

Legal Update

Brought to you by: DMA Benefits

Illinois Voters Approve Worker Rights Amendment

On Nov. 8, 2022, Illinois voters approved [Constitutional Amendment \(CA\) 1](#), which guarantees workers a broad right to collective bargaining. The amendment will become effective after the measure is certified and declared adopted by the state Board of Elections within 20 days of election day.

Overview

CA 1 specifically allows employees to bargain collectively through representatives of their choosing to negotiate wages, hours of work and working conditions. CA 1 also allows employees to negotiate to protect their economic welfare and safety at work.

Finally, CA 1 prohibits adopting any law that would interfere, negate or diminish the right of employees to organize and bargain collectively; this includes any law or ordinance that prohibits the application of labor agreements that require membership in the organization as a condition of employment.

Impact on Employers

The broad language in CA 1 applies to both the private and public sectors and fails to limit employee representation to labor union organizations. As a result, employees in the private and public sectors may be able to organize and elect representatives outside of already established labor organizations. In addition, the new amendment does not define "economic welfare and safety." A lack of definition for this term may be interpreted to allow employees to bargain beyond the working conditions usually negotiated by labor unions.

Opponents of the amendment hold that this development is preempted by the National Labor Relations Act and violates employee right-to-work principles. It is unclear whether the amendment will be challenged in court.

Employers should become familiar with CA 1 and seek advice from their legal counsel to understand how this development affects their labor relations.



Important Dates

May 26, 2021

CA 1 was adopted by both houses of the state legislature and approved for the 2022 general election ballot.

Nov. 8, 2022

Voters approved CA 1.

The amendment allows employees to bargain collectively to negotiate wages, work hours and conditions and to protect their economic welfare and safety.

Provided to you by DMA Benefits

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2022 Zywave, Inc. All rights reserved.