



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB2161

Introduced 2/7/2023, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/2-101	
775 ILCS 5/2-102	from Ch. 68, par. 2-102
775 ILCS 5/6-101	from Ch. 68, par. 6-101

Amends the Illinois Human Rights Act. Provides that it is the public policy of the State to prevent discrimination based on family responsibilities in employment. Defines "family responsibilities" as an employee's actual or perceived provision of care to a family member, whether in the past, present, or future. Provides that it is a civil rights violation for: (1) any employer to refuse to hire, to segregate, to engage in harassment, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of family responsibilities; (2) any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of family responsibilities; and (3) any labor organization to limit, segregate, or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment, or apprenticeship conditions on the basis of family responsibilities. Provides that it is a civil rights violation for a person, or for 2 or more persons, to conspire to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be discrimination based on family responsibilities. Makes conforming changes.

LRB103 04925 LNS 49935 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 1-102, 2-101, 2-102, and 6-101 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 (Text of Section before amendment by P.A. 102-896)

8 Sec. 1-102. Declaration of Policy. It is the public  
9 policy of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for  
11 all individuals within Illinois the freedom from  
12 discrimination against any individual because of his or her  
13 race, color, religion, sex, national origin, ancestry, age,  
14 order of protection status, marital status, physical or mental  
15 disability, military status, sexual orientation, pregnancy, or  
16 unfavorable discharge from military service in connection with  
17 employment, real estate transactions, access to financial  
18 credit, and the availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and  
20 Elementary, Secondary, and Higher Education. To prevent sexual  
21 harassment in employment and sexual harassment in elementary,  
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on  
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work  
4 Authorization Status-Employment. To prevent discrimination  
5 based on the specific status or term of status that  
6 accompanies a legal work authorization.

7 (D) Freedom from Discrimination Based on Familial  
8 Status-Real Estate Transactions. To prevent discrimination  
9 based on familial status in real estate transactions.

10 (E) Public Health, Welfare and Safety. To promote the  
11 public health, welfare and safety by protecting the interest  
12 of all people in Illinois in maintaining personal dignity, in  
13 realizing their full productive capacities, and in furthering  
14 their interests, rights and privileges as citizens of this  
15 State.

16 (F) Implementation of Constitutional Guarantees. To secure  
17 and guarantee the rights established by Sections 17, 18 and 19  
18 of Article I of the Illinois Constitution of 1970.

19 (G) Equal Opportunity, Affirmative Action. To establish  
20 Equal Opportunity and Affirmative Action as the policies of  
21 this State in all of its decisions, programs and activities,  
22 and to assure that all State departments, boards, commissions  
23 and instrumentalities rigorously take affirmative action to  
24 provide equality of opportunity and eliminate the effects of  
25 past discrimination in the internal affairs of State  
26 government and in their relations with the public.

1           (H) Unfounded Charges. To protect citizens of this State  
2 against unfounded charges of unlawful discrimination, sexual  
3 harassment in employment and sexual harassment in elementary,  
4 secondary, and higher education, and discrimination based on  
5 citizenship status or work authorization status in employment.  
6 (Source: P.A. 102-233, eff. 8-2-21.)

7           (Text of Section after amendment by P.A. 102-896)

8           Sec. 1-102. Declaration of Policy. It is the public  
9 policy of this State:

10           (A) Freedom from Unlawful Discrimination. To secure for  
11 all individuals within Illinois the freedom from  
12 discrimination against any individual because of his or her  
13 race, color, religion, sex, national origin, ancestry, age,  
14 order of protection status, marital status, physical or mental  
15 disability, military status, sexual orientation, pregnancy, or  
16 unfavorable discharge from military service in connection with  
17 employment, real estate transactions, access to financial  
18 credit, and the availability of public accommodations.

19           (B) Freedom from Sexual Harassment-Employment and  
20 Elementary, Secondary, and Higher Education. To prevent sexual  
21 harassment in employment and sexual harassment in elementary,  
22 secondary, and higher education.

23           (C) Freedom from Discrimination Based on Citizenship  
24 Status-Employment. To prevent discrimination based on  
25 citizenship status in employment.

1 (C-5) Freedom from Discrimination Based on Work  
2 Authorization Status-Employment. To prevent discrimination  
3 based on the specific status or term of status that  
4 accompanies a legal work authorization.

5 (C-10) Freedom from Discrimination Based on Family  
6 Responsibilities-Employment. To prevent discrimination based  
7 on family responsibilities in employment.

8 (D) Freedom from Discrimination Based on Familial Status  
9 or Source of Income-Real Estate Transactions. To prevent  
10 discrimination based on familial status or source of income in  
11 real estate transactions.

12 (E) Public Health, Welfare and Safety. To promote the  
13 public health, welfare and safety by protecting the interest  
14 of all people in Illinois in maintaining personal dignity, in  
15 realizing their full productive capacities, and in furthering  
16 their interests, rights and privileges as citizens of this  
17 State.

18 (F) Implementation of Constitutional Guarantees. To secure  
19 and guarantee the rights established by Sections 17, 18 and 19  
20 of Article I of the Illinois Constitution of 1970.

21 (G) Equal Opportunity, Affirmative Action. To establish  
22 Equal Opportunity and Affirmative Action as the policies of  
23 this State in all of its decisions, programs and activities,  
24 and to assure that all State departments, boards, commissions  
25 and instrumentalities rigorously take affirmative action to  
26 provide equality of opportunity and eliminate the effects of

1 past discrimination in the internal affairs of State  
2 government and in their relations with the public.

3 (H) Unfounded Charges. To protect citizens of this State  
4 against unfounded charges of unlawful discrimination, sexual  
5 harassment in employment and sexual harassment in elementary,  
6 secondary, and higher education, and discrimination based on  
7 citizenship status, ~~or~~ work authorization status, or family  
8 responsibilities in employment.

9 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

10 (775 ILCS 5/2-101)

11 Sec. 2-101. Definitions. The following definitions are  
12 applicable strictly in the context of this Article.

13 (A) Employee.

14 (1) "Employee" includes:

15 (a) Any individual performing services for  
16 remuneration within this State for an employer;

17 (b) An apprentice;

18 (c) An applicant for any apprenticeship.

19 For purposes of subsection (D) of Section 2-102 of  
20 this Act, "employee" also includes an unpaid intern. An  
21 unpaid intern is a person who performs work for an  
22 employer under the following circumstances:

23 (i) the employer is not committed to hiring the  
24 person performing the work at the conclusion of the  
25 intern's tenure;

1 (ii) the employer and the person performing the  
2 work agree that the person is not entitled to wages for  
3 the work performed; and

4 (iii) the work performed:

5 (I) supplements training given in an  
6 educational environment that may enhance the  
7 employability of the intern;

8 (II) provides experience for the benefit of  
9 the person performing the work;

10 (III) does not displace regular employees;

11 (IV) is performed under the close supervision  
12 of existing staff; and

13 (V) provides no immediate advantage to the  
14 employer providing the training and may  
15 occasionally impede the operations of the  
16 employer.

17 (2) "Employee" does not include:

18 (a) (Blank);

19 (b) Individuals employed by persons who are not  
20 "employers" as defined by this Act;

21 (c) Elected public officials or the members of  
22 their immediate personal staffs;

23 (d) Principal administrative officers of the State  
24 or of any political subdivision, municipal corporation  
25 or other governmental unit or agency;

26 (e) A person in a vocational rehabilitation

1 facility certified under federal law who has been  
2 designated an evaluatee, trainee, or work activity  
3 client.

4 (B) Employer.

5 (1) "Employer" includes:

6 (a) Any person employing one or more employees  
7 within Illinois during 20 or more calendar weeks  
8 within the calendar year of or preceding the alleged  
9 violation;

10 (b) Any person employing one or more employees  
11 when a complainant alleges civil rights violation due  
12 to unlawful discrimination based upon his or her  
13 physical or mental disability unrelated to ability,  
14 pregnancy, or sexual harassment;

15 (c) The State and any political subdivision,  
16 municipal corporation or other governmental unit or  
17 agency, without regard to the number of employees;

18 (d) Any party to a public contract without regard  
19 to the number of employees;

20 (e) A joint apprenticeship or training committee  
21 without regard to the number of employees.

22 (2) "Employer" does not include any place of worship,  
23 religious corporation, association, educational  
24 institution, society, or non-profit nursing institution  
25 conducted by and for those who rely upon treatment by  
26 prayer through spiritual means in accordance with the



1 tenets of a recognized church or religious denomination  
2 with respect to the employment of individuals of a  
3 particular religion to perform work connected with the  
4 carrying on by such place of worship, corporation,  
5 association, educational institution, society or  
6 non-profit nursing institution of its activities.

7 (C) Employment Agency. "Employment Agency" includes both  
8 public and private employment agencies and any person, labor  
9 organization, or labor union having a hiring hall or hiring  
10 office regularly undertaking, with or without compensation, to  
11 procure opportunities to work, or to procure, recruit, refer  
12 or place employees.

13 (D) Labor Organization. "Labor Organization" includes any  
14 organization, labor union, craft union, or any voluntary  
15 unincorporated association designed to further the cause of  
16 the rights of union labor which is constituted for the  
17 purpose, in whole or in part, of collective bargaining or of  
18 dealing with employers concerning grievances, terms or  
19 conditions of employment, or apprenticeships or applications  
20 for apprenticeships, or of other mutual aid or protection in  
21 connection with employment, including apprenticeships or  
22 applications for apprenticeships.

23 (E) Sexual Harassment. "Sexual harassment" means any  
24 unwelcome sexual advances or requests for sexual favors or any  
25 conduct of a sexual nature when (1) submission to such conduct  
26 is made either explicitly or implicitly a term or condition of

1 an individual's employment, (2) submission to or rejection of  
2 such conduct by an individual is used as the basis for  
3 employment decisions affecting such individual, or (3) such  
4 conduct has the purpose or effect of substantially interfering  
5 with an individual's work performance or creating an  
6 intimidating, hostile or offensive working environment.

7 For purposes of this definition, the phrase "working  
8 environment" is not limited to a physical location an employee  
9 is assigned to perform his or her duties.

10 (E-1) Harassment. "Harassment" means any unwelcome conduct  
11 on the basis of an individual's actual or perceived race,  
12 color, religion, national origin, ancestry, age, sex, marital  
13 status, order of protection status, disability, military  
14 status, sexual orientation, pregnancy, unfavorable discharge  
15 from military service, citizenship status, ~~or~~ work  
16 authorization status, or family responsibilities that has the  
17 purpose or effect of substantially interfering with the  
18 individual's work performance or creating an intimidating,  
19 hostile, or offensive working environment. For purposes of  
20 this definition, the phrase "working environment" is not  
21 limited to a physical location an employee is assigned to  
22 perform his or her duties.

23 (F) Religion. "Religion" with respect to employers  
24 includes all aspects of religious observance and practice, as  
25 well as belief, unless an employer demonstrates that he is  
26 unable to reasonably accommodate an employee's or prospective

1 employee's religious observance or practice without undue  
2 hardship on the conduct of the employer's business.

3 (G) Public Employer. "Public employer" means the State, an  
4 agency or department thereof, unit of local government, school  
5 district, instrumentality or political subdivision.

6 (H) Public Employee. "Public employee" means an employee  
7 of the State, agency or department thereof, unit of local  
8 government, school district, instrumentality or political  
9 subdivision. "Public employee" does not include public  
10 officers or employees of the General Assembly or agencies  
11 thereof.

12 (I) Public Officer. "Public officer" means a person who is  
13 elected to office pursuant to the Constitution or a statute or  
14 ordinance, or who is appointed to an office which is  
15 established, and the qualifications and duties of which are  
16 prescribed, by the Constitution or a statute or ordinance, to  
17 discharge a public duty for the State, agency or department  
18 thereof, unit of local government, school district,  
19 instrumentality or political subdivision.

20 (J) Eligible Bidder. "Eligible bidder" means a person who,  
21 prior to contract award or prior to bid opening for State  
22 contracts for construction or construction-related services,  
23 has filed with the Department a properly completed, sworn and  
24 currently valid employer report form, pursuant to the  
25 Department's regulations. The provisions of this Article  
26 relating to eligible bidders apply only to bids on contracts

1 with the State and its departments, agencies, boards, and  
2 commissions, and the provisions do not apply to bids on  
3 contracts with units of local government or school districts.

4 (K) Citizenship Status. "Citizenship status" means the  
5 status of being:

6 (1) a born U.S. citizen;

7 (2) a naturalized U.S. citizen;

8 (3) a U.S. national; or

9 (4) a person born outside the United States and not a  
10 U.S. citizen who is lawfully present and who is protected  
11 from discrimination under the provisions of Section 1324b  
12 of Title 8 of the United States Code, as now or hereafter  
13 amended.

14 (L) Work Authorization Status. "Work authorization status"  
15 means the status of being a person born outside of the United  
16 States, and not a U.S. citizen, who is authorized by the  
17 federal government to work in the United States.

18 (M) Family Responsibilities. "Family responsibilities"  
19 means an employee's actual or perceived provision of care to a  
20 family member, whether in the past, present, or future.

21 (N) Care. "Care" means medical care, psychological  
22 comfort, supervision, activities of daily living,  
23 transportation, grocery or pharmacy shopping, meal  
24 preparation, financial management, financial support,  
25 communication with health care professionals, management of  
26 changes in care or living arrangements, and other

1 responsibilities of similar importance to daily living.

2 (O) Family Member. "Family member" means:

3 (1) an individual related to the employee by blood,  
4 marriage, adoption, foster care or legal custody,  
5 including an individual related to the employee's spouse;

6 (2) an individual whose close association with the  
7 employee is the equivalent of a family relationship; or

8 (3) an individual who relies on the employee for care.

9 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;  
10 102-233, eff. 8-2-21; 102-558, eff. 8-20-21; 102-1030, eff.  
11 5-27-22.)

12 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

13 Sec. 2-102. Civil rights violations - employment. It is a  
14 civil rights violation:

15 (A) Employers. For any employer to refuse to hire, to  
16 segregate, to engage in harassment as defined in  
17 subsection (E-1) of Section 2-101, or to act with respect  
18 to recruitment, hiring, promotion, renewal of employment,  
19 selection for training or apprenticeship, discharge,  
20 discipline, tenure or terms, privileges or conditions of  
21 employment on the basis of unlawful discrimination,  
22 citizenship status, ~~or~~ work authorization status, or  
23 family responsibilities. An employer is responsible for  
24 harassment by the employer's nonmanagerial and  
25 nonsupervisory employees only if the employer becomes

1       aware of the conduct and fails to take reasonable  
2       corrective measures.

3           (A-5) Language. For an employer to impose a  
4       restriction that has the effect of prohibiting a language  
5       from being spoken by an employee in communications that  
6       are unrelated to the employee's duties.

7           For the purposes of this subdivision (A-5), "language"  
8       means a person's native tongue, such as Polish, Spanish,  
9       or Chinese. "Language" does not include such things as  
10      slang, jargon, profanity, or vulgarity.

11          (A-10) Harassment of nonemployees. For any employer,  
12      employment agency, or labor organization to engage in  
13      harassment of nonemployees in the workplace. An employer  
14      is responsible for harassment of nonemployees by the  
15      employer's nonmanagerial and nonsupervisory employees only  
16      if the employer becomes aware of the conduct and fails to  
17      take reasonable corrective measures. For the purposes of  
18      this subdivision (A-10), "nonemployee" means a person who  
19      is not otherwise an employee of the employer and is  
20      directly performing services for the employer pursuant to  
21      a contract with that employer. "Nonemployee" includes  
22      contractors and consultants. This subdivision applies to  
23      harassment occurring on or after the effective date of  
24      this amendatory Act of the 101st General Assembly.

25          (B) Employment agency. For any employment agency to  
26      fail or refuse to classify properly, accept applications

1 and register for employment referral or apprenticeship  
2 referral, refer for employment, or refer for  
3 apprenticeship on the basis of unlawful discrimination,  
4 citizenship status, ~~or~~ work authorization status, or  
5 family responsibilities or to accept from any person any  
6 job order, requisition or request for referral of  
7 applicants for employment or apprenticeship which makes or  
8 has the effect of making unlawful discrimination or  
9 discrimination on the basis of citizenship status, ~~or~~ work  
10 authorization status, or family responsibilities a  
11 condition of referral.

12 (C) Labor organization. For any labor organization to  
13 limit, segregate or classify its membership, or to limit  
14 employment opportunities, selection and training for  
15 apprenticeship in any trade or craft, or otherwise to  
16 take, or fail to take, any action which affects adversely  
17 any person's status as an employee or as an applicant for  
18 employment or as an apprentice, or as an applicant for  
19 apprenticeships, or wages, tenure, hours of employment or  
20 apprenticeship conditions on the basis of unlawful  
21 discrimination, citizenship status, ~~or~~ work authorization  
22 status, or family responsibilities.

23 (D) Sexual harassment. For any employer, employee,  
24 agent of any employer, employment agency or labor  
25 organization to engage in sexual harassment; provided,  
26 that an employer shall be responsible for sexual

1 harassment of the employer's employees by nonemployees or  
2 nonmanagerial and nonsupervisory employees only if the  
3 employer becomes aware of the conduct and fails to take  
4 reasonable corrective measures.

5 (D-5) Sexual harassment of nonemployees. For any  
6 employer, employee, agent of any employer, employment  
7 agency, or labor organization to engage in sexual  
8 harassment of nonemployees in the workplace. An employer  
9 is responsible for sexual harassment of nonemployees by  
10 the employer's nonmanagerial and nonsupervisory employees  
11 only if the employer becomes aware of the conduct and  
12 fails to take reasonable corrective measures. For the  
13 purposes of this subdivision (D-5), "nonemployee" means a  
14 person who is not otherwise an employee of the employer  
15 and is directly performing services for the employer  
16 pursuant to a contract with that employer. "Nonemployee"  
17 includes contractors and consultants. This subdivision  
18 applies to sexual harassment occurring on or after the  
19 effective date of this amendatory Act of the 101st General  
20 Assembly.

21 (E) Public employers. For any public employer to  
22 refuse to permit a public employee under its jurisdiction  
23 who takes time off from work in order to practice his or  
24 her religious beliefs to engage in work, during hours  
25 other than such employee's regular working hours,  
26 consistent with the operational needs of the employer and



1 in order to compensate for work time lost for such  
2 religious reasons. Any employee who elects such deferred  
3 work shall be compensated at the wage rate which he or she  
4 would have earned during the originally scheduled work  
5 period. The employer may require that an employee who  
6 plans to take time off from work in order to practice his  
7 or her religious beliefs provide the employer with a  
8 notice of his or her intention to be absent from work not  
9 exceeding 5 days prior to the date of absence.

10 (E-5) Religious discrimination. For any employer to  
11 impose upon a person as a condition of obtaining or  
12 retaining employment, including opportunities for  
13 promotion, advancement, or transfer, any terms or  
14 conditions that would require such person to violate or  
15 forgo a sincerely held practice of his or her religion  
16 including, but not limited to, the wearing of any attire,  
17 clothing, or facial hair in accordance with the  
18 requirements of his or her religion, unless, after  
19 engaging in a bona fide effort, the employer demonstrates  
20 that it is unable to reasonably accommodate the employee's  
21 or prospective employee's sincerely held religious belief,  
22 practice, or observance without undue hardship on the  
23 conduct of the employer's business.

24 Nothing in this Section prohibits an employer from  
25 enacting a dress code or grooming policy that may include  
26 restrictions on attire, clothing, or facial hair to

1 maintain workplace safety or food sanitation.

2 (F) Training and apprenticeship programs. For any  
3 employer, employment agency or labor organization to  
4 discriminate against a person on the basis of age in the  
5 selection, referral for or conduct of apprenticeship or  
6 training programs.

7 (G) Immigration-related practices.

8 (1) for an employer to request for purposes of  
9 satisfying the requirements of Section 1324a(b) of  
10 Title 8 of the United States Code, as now or hereafter  
11 amended, more or different documents than are required  
12 under such Section or to refuse to honor documents  
13 tendered that on their face reasonably appear to be  
14 genuine or to refuse to honor work authorization based  
15 upon the specific status or term of status that  
16 accompanies the authorization to work; or

17 (2) for an employer participating in the E-Verify  
18 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
19 Programs for Employment Eligibility Confirmation  
20 (enacted by PL 104-208, div. C title IV, subtitle A) to  
21 refuse to hire, to segregate, or to act with respect to  
22 recruitment, hiring, promotion, renewal of employment,  
23 selection for training or apprenticeship, discharge,  
24 discipline, tenure or terms, privileges or conditions  
25 of employment without following the procedures under  
26 the E-Verify Program.

1 (H) (Blank).

2 (I) Pregnancy. For an employer to refuse to hire, to  
3 segregate, or to act with respect to recruitment, hiring,  
4 promotion, renewal of employment, selection for training  
5 or apprenticeship, discharge, discipline, tenure or terms,  
6 privileges or conditions of employment on the basis of  
7 pregnancy, childbirth, or medical or common conditions  
8 related to pregnancy or childbirth. Women affected by  
9 pregnancy, childbirth, or medical or common conditions  
10 related to pregnancy or childbirth shall be treated the  
11 same for all employment-related purposes, including  
12 receipt of benefits under fringe benefit programs, as  
13 other persons not so affected but similar in their ability  
14 or inability to work, regardless of the source of the  
15 inability to work or employment classification or status.

16 (J) Pregnancy; reasonable accommodations.

17 (1) If after a job applicant or employee,  
18 including a part-time, full-time, or probationary  
19 employee, requests a reasonable accommodation, for an  
20 employer to not make reasonable accommodations for any  
21 medical or common condition of a job applicant or  
22 employee related to pregnancy or childbirth, unless  
23 the employer can demonstrate that the accommodation  
24 would impose an undue hardship on the ordinary  
25 operation of the business of the employer. The  
26 employer may request documentation from the employee's

1 health care provider concerning the need for the  
2 requested reasonable accommodation or accommodations  
3 to the same extent documentation is requested for  
4 conditions related to disability if the employer's  
5 request for documentation is job-related and  
6 consistent with business necessity. The employer may  
7 require only the medical justification for the  
8 requested accommodation or accommodations, a  
9 description of the reasonable accommodation or  
10 accommodations medically advisable, the date the  
11 reasonable accommodation or accommodations became  
12 medically advisable, and the probable duration of the  
13 reasonable accommodation or accommodations. It is the  
14 duty of the individual seeking a reasonable  
15 accommodation or accommodations to submit to the  
16 employer any documentation that is requested in  
17 accordance with this paragraph. Notwithstanding the  
18 provisions of this paragraph, the employer may require  
19 documentation by the employee's health care provider  
20 to determine compliance with other laws. The employee  
21 and employer shall engage in a timely, good faith, and  
22 meaningful exchange to determine effective reasonable  
23 accommodations.

24 (2) For an employer to deny employment  
25 opportunities or benefits to or take adverse action  
26 against an otherwise qualified job applicant or

1 employee, including a part-time, full-time, or  
2 probationary employee, if the denial or adverse action  
3 is based on the need of the employer to make reasonable  
4 accommodations to the known medical or common  
5 conditions related to the pregnancy or childbirth of  
6 the applicant or employee.

7 (3) For an employer to require a job applicant or  
8 employee, including a part-time, full-time, or  
9 probationary employee, affected by pregnancy,  
10 childbirth, or medical or common conditions related to  
11 pregnancy or childbirth to accept an accommodation  
12 when the applicant or employee did not request an  
13 accommodation and the applicant or employee chooses  
14 not to accept the employer's accommodation.

15 (4) For an employer to require an employee,  
16 including a part-time, full-time, or probationary  
17 employee, to take leave under any leave law or policy  
18 of the employer if another reasonable accommodation  
19 can be provided to the known medical or common  
20 conditions related to the pregnancy or childbirth of  
21 an employee. No employer shall fail or refuse to  
22 reinstate the employee affected by pregnancy,  
23 childbirth, or medical or common conditions related to  
24 pregnancy or childbirth to her original job or to an  
25 equivalent position with equivalent pay and  
26 accumulated seniority, retirement, fringe benefits,

1           and other applicable service credits upon her  
2           signifying her intent to return or when her need for  
3           reasonable accommodation ceases, unless the employer  
4           can demonstrate that the accommodation would impose an  
5           undue hardship on the ordinary operation of the  
6           business of the employer.

7           For the purposes of this subdivision (J), "reasonable  
8           accommodations" means reasonable modifications or  
9           adjustments to the job application process or work  
10          environment, or to the manner or circumstances under which  
11          the position desired or held is customarily performed,  
12          that enable an applicant or employee affected by  
13          pregnancy, childbirth, or medical or common conditions  
14          related to pregnancy or childbirth to be considered for  
15          the position the applicant desires or to perform the  
16          essential functions of that position, and may include, but  
17          is not limited to: more frequent or longer bathroom  
18          breaks, breaks for increased water intake, and breaks for  
19          periodic rest; private non-bathroom space for expressing  
20          breast milk and breastfeeding; seating; assistance with  
21          manual labor; light duty; temporary transfer to a less  
22          strenuous or hazardous position; the provision of an  
23          accessible worksite; acquisition or modification of  
24          equipment; job restructuring; a part-time or modified work  
25          schedule; appropriate adjustment or modifications of  
26          examinations, training materials, or policies;

1 reassignment to a vacant position; time off to recover  
2 from conditions related to childbirth; and leave  
3 necessitated by pregnancy, childbirth, or medical or  
4 common conditions resulting from pregnancy or childbirth.

5 For the purposes of this subdivision (J), "undue  
6 hardship" means an action that is prohibitively expensive  
7 or disruptive when considered in light of the following  
8 factors: (i) the nature and cost of the accommodation  
9 needed; (ii) the overall financial resources of the  
10 facility or facilities involved in the provision of the  
11 reasonable accommodation, the number of persons employed  
12 at the facility, the effect on expenses and resources, or  
13 the impact otherwise of the accommodation upon the  
14 operation of the facility; (iii) the overall financial  
15 resources of the employer, the overall size of the  
16 business of the employer with respect to the number of its  
17 employees, and the number, type, and location of its  
18 facilities; and (iv) the type of operation or operations  
19 of the employer, including the composition, structure, and  
20 functions of the workforce of the employer, the geographic  
21 separateness, administrative, or fiscal relationship of  
22 the facility or facilities in question to the employer.  
23 The employer has the burden of proving undue hardship. The  
24 fact that the employer provides or would be required to  
25 provide a similar accommodation to similarly situated  
26 employees creates a rebuttable presumption that the

1 accommodation does not impose an undue hardship on the  
2 employer.

3 No employer is required by this subdivision (J) to  
4 create additional employment that the employer would not  
5 otherwise have created, unless the employer does so or  
6 would do so for other classes of employees who need  
7 accommodation. The employer is not required to discharge  
8 any employee, transfer any employee with more seniority,  
9 or promote any employee who is not qualified to perform  
10 the job, unless the employer does so or would do so to  
11 accommodate other classes of employees who need it.

12 (K) Notice.

13 (1) For an employer to fail to post or keep posted  
14 in a conspicuous location on the premises of the  
15 employer where notices to employees are customarily  
16 posted, or fail to include in any employee handbook  
17 information concerning an employee's rights under this  
18 Article, a notice, to be prepared or approved by the  
19 Department, summarizing the requirements of this  
20 Article and information pertaining to the filing of a  
21 charge, including the right to be free from unlawful  
22 discrimination, the right to be free from sexual  
23 harassment, and the right to certain reasonable  
24 accommodations. The Department shall make the  
25 documents required under this paragraph available for  
26 retrieval from the Department's website.



1           (2) Upon notification of a violation of paragraph  
2           (1) of this subdivision (K), the Department may launch  
3           a preliminary investigation. If the Department finds a  
4           violation, the Department may issue a notice to show  
5           cause giving the employer 30 days to correct the  
6           violation. If the violation is not corrected, the  
7           Department may initiate a charge of a civil rights  
8           violation.

9           (Source: P.A. 101-221, eff. 1-1-20; 102-233, eff. 8-2-21.)

10           (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

11           Sec. 6-101. Additional civil rights violations under  
12           Articles 2, 4, 5, and 5A. It is a civil rights violation for a  
13           person, or for 2 or more persons, to conspire to:

14           (A) Retaliation. Retaliate against a person because he  
15           or she has opposed that which he or she reasonably and in  
16           good faith believes to be unlawful discrimination, sexual  
17           harassment in employment, sexual harassment in elementary,  
18           secondary, and higher education, or discrimination based  
19           on arrest record, citizenship status, ~~or~~ work  
20           authorization status, or family responsibilities in  
21           employment under Articles 2, 4, 5, and 5A, because he or  
22           she has made a charge, filed a complaint, testified,  
23           assisted, or participated in an investigation, proceeding,  
24           or hearing under this Act, or because he or she has  
25           requested, attempted to request, used, or attempted to use

1 a reasonable accommodation as allowed by this Act;

2 (B) Aiding and Abetting; Coercion. Aid, abet, compel,  
3 or coerce a person to commit any violation of this Act;

4 (C) Interference. Wilfully interfere with the  
5 performance of a duty or the exercise of a power by the  
6 Commission or one of its members or representatives or the  
7 Department or one of its officers or employees.

8 Definitions. For the purposes of this Section, "sexual  
9 harassment", "citizenship status", ~~and~~ "work authorization  
10 status", and "family responsibilities" shall have the same  
11 meaning as defined in Section 2-101 of this Act.

12 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
13 102-813, eff. 5-13-22.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.