

## ILLINOIS PASSES WORKER FREEDOM OF SPEECH ACT<sup>1</sup>

**TO:** ICRMT Members  
**FROM:** IFMK Law  
**DATE:** August 13, 2024  
**RE:** Illinois Worker Freedom of Speech Act

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The [Illinois Worker Freedom of Speech Act](#) was recently signed into law, and it is scheduled to take effect on January 1, 2025. The law prohibits an employer in Illinois from taking retaliatory action against an employee for declining to attend an employer-sponsored meeting regarding religious or political matters. The law also prohibits employers from retaliating against employees for declining to receive or listen to communications from the employer about religious or political matters.

“Political matters” is broadly defined to include matters relating to elections for political office, political parties, proposals to change legislation, regulations, or public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.

“Religious matters” is defined as “matters relating to religious belief, affiliation, and practice and the decision to join or support any religious organization or association.”

The Act does not prohibit a legislative or regulatory body from requiring employees to attend meetings for the purpose of discussing legislative, regulatory, or public policy proposals. It also does not prohibit political parties or organizations from requiring staff to attend meetings to discuss political tenets or purposes. Institutions of higher learning may require employees to attend meetings to discuss coursework, symposia, research, publications or academic programs.

The law also does not limit the rights of an employer to communicate to employees any information “that is necessary for the employee to perform their job duties,” nor does it prohibit voluntary meetings or mandatory training on civility or harassment prevention.

Employees may file a civil lawsuit for relief within one-year of a claimed violation of the law. A prevailing employee may be entitled to reinstatement, backpay, benefits, and injunctive relief. A court is required award reasonable attorney’s fees to a prevailing employee.

The law also allows “interested parties” to file complaints with the Illinois Department of Labor (IDOL) within 3 years of an alleged violation. An “interested party” is defined as “an organization that monitors or is attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements.” Once an

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<sup>1</sup> This memo has been prepared by IFMK Law for informational purposes only. It is not legal advice. Member entities should consult their State’s Attorney, Corporation Counsel, or other legal adviser before making any policy changes.

interested party files a claim, IDOL will investigate and under certain enumerated circumstances will issue a notice of right to sue to the interested party who then has 3 years from the alleged violation to file suit. This 3-year period, however, is tolled during the IDOL investigative period. An interested party may seek injunctive relief and civil penalties. A court may also assess a civil penalty of \$1,000 per violation, and a prevailing interested party will be awarded 10% of any civil penalty assessed, plus attorney's fees and expenses. Employers are required to post a notice regarding the Act in the workplace by January 30, 2025.

Notably, one lawsuit asserting that the law violates employers' free speech rights has already been filed in federal court. Therefore, it is possible that enforcement of the law could be enjoined before it even becomes effective. In the event that the law does go into effect on January 1<sup>st</sup>, employers should make certain that supervisory employees are fully aware of the prohibition against requiring employees to attend meetings or receive communications regarding religious or political matters unless one of the aforementioned exceptions applies.