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Protecting the Rights of Working People Since 1954

Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck, P.C.

77 W. Washington Street

20th Floor

Chicago, IL 60602-2904

Telephone: 312-263-6330

Fax: 312-372-5555

Toll Free in Illinois: 800-444-1525

National Toll Free: 888-626-5556

Website: www.kfeej.com

Illinois Law Provides for Privileged Communications with Union Representatives

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Did you know that as a union member, your conversations with union agents are privileged? Generally union members understand that a privilege exists with attorneys, medical providers, clergy and a spouse, but Illinois law provides for a limited privilege to union members when discussing issues with a union representative when he/she is acting in the scope of representation of the member. The specific Statutory Provision in Illinois is 735 ILCS 5 Code of Civil Procedure. Section 8-803.5. This privilege is so important that we reproduce it here for you to see the extent of your protection.
(735 ILCS 5/8-803.5)

Sec. 8-803.5.

Union agent and union member.

(a) Except when required in subsection (b) of this Section, a union agent, during the agency or representative relationship or after termination of the agency or representative relationship with the bargaining unit member, shall not be compelled to disclose, in any court or to any administrative board or agency arbitration or proceeding, whether civil or criminal, any information he or she may have acquired in attending to his or her professional duties or while acting in his or her representative capacity.

(b) A union agent may use or reveal information obtained during the course of fulfilling his or her professional representative duties:

(1) to the extent it appears necessary to prevent the

commission of a crime that is likely to result in a clear, imminent risk of serious physical injury or death of another person;

(2) in actions, civil or criminal, against the union



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agent in his or her personal or official representative capacity, or against the local union or subordinate body thereof or international union or affiliated or subordinate body thereof or any agent thereof in their personal or official representative capacities;

(3) when required by court order; or

(4) when, after full disclosure has been provided,

the written or oral consent of the bargaining unit member has been obtained or, if the bargaining unit member is deceased or has been adjudged incompetent by a court of competent jurisdiction, the written or oral consent of the bargaining unit member's estate.

(c) In the event of a conflict between the application of this Section and any federal or State labor law to a specific situation, the provisions of the federal or State labor law shall control.

(Source: P.A. 94-22, eff. 1-1-06.)

If you have any questions about your rights under the law in Illinois, please consider contacting us. If you are a union representative with questions regarding the privilege, please contact us. We are here to help. We have been serving the working people of Illinois since 1954 and we are proud of it!