, agencies, and employees in civil litigation involving their official capacity, handling thousands of case referrals each year. Within the Government Representation Division, the assistant attorneys general of the General Law Bureau represent the Illinois Department of Labor in federal district and circuit courts across Illinois. In addition, the office's Civil Rights Bureau also works in tandem with the Workplace Rights Bureau to address instances of alleged employment discrimination.



Attorney General Kwame Raoul leads a lawsuit to certify the Equal Rights Amendment is part of the U.S. Constitution. The ERA would strengthen laws that prohibit wage discrimination by sex and outlaw other types of sex discrimination.

WAGES

Working with the Illinois Department of Labor, Attorney General Raoul's Workplace Rights Bureau investigates and files lawsuits for systemic and widespread violations of wage laws in Illinois, including the Minimum Wage Law, the Prevailing Wage Act, and the Illinois Wage Payment and Collection Act.

By returning unpaid wages to affected workers, the Attorney General's Workplace Rights Bureau ensures that Illinois workers are properly compensated for their labor. This work also affirms the practices of law-abiding business, so that employers who follow Illinois labor laws are not at a competitive disadvantage against

employers who provide services for a lower cost by violating Illinois' wage laws and hurting workers. Furthermore, through this work, the bureau ensures employers make the required federal and state deductions on paid work, contributions that are vital for providing services at all levels of government.

NOTABLE WORK

Holding Construction Subcontractors Accountable for Failure to Pay

Overtime Wages: In December 2021, Attorney General Raoul announced settlements with construction subcontractors building a new production line for Rivian Automotive Inc. (Rivian) that resolve a joint investigation by the Attorney General's office and the Illinois Department of Labor (IDOL). The settlements require the chain of subcontractors to pay nearly \$390,000 in back wages and penalties to resolve allegations that they failed to pay Mexican laborers for overtime worked. The joint investigation conducted by the Attorney General's office and IDOL revealed that a chain of subcontractors hired to construct Rivian's new production line in Normal, Illinois, failed to pay overtime wages to workers at the site. The settlements require China-based Guangzhou Mino Equipment Co.; Spain-based IT8 Software Engineering S.L.; and Mexico-based LAM Automation – along with the companies' related entities – to pay owed overtime wages and civil penalties to workers who were denied overtime wages they earned, and to meet reporting requirements with the Attorney General's office.

Recovering Overtime Wages for

Roofers: In May 2021, the Workplace Rights Bureau filed a consent decree with Star Roofing and Siding Inc. that requires the company to pay \$101,000 in owed overtime pay to employees. The Workplace Rights Bureau initiated the investigation after workers were referred to the bureau by Roofers and Waterproofers Local 11. The Attorney General alleged that for years, Star Roofing and Siding failed to pay nine of its roofing employees overtime wages at time and a half their regular rate for all time worked in excess of 40 hours per week in violation of the Minimum Wage Law. Under the consent decree, the company must maintain and provide pay records for workers to ensure that workers know their rate of pay and the amount of hours worked each week. The consent decree also requires the company to keep GPS



“I applaud Attorney General Raoul, his staff, and the Department of Labor for their

efforts and findings of the exploitation of workers by three subcontractors at the Rivian plant.”

Mike Raikes, Business Manager
IBEW Local 197



“Far too many times employees at Star Roofing have not been paid for all time worked.”

I applaud the workers who stood up for their rights, and I applaud the Attorney General’s office for prosecuting bad employers. In these tumultuous times it is good to see that justice can still prevail.”

Gary Menzel, President
Roofers and Waterproofer Local 11

records for all its vehicles and detailed records about the crew members’ travel in each vehicle to deter workers from being paid off-the-books.

Protecting Tipped Workers: The Attorney General’s office teamed up with the Pennsylvania Attorney General’s office to lead a lawsuit against the U.S. Department of Labor (USDOL) over a proposed rule which would have permitted employers to pay tipped employees less than minimum wage for non-tipped work. For several decades, tipped wage workers could only spend up to 20 percent of their time performing non-tipped work such as cleaning while being paid the tipped rate. USDOL proposed eliminating this rule. The Illinois and Pennsylvania attorneys general offices led a coalition of nine attorneys general to file suit against USDOL to block the rule from being implemented. Ultimately, USDOL withdrew its proposal that would have harmed workers receiving tips.

Holding Unscrupulous Employers Accountable for Delaying Wages to Workers: During the 2021 Legislative session, the Attorney General’s office supported a bill that increased the amount of damages employees are awarded when their employers do not pay them on time or pay a final paycheck. Signed into law by Governor JB Pritzker in July 2021, Public Act 102-0050 provides that employees who are not paid within their allotted time following the end of a pay period are entitled to their unpaid wages and five percent of the amount not paid in damages. Under the prior version of the law, the employee was only entitled to two percent of the amount unpaid in damages.



Supporting Hourly Workers in Litigation:

The Workplace Rights Bureau and the Illinois Department of Labor (IDOL) worked together to file an amicus brief for a case called Mercado v. S&C Electric Company. In this case, hourly factory assembly workers argue that their employer should include bonus payments when calculating their baseline pay rate, which subsequently impacts the value of their overtime hourly wage. The Attorney General’s office and IDOL argue in their brief filed in the Illinois Appellate Court that employers generally must include all employee compensation – not just hourly compensation – when calculating the baseline pay rate and that an employer cannot pay workers in non-hourly wages and then claim the payment is a gift. Litigation on this matter is still pending.

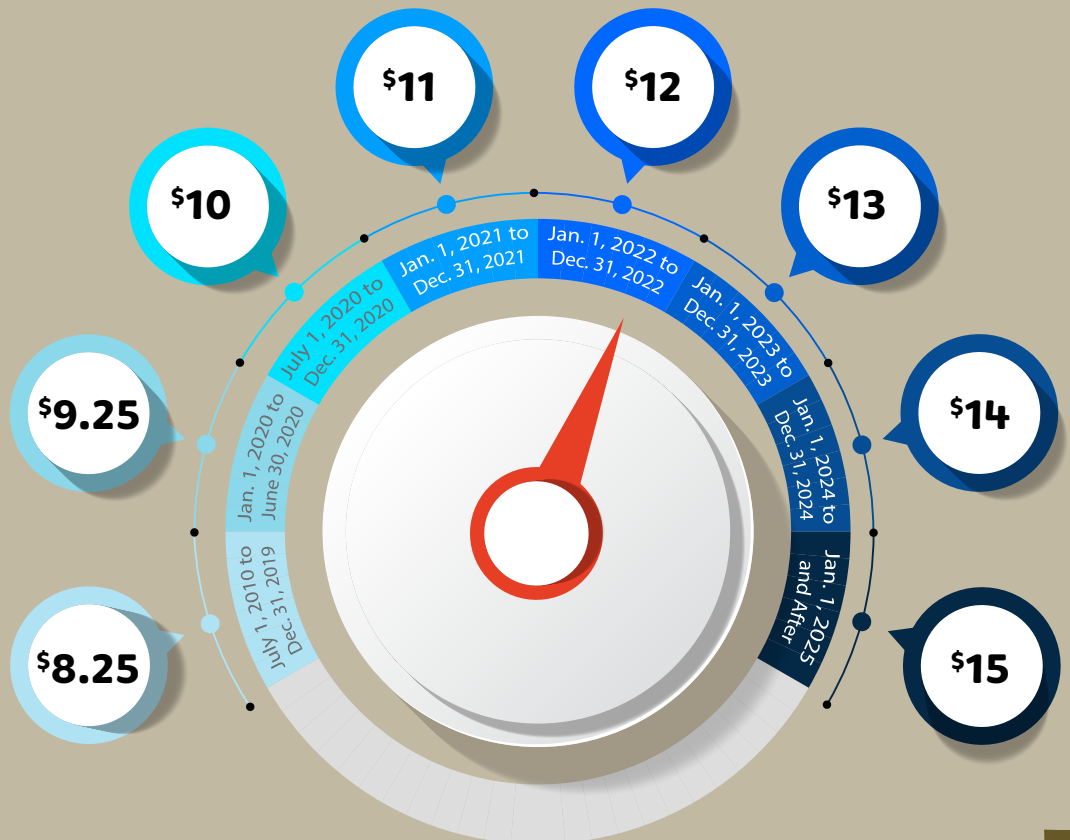
Collecting from Alleged Labor Law Violators:

On behalf of the Illinois Department of Labor (IDOL), the office is pursuing more than \$850,000 in unpaid wages and penalties on behalf of 93 former employees. These matters were referred to the Attorney General’s office pursuant to Executive Order 2019-02, which requires IDOL to refer the Attorney General’s office all pending wage claim cases involving egregious and repeated violations of the law. Litigation is pending.

Between November 2020 to June 2022, the General Law Bureau has recovered \$911,596.80 in unpaid wages and penalties based on its referrals from IDOL.

Illinois Minimum Wage Law to Increase Annually Until 2025

In February 2019, Gov. JB Pritzker signed SB 1, which amended the Minimum Wage Law to increase the minimum wage from \$8.25 to \$15 by January 1, 2025. The Workplace Rights Bureau, along with the Illinois Department of Labor, investigates violations of the Minimum Wage Law and when appropriate, brings actions against employers who violate the law by paying their employees less than the state’s minimum wage.



NON-COMPETES, NO POACH, AND FREEDOM TO WORK

The Workplace Rights Bureau protects the ability of workers to find work and earn higher wages through its work on highly restrictive non-compete agreements and preventing companies from entering into “no-poach” agreements that prevent workers from getting jobs with other employers. Non-compete agreements restrict workers freedom to work for a competing employer. While non-compete agreements were designed to stop

high-level employees with trade secrets or knowledge about the inner workings of a company from going to work for a competitor, many employers use them to stop low-wage workers from seeking other employment. As a result, workers are unable to seek alternative employment that may offer higher wages, better working hours, and improved working conditions.

Similarly, “no-poach” agreements are entered into by companies to prevent two or more companies from hiring each other’s workers. These agreements are sometimes used in the temporary staffing industry, where the goal is to suppress wages for workers and prevent competition between agencies. For low-wage workers, no-poach agreements can have a devastating effect on a worker’s ability to improve their employment circumstances by getting another job.



Pictured is the Illinois State Capitol dome in Springfield as seen from the center of the first floor of the rotunda. The Illinois State Capitol hosts the Illinois General Assembly, which passed Senate Bill 672 to amend the Illinois Freedom to Work Act.

NOTABLE WORK

Fighting No-Poach Agreements and Fixing Wages in the Temporary Staffing Industry:

In July 2020, the Workplace Rights Bureau and the Attorney General’s Antitrust Bureau filed a lawsuit against three temporary staffing companies — Elite Staffing Inc., Metro Staff Inc., and Midway Staffing Inc. — and their client company, Colony Inc. The lawsuit alleges that the three staffing agencies formed an unlawful agreement to refuse to solicit or hire the other’s employees and fix the wages paid to their employees. Colony allegedly facilitated the agreement by acting as a go-between to communicate about the agreement and assist in enforcing the no-poach agreement. What this meant for workers is that they earned a lower wage than they would have in a competitive market, and they were limited in seeking better employment opportunities to support themselves and their families.

In June 2022, the bureaus and the Attorney General’s Civil Appeals Division were able to secure an initial victory in this case, as the Illinois Appellate Court ruled that staffing agencies are not exempt from the Illinois Antitrust Act’s coverage. Litigation on the matter is still pending. The bureaus are seeking civil penalties and damages in this case, as well as an order from the court to stop the illegal agreements.

More Workers Affected by No-Poach Agreements: In June 2022, the Workplace Rights Bureau and the Antitrust Bureau filed a similar lawsuit against another group of temporary staffing agencies and their client company. The complaint was filed in Cook County Circuit Court against Alternative Staffing Inc., American Quest Staffing Solutions Inc., Creative Staffing Solutions Inc., Midway Staffing Inc., Staffing Network LLC, and SureStaff Inc., as well as their client, Vee Pak LLC, doing business as Voyant Beauty. These six staffing agencies allegedly formed an unlawful “no poach” agreement through which they refused to hire each other’s employees. The lawsuit also alleges that the client company Vee Pak LLC facilitated the no-poach agreement by acting as a go-between for the staffing agencies and assisting in enforcing the agreement. Litigation in this matter is pending.

Ending International Staffing Company’s Anticompetitive Practices: In May 2022, the office announced a settlement agreement with Sodexo Inc. (Sodexo) under which the company agreed to end its use of “no-hire” clauses in contracts with clients. The clauses ultimately restricted the rights of Sodexo’s employees, without their knowledge, to seek employment beyond Sodexo.



“We believe that these kinds of agreements are regularly happening between staffing agencies and employers, but it can be hard for workers to prove it. We are glad Attorney General Raoul was able to put the pieces together and take action, and we hope this sends a message to staffing agencies to stop with these agreements that lower workers’ pay and benefits.”

Jose Frausto, Director
Leadership and Advocacy
Chicago Workers Collaborative

Limiting the Use of Non-Compete Agreements to only Higher Earning Employees: During the 2021 Legislative session, Illinois legislators passed a bill to better protect Illinois workers from highly restrictive non-compete and non-solicitation agreements. Senate Bill 672 amended the Illinois Freedom to Work Act by prohibiting non-compete agreements from being enforceable for workers who earn less than \$75,000 annually and non-solicitation agreements from being enforceable for workers who earn less than \$45,000 annually. The office was able to secure statutory authority to investigate and initiate action against alleged offenders. Senate Bill 672 was signed into law as Public Act 102-0358 and became effective January 1, 2022.

EMPLOYMENT DISCRIMINATION

Illinois workers have the right to work in a place free of discrimination, and the Attorney General's Workplace Rights Bureau works with the Illinois departments of Labor and Human Rights and the office's Civil Rights Bureau to investigate and litigate cases where workers are discriminated against because of their race, ethnicity, sex or any other class protected by the Illinois Human Rights Act. Since November 2020, the Workplace Rights Bureau has filed consent decrees with six companies over alleged discrimination

with companies that violated Illinois' employment discrimination laws.

Employees who experience employment discrimination are less likely to be hired and promoted, tend to be paid less and face more severe sanctions than their counterparts. The Workplace Rights Bureau is dedicated to stopping workplace discrimination and ensuring that all people have equal opportunity in their place of employment.

“Using temporary staffing agencies to engage in race-based discrimination unfairly keeps entire communities out of the labor market and denies them the opportunity earn a fair wage. I am committed to taking action to stop pervasive discrimination wherever we find it.”

Attorney General Kwame Raoul

Announcing the consent decree with Mistica Foods and Specialized Staffing

Attorney General Raoul speaks to Gov. JB Pritzker at a legislative breakfast in the Helen Radigan Hall at the Attorney General's office in Springfield.



NOTABLE WORK

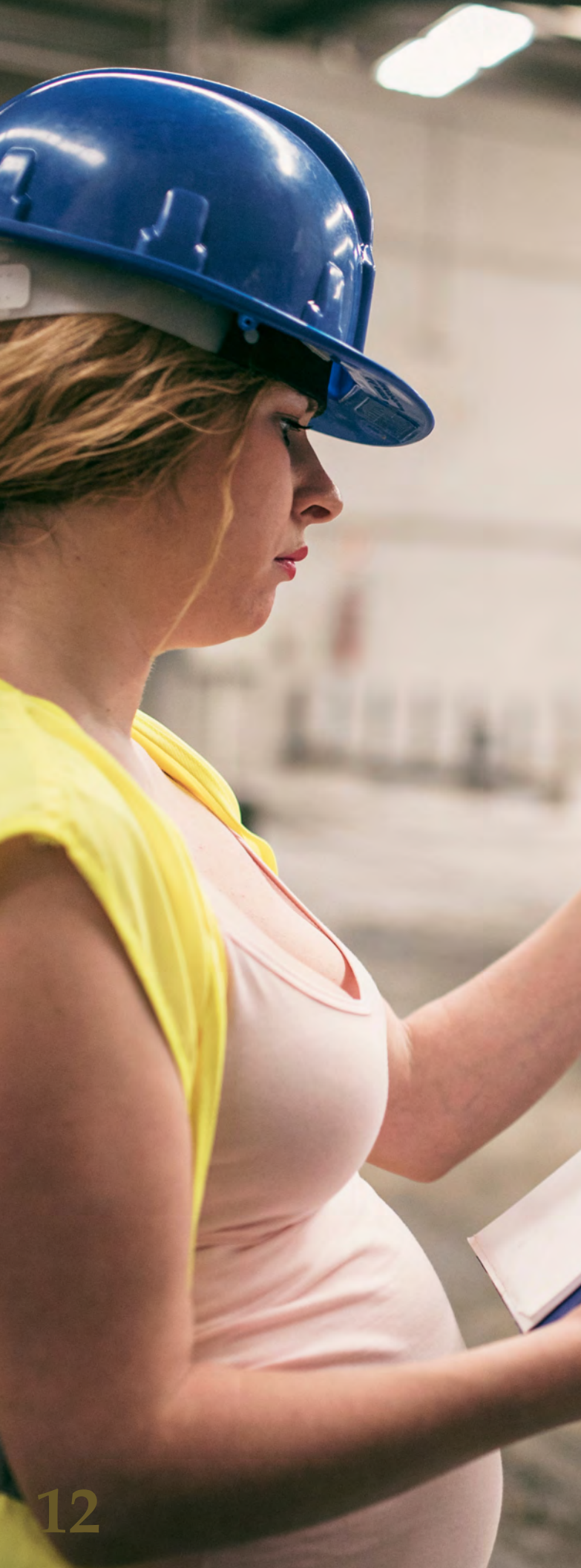
Preventing Discrimination Based on Sex: In April 2021, the Workplace Rights Bureau filed consent decrees with Alternative Staffing Inc., a temporary staffing company, and three companies which utilized temporary staffing agencies to source their workforce — Fibre Drum Sales Inc., DSI Holdings Corp., and Amylu Foods LLC. The consent decrees were the result of a lawsuit the Workplace Rights Bureau filed against the companies. The Workplace Rights Bureau alleged that the companies assigned workers to positions based on gender stereotypes, assigning codes to mask the discrimination. The consent decrees require the companies to assign tasks based on a worker's ability to complete the task, not their sex, to educate workers on sex-based discrimination and prevent future discrimination, and to pay \$280,000 in civil fines.

Stopping Race Discrimination in Hiring for Temporary Staffing: The Workplace Rights Bureau filed a consent decree with Mistica Foods and Specialized Staffing, a temporary staffing company, to resolve a complaint alleging that the companies discriminated against Black workers. The Attorney General's office alleged that Mistica instructed Specialized Staffing not to assign Black workers to work in various roles at its factories and that Specialized complied with these requests. The consent decree requires the companies to take steps to increase their Black employment, including advertising open positions to predominantly Black communities, tracking workers' races, and requiring all employees to undergo bias trainings. Collectively, Specialized Staffing and Mistica also paid \$450,000 in civil penalties.

Attorney General Raoul crosses a stage at the 2022 Equality Illinois Gala on Feb. 5, 2022, at the Hilton Chicago. The office helps enforce prohibitions against discrimination based on sexuality and gender identity under the Illinois Human Rights Act.

Attorney General Raoul speaks to a crowd at the Construction Industry Service Corporation's (CISCO) Annual Meeting on March 11, 2022, in Schaumburg. Attorney General Raoul was the event's keynote speaker and discussed the investigation and enforcement efforts of the Workplace Rights Bureau.





Protecting Immigrants Working in the United States: The Attorney General's office has worked with attorneys general from across the nation to protect the rights of immigrants working in the United States. In December 2020, Attorney General Raoul joined a coalition of 16 attorneys general to submit a comment letter to the U.S. Department of Homeland Security (DHS) to oppose a proposed rule that would eliminate work authorization for nearly all immigrants who are released from DHS custody under orders of supervision. In November 2021, Raoul joined a coalition of attorneys general and state and local labor enforcement agencies in advocating DHS to change its worksite enforcement practices to support enforcement of wage protections, workplace safety, labor rights, and other employment laws and standards.

Affirming Transgender Rights in the Workplace: In August 2021, the Illinois Appellate Court ruled in favor of the Attorney General's client, the Illinois Human Rights Commission, in *Hobby Lobby v. Sommerville*, reaffirming the workplace rights of transgender individuals under the Illinois Human Rights Act. In 2013, Meggan Sommerville, a transgender woman, filed complaints with the Commission, alleging that her employer, Hobby Lobby, discriminated against her on the basis of gender identity when she was prohibited from using the women's restroom. The Commission ruled in favor of Sommerville, awarding her \$220,000 in damages and required Hobby Lobby to grant her access to the women's restroom. Hobby Lobby appealed to the Appellate Court, where the office's Civil Appeals Division represented the Commission.

Pregnant Women in the Workplace: The Attorney General's office also joined a coalition of attorneys general to call on the U.S. Senate to pass the Pregnant Workers Fairness Act. This act would expand on the Pregnancy Discrimination Act and the Americans with Disabilities Act to permit pregnant individuals to request reasonable accommodations at work without worry of retaliation. The bill has passed the House and awaits a vote in the U.S. Senate.

Protecting Workers from Sexual Harassment: The Workplace Rights Bureau initiated an investigation and reached a consent decree with Voyant, a beauty product packaging facility, after management failed to act on sexual harassment complaints from female workers and retaliated against those who had made complaints. The consent decree, which was entered in conjunction with a lawsuit filed in August 2020, requires Voyant to end its practice of retaliating against workers who file sexual harassment complaints and modify its practices to prevent any future sexual harassment, including training for employees. The consent decree also requires the appointment of a monitor for a two-year period to ensure compliance with the consent decree. The monitor is funded by the \$85,000 in penalties paid by Voyant.

Calling on Workplaces to Improve Working Conditions: In April 2022, Attorney General Raoul joined a coalition of attorneys general to send a letter to the National Football League about reports of a hostile workplace culture that included sexual harassment, targeted retaliation, and harmful stereotyping. Raoul and the coalition urged the NFL to explain this continued inaction to address these issues, which may violate local, state and federal anti-discrimination laws and warned that they will use the authority of their offices to investigate and prosecute all allegations of harassment, discrimination or retaliation by employers.

MISCLASSIFICATION

Worker misclassification occurs when workplaces treat workers — intentionally or otherwise — as independent contractors when the nature of their work and relationship with their employer indicates that the worker is actually an employee. When employers misclassify their workers, workers lose access to important worker protections, including wage and anti-discrimination protections, and are denied access to worker benefits, including workers' compensation and unemployment insurance. They also are required to pay the employer's contribution to Social Security and Medicare.

The Attorney General's Workplace Rights Bureau uses the Employee Classification Act to protect workers against companies which engage in worker misclassification in the construction industry. Since November 2020, the Attorney General's office has worked with the Illinois Department of Labor and other attorneys general to advocate for stronger worker classification rules both on the state and federal levels.



NOTABLE WORK

Advocacy for Federal Rules Preventing Misclassification: The Attorney General's office joined a coalition of states to file a brief encouraging the National Labor Relations Board to adopt a more worker-protective standard for determining whether a worker is an employee or an independent contractor. This standard would overturn a 2019 standard which permitted employers to classify workers as independent contractors if they could show that workers had the ability to run a similar, independent business.

Ensuring Illinois Law Protects Workers in Illinois: Attorneys from the Solicitor General's office and the Workplace Rights Bureau worked together to file an amicus brief with the U.S. Court of Appeals for the 7th Circuit in a case called *Johnson v. Diakon Logistics*. In this case, delivery drivers working out of warehouses located in Romeoville and Granite City had filed suit against their employer, claiming that the employer had violated the Illinois Wage Payment and Collection Act. The employer challenged the claims of the drivers, arguing in part that the Act should not apply because the employment agreements selected Virginia law to govern the contract. The District Court sided with the employers. In its brief supporting the drivers' appeal, the Attorney General's office argued against the use of contractual provisions that would allow employers doing business in Illinois to circumvent the important protections codified in the Illinois Wage Payment and Collection Act. The case is still awaiting an opinion from the 7th Circuit.

FISSURED WORKPLACE

In recent years, many companies have organized into “fissured workplaces.” In fissured workplaces, companies hire subcontractors, temporary agencies, or use other avenues to avoid being the main employer of their workers. Because there are extra layers between the main employer and the workers, low-level employees tend to get paid less and have fewer benefits. Beyond that, it is more difficult to ensure that companies in fissured workplaces are following workplace standards because it can be difficult to apply liability to the correct organization.

The Workplace Rights Bureau has worked with the Illinois Department of Labor and other attorneys general to advocate for stronger protections for workers and also to address the need for all workers to be protected by laws that prevent discrimination and allow workers to access benefits.

NOTABLE WORK

Supporting State Joint Employment Rule: The Workplace Rights Bureau submitted a letter in support of the Illinois Department of Labor’s (IDOL) proposed joint employer rule and testified at IDOL’s

public hearing on the proposal. “Joint employment” is a critical area of the law that focuses on the determination of who is considered an employer for purposes of protecting the rights of workers. This state rule codified a standard for determining when an employer is responsible to cover workplace protections for the workers under its direction and control. The rule improves both guidance to employers and facilitates enforcement of the Minimum Wage Law. The rule took effect on January 21, 2022.

Defending the Workers’ Rights

Amendment: The office is defending the inclusion of a ballot measure for the November 2022 election approved by the Illinois General Assembly to ask voters whether the Illinois Constitution should

be amended to include a “Workers’ Rights Amendment.” The proposed amendment would add a new section to the Illinois Constitution granting employees the fundamental right to organize and bargain collectively through representatives of their own choosing for the purpose of negotiating wages and hours, working conditions, and to protect their economic welfare and safety at work. The proposed amendment also provides that no law shall be passed that interferes with, negates, or diminishes the right of employees to organize and collectively bargain, including any law or ordinance that prohibits application of agreements between employers and labor organizations that represent employees requiring membership in an organization as a condition of employment.

In June 2022, a Sangamon County Circuit Court judge dismissed a lawsuit attempting to remove the proposed amendment from the November 2022 ballot. The case is pending on appeal, and a decision is anticipated before the November 2022 election.

LEADING MULTISTATE COALITIONS/NATIONAL ADVOCACY



Attorney General Raoul shakes hands with former California Attorney General Xavier Becerra before meeting with advocacy organizations about federal immigration policy. Becerra, now U.S. Secretary of Health and Human Services, frequently collaborated with Attorney General Raoul on national workers' rights multistate actions.

The Attorney General's office works with other attorneys general throughout the United States to advocate for workers' rights at the national level. The office frequently sends letters to Congressional leadership promoting passage of new laws that would benefit workers and files comments with executive agencies in support of rules which would strengthen workers' rights. When laws and rules that damage workers' rights are proposed or implemented, the office works with other attorneys general to file lawsuits against the federal government or amicus or "friend of the court" briefs in support of workers.

NOTABLE WORK

Advocating for Workplace Transparency:

The Attorney General's office led a coalition of 18 attorneys general to file an amicus brief before the U.S. Supreme Court, asking it to affirm a lower court's ruling that transportation workers who load and unload interstate cargo are exempt from the Federal Arbitration Act (FAA). The case, *Southwest Airlines Co. v. Saxon*, was brought by Latrice Saxon, a ramp agent supervisor at Midway Airport,

and involved the question of whether cargo workers fall within the FAA's exemption for transportation workers. The attorneys general argued that states have an interest in ensuring that disputes involving transportation workers are resolved publicly, not in confidential arbitration proceedings. In June 2022, the U.S. Supreme Court unanimously ruled in favor of Latrice Saxon. The decision preserved important rights for cargo workers in Illinois and across the country.

Calling for a Higher Minimum Wage for Federal Contractors: In May 2022, the Attorney General’s office led coalitions of attorneys general to file amicus briefs in two district courts and the U.S. Court of Appeals for the 10th Circuit supporting the federal government’s decision to increase the minimum wage to \$15 per hour for certain federal contractors. Attorney General Raoul and the coalitions argued that an increased minimum wage leads to improved morale and productivity for workers, as well as improved service and enhanced consumer experiences. Attorney General Raoul also joined a coalition of 16 attorneys general in defense of state minimum wage protections for employees of federal contractors, arguing that selling goods or services to the federal government

does not exempt a private employer from a state’s minimum wage or other wage and hour laws. Litigation on these matters is pending.

Support for Modernizing Labor Laws:

The Attorney General’s office also joined a coalition of 17 attorneys general to send a letter to U.S. Senate leadership urging the chamber to pass the Protecting the Right to Organize (PRO) Act. The PRO Act would strengthen and modernize the National Labor Relations Act by prohibiting actions that dissuade unionization and permit employers and unions to charge “fair share” fees to non-members covered by a union agreement. The bill has passed the House and awaits a vote in the U.S. Senate.

“People have a right to be paid fair wages for the work they do, even if they are working for a federal contractor and even if they are working during confinement.”

*-Attorney General Kwame Raoul
Announcing the 10th Circuit amicus brief in May 2022.*



A black and white photograph of a man in a suit and glasses, seen from behind, standing on a balcony or office floor. He is looking out a large window at a city skyline. The skyline includes a tall, modern skyscraper on the left and a shorter, older building with a dome in the center. The sky is overcast. The man's hands are in his pockets, and a small tag is visible on his belt. The floor has a patterned carpet and a desk with a chair is partially visible in the foreground.

WORKPLACE SAFETY

Employees deserve safe working environments. The Attorney General's office also advocates for workplace safety. Under state and federal law, employees have a right to work in a safe workplace. While the federal Occupational Health and Safety Administration is responsible for investigating safety issues in private workplaces in Illinois, the Attorney General's office works with other attorneys general to promote stronger workplace safety standards at the federal level.

NOTABLE WORK

Promoting Transparency on Workplace Safety: In June 2022, Attorney General Raoul joined a coalition of 16 attorneys general to support a rule proposed by the federal Occupational Safety and Health Administration (OSHA). The proposed OSHA rule would require many employers to report significantly more detailed information about workplace injuries and illnesses to OSHA and would make that information publicly available. The attorneys general write that the new rule will empower workers, encourage the improvement of working conditions, and provide for added transparency. As the letter observes, transparency will help state regulators more effectively enforce state labor and safety laws and address workplace hazards, while at the same time increasing understanding of occupational dangers among job seekers, researchers, the general public, and others. The proposed rule making is pending.

Protecting Workers from Retaliation When They Raise Safety Concerns: In June 2022, Attorney General Raoul led a coalition of 15 attorneys general in supporting New York Attorney General Letitia James and her lawsuit alleging that Amazon failed to take adequate health and safety precautions for workers at its New York facilities during the COVID-19 pandemic and that the company unlawfully disciplined employees for protesting unsafe working conditions. In 2021, New York filed a lawsuit alleging retaliation claims against Amazon for firing one worker and disciplining another after they complained about the lack of health measures at an Amazon facility to prevent the spread of COVID-19. In May 2022, a New York state appellate court dismissed James' lawsuit. The court ruled that, because the disciplined employees had participated in protests that the court viewed as linked to a unionization drive, New York's retaliation claims were preempted by the National Labor Relations Act (NLRA).

The amicus brief filed by the Illinois Attorney General's office argues that ruling significantly expands the scope of claims that are preempted by the NLRA, which would diminish the reach of state protections for workers. The ruling by the New York appellate court could deprive state attorneys general of the authority to address retaliation when an employer fires or disciplines a worker for joining with others to report workplace misconduct. Litigation on this matter is pending.

Protecting First Responders from Toxic Chemicals: Attorney General Raoul worked with a coalition to defeat attempts to undo protections for first responders in dealing with chemical plants and other large facilities that use or store toxic chemicals. In January 2020, the office joined with 15 attorneys general and the city of Philadelphia in filing a lawsuit against the U.S. Environmental Protection Agency (EPA) for rolling back safeguards to prevent and limit damage from dangerous chemical accidents. The lawsuit challenges the EPA's rollback of Obama-era

amendments to its "Risk Management Program" (RMP) regulations, referred to as the Chemical Disaster Rule. This rule made critical improvements to the RMP to better safeguard against explosions, fires, poisonous gas releases, and other accidents at facilities that store and use toxic chemicals. Safety review and coordination with local first responders before chemical releases, fires, or explosions at such plants is critical both for the safety of the first responders, facility employees, and the community at large. The EPA is expected to publish a new rule in September 2022.



Fighting Against Rollback of Protections from Pesticide Poisoning:

In December 2020, Attorney General Raoul joined four other attorneys general to file a lawsuit against the U.S. Environmental Protection Agency (EPA) for rolling back a previously implemented rule to protect farmworkers, their families, and others from toxic pesticides. Before the lawsuit, the office had filed comments on the rule change as part of a coalition of attorneys general to raise concerns about how the rule change would weaken protections against human exposure to pesticides when those harmful pesticides are applied on farm fields.

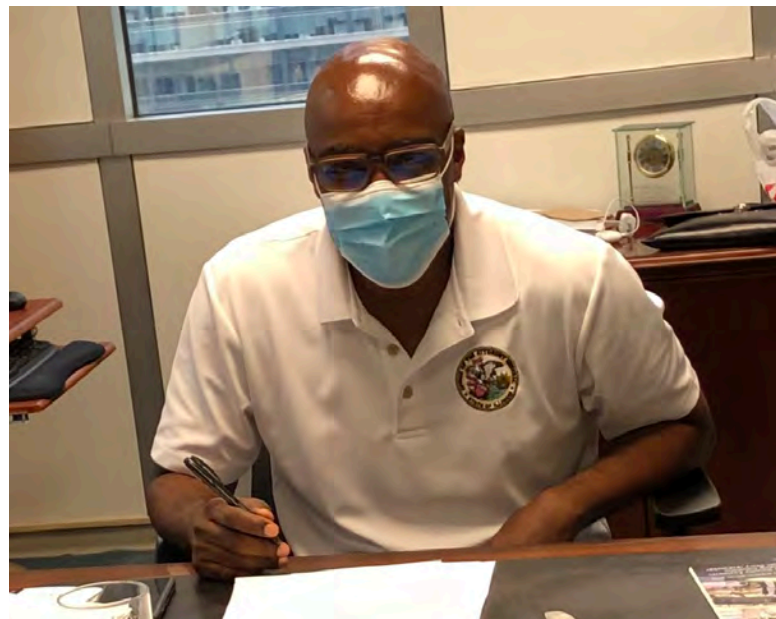
In the lawsuit filed in the Southern District of New York, Attorney General Raoul and the coalition argued that the EPA violated federal law when it adopted a regulation that allows pesticide spraying to continue even if farmworkers or other persons are within the area immediately surrounding the spraying equipment, if that area is outside the farm's boundaries. As a result of this lawsuit, the EPA rule has been stayed. Due to the office's litigation efforts, in May 2022, the EPA formally acknowledged that the rule's effectiveness has been stayed by a federal court.

Taking Action to Prevent Future Exposures to Aerial Pesticides:

In May 2022, the Springfield Environmental Bureau filed a complaint with the Illinois Pollution Control Board against two related aerial pesticide application companies that provide cropdusting services. In August 2019, these companies operated a plane that flew over a field in DeWitt County and allegedly sprayed multiple agricultural workers. The cropduster purportedly was

targeting a nearby soybean field. Ultimately, at least 17 workers sought medical attention after reporting various exposure symptoms. Through its action before the Illinois Pollution Control Board, the Attorney General's office is seeking an order requiring the companies to cease and desist from future violations and to pay civil penalties. Litigation on this matter is pending.

COVID-19 Workplace Safety: During the COVID-19 pandemic, the Workplace Rights Bureau launched a phone hotline and email inbox for constituents with COVID-19 related workplace safety concerns. Since these resources became available, attorneys and staff contacted hundreds of employers in an effort to achieve their compliance with the Governor's executive orders and state safety guidance related to the pandemic.

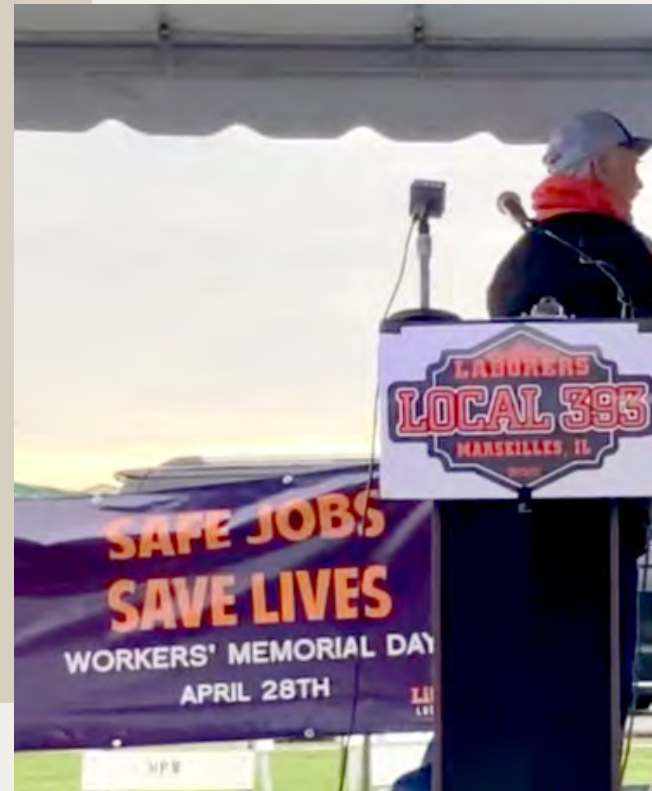


Attorney General Raoul returns to work after recovering from COVID-19 in 2020. The Workplace Rights Bureau offered guidance and help to workers and employers who sought out assistance in complying with state and federal safety guidance.

OUTREACH

While the Workplace Rights Bureau is dedicated to investigating alleged violations of Illinois' worker protection laws, the bureau has several important partners who help identify instances where workers may be harmed by workplace rights violations. Worker Centers, unions, businesses, advocacy organizations, and workers across Illinois help identify bad actors, assisting the Workplace Rights Bureau in its important mission. To ensure that workers know their rights, the Workplace Rights Bureau has made efforts to reach out to these stakeholders and educate them on what is a violation of Illinois' worker protection laws and how they can report it. Since November 2020, the Attorney General's office has made targeted outreach to unions, worker organizations, and other organizations. The bureau also works to form and sustain partnerships with other state and federal governmental entities to further each other's enforcement efforts to protect workers and law-abiding businesses.

Attorney General Raoul shakes hands with Illinois Labor History Society Southern Region Vice President Mike Matejka at the LaSalle County Workers' Memorial Day event on April 28, 2022, in Marseilles.



NOTABLE WORK

Reaching out to Unions to Promote Enforcement of Labor Laws: In February 2022, Attorney General Raoul spoke to labor leaders at the Statewide Building and Construction Trades Meeting about the Workplace Rights Bureau and its investigation of alleged violations of the Minimum Wage Law at the Rivian plant in Normal. Attorney General Raoul highlighted how the bureau opened the investigation after receiving information from IBEW Local 197 and how organizations like labor unions can identify and notify the Attorney General's office of violations of Illinois' worker protection laws. Representatives of the Workplace Rights Bureau continued to attend the Statewide Building and Construction Trades Meeting and other regular meetings of other labor organizations to provide updates on the bureau's work and to answer questions.



Supporting Worker Organizations Fighting Against

Discrimination: Attorney General Raoul spoke at a February 2021 event held by Chicago-area workers' rights organizations to highlight discriminatory practices within the temporary employment industry that negatively impact Black and Latino workers. The Attorney General highlighted the Workplace Rights Bureau and said that the findings of a report compiled by the Chicago Workers Collaborative and Warehouse Workers for Justice show the importance of taking legal action against employers who violate state laws about fair hiring.



Understanding Criminal Enforcement For

Labor Violations: In November 2021, Attorney General Raoul and the Worker Protection Unit Task Force held a meeting with Pennsylvania Attorney General Josh Shapiro and Philadelphia Assistant District Attorney Danielle Newsome. Shapiro and Newsome discussed their experiences in prosecuting wage theft and other workers' right violations under Pennsylvania's criminal wage theft statutes and how their offices work with other prosecutors, law enforcement officials, unions, businesses and worker groups throughout the state to investigate criminal violations of worker statutes.

Creating a Workplace Rights Bureau Outreach

Program: Workplace Rights Bureau attorneys and staff developed an outreach program to educate Illinois residents and organizations about the role of the bureau in protecting Illinois workers from violations of Illinois labor laws, such as misclassification and wage theft, and for the public to learn more about how the bureau operates. Representatives of the Workplace Rights Bureau participated in a Workers' Rights Virtual Seminar hosted by Rep. Jay Hoffman for constituents of the 113th House District. The Chief of the Workplace Rights Bureau was also a featured speaker at the Prevailing Wage Seminar hosted by the Illinois, Indiana, Iowa Foundation for Fair Contracting in April 2022.

Honoring Labor History and Workers' Memorial Day:

In April 2022, the Attorney General joined LIUNA Local 393 in Marseilles to unveil a new memorial commemorating a union member who was killed in a protest 90 years ago. The Attorney General spoke to a crowd of about 100 union members and area residents about the worker of the Workplace Rights Bureau and its continued investigation and enforcement efforts.



Attorney General Raoul speaks during the release of the Chicago Workers Collaborative and Warehouse Workers for Justice's report "Opening the Door: Ending Racial Discrimination Through Innovative Enforcement." The Attorney General discussed how employers are increasingly hiring workers through temp agencies and how research like this is helpful to his office's investigations.

RESOURCES

OFFICE OF THE ILLINOIS ATTORNEY GENERAL

Chicago Main Office
100 W. Randolph St.
Chicago, IL 60601
TTY: 800-964-3013

Springfield Main Office
500 S. Second St.
Springfield, IL 62701
TTY: 877-844-5461

Carbondale Main Office
601 S. University Ave.
Carbondale, IL 62901
TTY: 877-675-9339



Chicago



Springfield



Carbondale

Workplace Rights Bureau

Hotline: 844-740-5076

Email: workplacerrights@ilag.gov

www.illinoisattorneygeneral.gov/rights/labor_employ.html

Civil Rights Bureau

Hotline: 877-581-3692

Email: civilrights@ilag.gov

www.illinoisattorneygeneral.gov/rights/civilrights.html

Disability Rights Bureau

Chicago Hotline: 312-814-5684

Springfield Hotline: 217-524-2660

Chicago TTY: 800-964-3013

Springfield TTY: 877-844-5461

Email: disability.rights@ilag.gov

www.illinoisattorneygeneral.gov/rights/disabilityrights.html



ILLINOIS DEPARTMENT OF LABOR

Springfield Office

524 S. 2nd St., Suite 400
Springfield, IL 62701
Phone: 217-782-6206

Chicago Office

Michael A. Bilandic Building
160 N. LaSalle St. - 13th Floor
Chicago, IL 60601
Phone: 312-793-2800

Marion Office

Regional Office Building
2309 W. Main St.
Marion, IL 62959
Phone: 217-782-6206

Email: DOL.Questions@Illinois.gov
www2.illinois.gov/idol/Pages/default.aspx
Illinois Relay Center: 800-526-0844 (TTY users)

CONCILIATION & MEDIATION

Employee Classification

Phone: 217-782-1710
Email: DOL.ECA@Illinois.gov

Prevailing Wage

Phone: 217-782-1710
Email: DOL.PWD@Illinois.gov

Equal Pay

Phone: 866-372-4365
Email: DOL.Questions@Illinois.gov

Right to Privacy in the Workplace

Phone: 312-793-5366
Email: DOL.RTPW@Illinois.gov

Job Opportunities For Qualified Applicants

Phone: 312-793-5366
Email: DOL.BTB@Illinois.gov

Victims' Economic Security & Safety Act (VESSA)

Phone: 866-372-4365
Email: DOL.Questions@Illinois.gov

FAIR LABOR STANDARDS DIVISION

Child Labor Law

Phone: 312-793-5570
Child Labor Law Hotline: 800-645-5784
Email: DOL.ChildLaborLaw@Illinois.gov

One Day Rest in Seven (meal period)

Phone: 312-793-2804
Email: DOL.ODRISA@Illinois.gov

Day Labor Services

Phone: 312-793-1804
Day Labor Services Hotline: 877-314-7052
Email: DOL.DayLabor@Illinois.gov

Private Employment Agencies

Phone: 312-793-1804
Email: DOL.PrivateEmployment@Illinois.gov

Minimum Wage/Overtime

Phone: 312-793-2804
Minimum Wage/Overtime: 800-478-3998
Email: DOL.MWOT@Illinois.gov

Sub-Minimum Wage & Sheltered Workshops

Phone: 312-793-2806
Email: DOL.MWOT@Illinois.gov

Wage Payment & Collection

Phone: 312-793-2808
Email: DOL.Wages@Illinois.gov

ILLINOIS OSHA (PUBLIC SECTOR ENFORCEMENT)

Phone: 217-782-9386

Email: DOL.Safety@Illinois.gov

OTHER WORKER AGENCIES

Illinois Labor Relations Board

Springfield Office: 217-785-3155

Chicago Office: 312-793-6400

Chicago TDD: 312-793-6394

Illinois Department of Human Rights

Chicago Office: 312-814-6200

Chicago TTY: 866-740-3953

Springfield Office: 217-785-5100

Springfield TTY: 866-740-3953

Email: IDHR.webmail@illinois.gov

U.S. DEPARTMENT OF LABOR

Wage and Hour Division

Hotline: 866-487-9243

Chicago Office: 312-789-2950

Springfield Office: 217-793-5028

www.dol.gov/agencies/whd

Occupation Safety and Health Administration

Hotline: 800-321-6742

www.osha.gov

OSHA ILLINOIS STATE PLAN OFFICES

These three Illinois State Plan offices cover public sector (state and local government) employers and workers with the exception of federal government employees, maritime employers (e.g., shipyards, marine terminals, longshoring), military facilities, Indian sovereignty workplaces, and the United States Postal Service.

Chicago State Plan Office

160 N. LaSalle St., Suite C-1300

Chicago, IL 60601

Phone: 312-793-7308

Fax: 312-793-2081

Marion State Plan Office

2309 W. Main St.

Marion, IL 62959

Phone: 618-993-7092

Fax: 618-993-7258

Springfield State Plan Office

Lincoln Tower Plaza

524 South 2nd St., Suite 400

Springfield, IL 62701

Phone: 217-782-9386

OSHA AREA OFFICES

The federal OSHA offices cover all private sector workplaces, federal agencies, maritime employers (e.g., shipyards, marine terminals, longshoring), military facilities, Indian sovereignty workplaces, and the United States Postal Service.

Chicago North Area Office

2020 S.Arlington Heights Rd., Suite 102
Arlington Heights, IL 60005
Phone: 847-227-1700
Fax: 847-227-1732

Chicago South Area Office

8505 W. 183rd St., Suite C
Tinley Park, IL 60487
Phone: 708-342-2840
Fax: 708-444-0042

Naperville Area Office

1771 West Diehl Rd.
Suite 210
Naperville, IL 60563
Phone: 630-300-7100
Fax: 630-300-7098

Peoria Area Office

5003 W.American Prairie Dr.
Peoria, IL 61615
Phone: 309-589-7033
Fax: 309-589-7326

Fairview Heights District Office

11 Executive Dr., Suite 11
Fairview Heights, IL 62208
Phone: 618-632-8612
Fax: 618-632-5712

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Equal Employment Opportunity Commission

Phone: 1-800-669-4000
TTY: 1-800-669-6820
ASL Video: 844-234-5122
Email: info@eeoc.gov
www.eeoc.gov

Chicago District Office

John C. Kluczynski Federal Building
230 S. Dearborn St., Suite 1866
Chicago, IL 60604
Phone: 312-872-9744
Fax: 312-588-1260
TTY: 866-740-3953
ASL Video: 844-234-5122

St. Louis District Office

Robert A. Young Federal Building
1222 Spruce St., Room 8.100
St. Louis, MO 63103
Phone: 314-798-1960
Fax: 314-539-7894
TTY: 800-669-6820
ASL Video: 844-234-5122

NATIONAL LABOR RELATIONS BOARD

 Main 1-844-762-NLRB • publicinfo@nrlrb.gov

Regional Office 13 Chicago, IL

219 S. Dearborn St.
Suite 808
Chicago, IL 60604
Phone: 312-353-7570
Fax: 312-886-1341

Subregional Office 33 Peoria, IL

101 SW Adams St.
Suite 400
Peoria, IL 61602
Phone: 309-671-7080
Fax: 309-671-7095

Regional Office 14 St. Louis, MO

1222 Spruce St.
Room 8.302
St. Louis, MO 63103
Phone: 314-539-7770
Fax: 314-539-7794

Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nrlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

U.S. DEPARTMENT OF JUSTICE

Civil Rights Division

Phone: 202-514-3847
TTY: 202-514-0716
CivilRightsDivision@usdoj.gov
www.justice.gov/crt

Disability Rights Section

Phone: 202-307-0663

Employment Litigation Section

Phone: 202-514-3831

