

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. Findings. The General Assembly finds and  
5 declares the following:

6 (1) Current workplace laws are inadequate to protect  
7 pregnant workers from enjoying equal employment  
8 opportunities.

9 (2) Because of inadequate protections, pregnant women  
10 who are temporarily limited in their abilities to perform  
11 their work functions because of pregnancy, childbirth, or  
12 conditions related to pregnancy or childbirth are often  
13 forced to take unpaid leave or are fired, despite the  
14 availability of reasonable accommodations that would allow  
15 them to continue to work. The most frequent accommodations  
16 involve limits on lifting, access to places to sit, and  
17 more frequent bathroom breaks.

18 (3) Many pregnant women are single mothers or the  
19 primary breadwinners for their families. If one of these  
20 women loses her job, her whole family, and Illinois,  
21 suffers.

22 (4) Employers are familiar with the reasonable  
23 accommodations framework. Indeed, employers are required  
24 to reasonably accommodate people with disabilities. Sadly,

1 many employers refuse to provide reasonable accommodations  
2 or decline to extend workplace injury policies to pregnant  
3 women.

4 (5) Women are nearly 50% of all workers in Illinois and  
5 women of childbearing age are 54% of women workers. Failing  
6 to provide reasonable accommodations to pregnant women  
7 leads to lost wages, periods of unemployment, and lost  
8 employment opportunities and job benefits such as  
9 seniority, all of which have lifelong repercussions on  
10 women's economic security and advancement and the  
11 well-being of their families.

12 (6) Most women work during pregnancy. By continuing to  
13 work, women can maintain and advance their economic  
14 security. Moreover, women who work during pregnancy may be  
15 able to take a longer period of leave following childbirth,  
16 which in turn facilitates breastfeeding, bonding with and  
17 caring for a new child, and recovering from childbirth.

18 (7) Enabling pregnant workers to work through  
19 pregnancy is good for businesses. Providing pregnant  
20 employees with reasonable, temporary accommodations  
21 increases worker productivity, retention, and morale,  
22 decreases re-training costs, and reduces health care costs  
23 associated with pregnancy complications.

24 Section 10. Purposes. The purposes of this Act are:

25 (1) to promote the State's interest in eradicating

1 gender discrimination, including discrimination based on  
2 pregnancy, childbirth, or conditions related to pregnancy  
3 or childbirth, and in promoting women's equality;

4 (2) to address the failure of existing laws to protect  
5 the employment rights of pregnant workers; and

6 (3) to ensure full and equal participation for women in  
7 the labor force by requiring employers to provide  
8 reasonable accommodations to employees with conditions  
9 related to pregnancy or childbirth.

10 Section 15. The Illinois Human Rights Act is amended by  
11 changing Sections 1-102, 1-103, 2-101, 2-102, and 6-101 as  
12 follows:

13 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

1           (B) Freedom from Sexual Harassment-Employment and  
2 Elementary, Secondary, and Higher Education. To prevent sexual  
3 harassment in employment and sexual harassment in elementary,  
4 secondary, and higher education.

5           (C) Freedom from Discrimination Based on Citizenship  
6 Status-Employment. To prevent discrimination based on  
7 citizenship status in employment.

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

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

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

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

1 and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State  
3 against unfounded charges of unlawful discrimination, sexual  
4 harassment in employment and sexual harassment in elementary,  
5 secondary, and higher education, and discrimination based on  
6 citizenship status in employment.

7 (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;  
8 96-1319, eff. 7-27-10.)

9 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

10 Sec. 1-103. General Definitions. When used in this Act,  
11 unless the context requires otherwise, the term:

12 (A) Age. "Age" means the chronological age of a person who  
13 is at least 40 years old, except with regard to any practice  
14 described in Section 2-102, insofar as that practice concerns  
15 training or apprenticeship programs. In the case of training or  
16 apprenticeship programs, for the purposes of Section 2-102,  
17 "age" means the chronological age of a person who is 18 but not  
18 yet 40 years old.

19 (B) Aggrieved Party. "Aggrieved party" means a person who  
20 is alleged or proved to have been injured by a civil rights  
21 violation or believes he or she will be injured by a civil  
22 rights violation under Article 3 that is about to occur.

23 (C) Charge. "Charge" means an allegation filed with the  
24 Department by an aggrieved party or initiated by the Department  
25 under its authority.

1 (D) Civil Rights Violation. "Civil rights violation"  
2 includes and shall be limited to only those specific acts set  
3 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
4 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
5 6-101, and 6-102 of this Act.

6 (E) Commission. "Commission" means the Human Rights  
7 Commission created by this Act.

8 (F) Complaint. "Complaint" means the formal pleading filed  
9 by the Department with the Commission following an  
10 investigation and finding of substantial evidence of a civil  
11 rights violation.

12 (G) Complainant. "Complainant" means a person including  
13 the Department who files a charge of civil rights violation  
14 with the Department or the Commission.

15 (H) Department. "Department" means the Department of Human  
16 Rights created by this Act.

17 (I) Disability. "Disability" means a determinable physical  
18 or mental characteristic of a person, including, but not  
19 limited to, a determinable physical characteristic which  
20 necessitates the person's use of a guide, hearing or support  
21 dog, the history of such characteristic, or the perception of  
22 such characteristic by the person complained against, which may  
23 result from disease, injury, congenital condition of birth or  
24 functional disorder and which characteristic:

25 (1) For purposes of Article 2 is unrelated to the  
26 person's ability to perform the duties of a particular job

1 or position and, pursuant to Section 2-104 of this Act, a  
2 person's illegal use of drugs or alcohol is not a  
3 disability;

4 (2) For purposes of Article 3, is unrelated to the  
5 person's ability to acquire, rent or maintain a housing  
6 accommodation;

7 (3) For purposes of Article 4, is unrelated to a  
8 person's ability to repay;

9 (4) For purposes of Article 5, is unrelated to a  
10 person's ability to utilize and benefit from a place of  
11 public accommodation;

12 (5) For purposes of Article 5, also includes any  
13 mental, psychological, or developmental disability,  
14 including autism spectrum disorders.

15 (J) Marital Status. "Marital status" means the legal status  
16 of being married, single, separated, divorced or widowed.

17 (J-1) Military Status. "Military status" means a person's  
18 status on active duty in or status as a veteran of the armed  
19 forces of the United States, status as a current member or  
20 veteran of any reserve component of the armed forces of the  
21 United States, including the United States Army Reserve, United  
22 States Marine Corps Reserve, United States Navy Reserve, United  
23 States Air Force Reserve, and United States Coast Guard  
24 Reserve, or status as a current member or veteran of the  
25 Illinois Army National Guard or Illinois Air National Guard.

26 (K) National Origin. "National origin" means the place in

1 which a person or one of his or her ancestors was born.

2 (K-5) "Order of protection status" means a person's status  
3 as being a person protected under an order of protection issued  
4 pursuant to the Illinois Domestic Violence Act of 1986 or an  
5 order of protection issued by a court of another state.

6 (L) Person. "Person" includes one or more individuals,  
7 partnerships, associations or organizations, labor  
8 organizations, labor unions, joint apprenticeship committees,  
9 or union labor associations, corporations, the State of  
10 Illinois and its instrumentalities, political subdivisions,  
11 units of local government, legal representatives, trustees in  
12 bankruptcy or receivers.

13 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
14 or medical or common conditions related to pregnancy or  
15 childbirth.

16 (M) Public Contract. "Public contract" includes every  
17 contract to which the State, any of its political subdivisions  
18 or any municipal corporation is a party.

19 (N) Religion. "Religion" includes all aspects of religious  
20 observance and practice, as well as belief, except that with  
21 respect to employers, for the purposes of Article 2, "religion"  
22 has the meaning ascribed to it in paragraph (F) of Section  
23 2-101.

24 (O) Sex. "Sex" means the status of being male or female.

25 (O-1) Sexual orientation. "Sexual orientation" means  
26 actual or perceived heterosexuality, homosexuality,



1 bisexuality, or gender-related identity, whether or not  
2 traditionally associated with the person's designated sex at  
3 birth. "Sexual orientation" does not include a physical or  
4 sexual attraction to a minor by an adult.

5 (P) Unfavorable Military Discharge. "Unfavorable military  
6 discharge" includes discharges from the Armed Forces of the  
7 United States, their Reserve components or any National Guard  
8 or Naval Militia which are classified as RE-3 or the equivalent  
9 thereof, but does not include those characterized as RE-4 or  
10 "Dishonorable".

11 (Q) Unlawful Discrimination. "Unlawful discrimination"  
12 means discrimination against a person because of his or her  
13 race, color, religion, national origin, ancestry, age, sex,  
14 marital status, order of protection status, disability,  
15 military status, sexual orientation, pregnancy, or unfavorable  
16 discharge from military service as those terms are defined in  
17 this Section.

18 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;  
19 97-410, eff. 1-1-12; 97-813, eff. 7-13-12.)

20 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

23 (A) Employee.

24 (1) "Employee" includes:

25 (a) Any individual performing services for

1 remuneration within this State for an employer;

2 (b) An apprentice;

3 (c) An applicant for any apprenticeship.

4 (2) "Employee" does not include:

5 (a) Domestic servants in private homes;

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

8 (c) Elected public officials or the members of  
9 their immediate personal staffs;

10 (d) Principal administrative officers of the State  
11 or of any political subdivision, municipal corporation  
12 or other governmental unit or agency;

13 (e) A person in a vocational rehabilitation  
14 facility certified under federal law who has been  
15 designated an evaluatee, trainee, or work activity  
16 client.

17 (B) Employer.

18 (1) "Employer" includes:

19 (a) Any person employing 15 or more employees  
20 within Illinois during 20 or more calendar weeks within  
21 the calendar year of or preceding the alleged  
22 violation;

23 (b) Any person employing one or more employees when  
24 a complainant alleges civil rights violation due to  
25 unlawful discrimination based upon his or her physical  
26 or mental disability unrelated to ability, pregnancy,

1 or sexual harassment;

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

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

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

9 (2) "Employer" does not include any religious  
10 corporation, association, educational institution,  
11 society, or non-profit nursing institution conducted by  
12 and for those who rely upon treatment by prayer through  
13 spiritual means in accordance with the tenets of a  
14 recognized church or religious denomination with respect  
15 to the employment of individuals of a particular religion  
16 to perform work connected with the carrying on by such  
17 corporation, association, educational institution, society  
18 or non-profit nursing institution of its activities.

19 (C) Employment Agency. "Employment Agency" includes both  
20 public and private employment agencies and any person, labor  
21 organization, or labor union having a hiring hall or hiring  
22 office regularly undertaking, with or without compensation, to  
23 procure opportunities to work, or to procure, recruit, refer or  
24 place employees.

25 (D) Labor Organization. "Labor Organization" includes any  
26 organization, labor union, craft union, or any voluntary

1 unincorporated association designed to further the cause of the  
2 rights of union labor which is constituted for the purpose, in  
3 whole or in part, of collective bargaining or of dealing with  
4 employers concerning grievances, terms or conditions of  
5 employment, or apprenticeships or applications for  
6 apprenticeships, or of other mutual aid or protection in  
7 connection with employment, including apprenticeships or  
8 applications for apprenticeships.

9 (E) Sexual Harassment. "Sexual harassment" means any  
10 unwelcome sexual advances or requests for sexual favors or any  
11 conduct of a sexual nature when (1) submission to such conduct  
12 is made either explicitly or implicitly a term or condition of  
13 an individual's employment, (2) submission to or rejection of  
14 such conduct by an individual is used as the basis for  
15 employment decisions affecting such individual, or (3) such  
16 conduct has the purpose or effect of substantially interfering  
17 with an individual's work performance or creating an  
18 intimidating, hostile or offensive working environment.

19 (F) Religion. "Religion" with respect to employers  
20 includes all aspects of religious observance and practice, as  
21 well as belief, unless an employer demonstrates that he is  
22 unable to reasonably accommodate an employee's or prospective  
23 employee's religious observance or practice without undue  
24 hardship on the conduct of the employer's business.

25 (G) Public Employer. "Public employer" means the State, an  
26 agency or department thereof, unit of local government, school

1 district, instrumentality or political subdivision.

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

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

16 (J) Eligible Bidder. "Eligible bidder" means a person who,  
17 prior to a bid opening, has filed with the Department a  
18 properly completed, sworn and currently valid employer report  
19 form, pursuant to the Department's regulations. The provisions  
20 of this Article relating to eligible bidders apply only to bids  
21 on contracts with the State and its departments, agencies,  
22 boards, and commissions, and the provisions do not apply to  
23 bids on contracts with units of local government or school  
24 districts.

25 (K) Citizenship Status. "Citizenship status" means the  
26 status of being:

- 1 (1) a born U.S. citizen;
- 2 (2) a naturalized U.S. citizen;
- 3 (3) a U.S. national; or
- 4 (4) a person born outside the United States and not a
- 5 U.S. citizen who is not an unauthorized alien and who is
- 6 protected from discrimination under the provisions of
- 7 Section 1324b of Title 8 of the United States Code, as now
- 8 or hereafter amended.

9 (Source: P.A. 97-877, eff. 8-2-12.)

10 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

11 Sec. 2-102. Civil Rights Violations - Employment. It is a

12 civil rights violation:

13 (A) Employers. For any employer to refuse to hire, to

14 segregate, or to act with respect to recruitment, hiring,

15 promotion, renewal of employment, selection for training or

16 apprenticeship, discharge, discipline, tenure or terms,

17 privileges or conditions of employment on the basis of unlawful

18 discrimination or citizenship status.

19 (A-5) Language. For an employer to impose a restriction

20 that has the effect of prohibiting a language from being spoken

21 by an employee in communications that are unrelated to the

22 employee's duties.

23 For the purposes of this subdivision (A-5), "language"

24 means a person's native tongue, such as Polish, Spanish, or

25 Chinese. "Language" does not include such things as slang,

1 jargon, profanity, or vulgarity.

2 (B) Employment Agency. For any employment agency to fail or  
3 refuse to classify properly, accept applications and register  
4 for employment referral or apprenticeship referral, refer for  
5 employment, or refer for apprenticeship on the basis of  
6 unlawful discrimination or citizenship status or to accept from  
7 any person any job order, requisition or request for referral  
8 of applicants for employment or apprenticeship which makes or  
9 has the effect of making unlawful discrimination or  
10 discrimination on the basis of citizenship status a condition  
11 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 take, or  
16 fail to take, any action which affects adversely any person's  
17 status as an employee or as an applicant for employment or as  
18 an apprentice, or as an applicant for apprenticeships, or  
19 wages, tenure, hours of employment or apprenticeship  
20 conditions on the basis of unlawful discrimination or  
21 citizenship status.

22 (D) Sexual Harassment. For any employer, employee, agent of  
23 any employer, employment agency or labor organization to engage  
24 in sexual harassment; provided, that an employer shall be  
25 responsible for sexual harassment of the employer's employees  
26 by nonemployees or nonmanagerial and nonsupervisory employees

1 only if the employer becomes aware of the conduct and fails to  
2 take reasonable corrective measures.

3 (E) Public Employers. For any public employer to refuse to  
4 permit a public employee under its jurisdiction who takes time  
5 off from work in order to practice his or her religious beliefs  
6 to engage in work, during hours other than such employee's  
7 regular working hours, consistent with the operational needs of  
8 the employer and in order to compensate for work time lost for  
9 such religious reasons. Any employee who elects such deferred  
10 work shall be compensated at the wage rate which he or she  
11 would have earned during the originally scheduled work period.  
12 The employer may require that an employee who plans to take  
13 time off from work in order to practice his or her religious  
14 beliefs provide the employer with a notice of his or her  
15 intention to be absent from work not exceeding 5 days prior to  
16 the date of absence.

17 (F) Training and Apprenticeship Programs. For any  
18 employer, employment agency or labor organization to  
19 discriminate against a person on the basis of age in the  
20 selection, referral for or conduct of apprenticeship or  
21 training programs.

22 (G) Immigration-Related Practices.

23 (1) for an employer to request for purposes of  
24 satisfying the requirements of Section 1324a(b) of Title 8  
25 of the United States Code, as now or hereafter amended,  
26 more or different documents than are required under such



1 Section or to refuse to honor documents tendered that on  
2 their face reasonably appear to be genuine; or

3 (2) for an employer participating in the E-Verify  
4 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
5 Programs for Employment Eligibility Confirmation (enacted  
6 by PL 104-208, div. C title IV, subtitle A) to refuse to  
7 hire, to segregate, or to act with respect to recruitment,  
8 hiring, promotion, renewal of employment, selection for  
9 training or apprenticeship, discharge, discipline, tenure  
10 or terms, privileges or conditions of employment without  
11 following the procedures under the E-Verify Program.

12 (H) (Blank). ~~Pregnancy; peace officers and fire fighters.~~  
13 ~~For a public employer to refuse to temporarily transfer a~~  
14 ~~pregnant female peace officer or pregnant female fire fighter~~  
15 ~~to a less strenuous or hazardous position for the duration of~~  
16 ~~her pregnancy if she so requests, with the advice of her~~  
17 ~~physician, where that transfer can be reasonably accommodated.~~  
18 ~~For the purposes of this subdivision (H), "peace officer" and~~  
19 ~~"fire fighter" have the meanings ascribed to those terms in~~  
20 ~~Section 3 of the Illinois Public Labor Relations Act.~~

21 ~~It is not a civil rights violation for an employer to take~~  
22 ~~any action that is required by Section 1324a of Title 8 of the~~  
23 ~~United States Code, as now or hereafter amended.~~

24 (I) Pregnancy. For an employer to refuse to hire, to  
25 segregate, or to act with respect to recruitment, hiring,  
26 promotion, renewal of employment, selection for training or

1 apprenticeship, discharge, discipline, tenure or terms,  
2 privileges or conditions of employment on the basis of  
3 pregnancy, childbirth, or ~~related~~ medical or common conditions  
4 related to pregnancy or childbirth. Women affected by  
5 pregnancy, childbirth, or ~~related~~ medical or common conditions  
6 related to pregnancy or childbirth shall be treated the same  
7 for all employment-related purposes, including receipt of  
8 benefits under fringe benefit programs, as other persons not so  
9 affected but similar in their ability or inability to work,  
10 regardless of the source of the inability to work or employment  
11 classification or status.

12 (J) Pregnancy; reasonable accommodations.

13 (1) If after a job applicant or employee, including a  
14 part-time, full-time, or probationary employee, requests a  
15 reasonable accommodation, for an employer to not make  
16 reasonable accommodations for any medical or common  
17 condition of a job applicant or employee related to  
18 pregnancy or childbirth, unless the employer can  
19 demonstrate that the accommodation would impose an undue  
20 hardship on the ordinary operation of the business of the  
21 employer. The employer may request documentation from the  
22 employee's health care provider concerning the need for the  
23 requested reasonable accommodation or accommodations to  
24 the same extent documentation is requested for conditions  
25 related to disability if the employer's request for  
26 documentation is job-related and consistent with business

1 necessity. The employer may require only the medical  
2 justification for the requested accommodation or  
3 accommodations, a description of the reasonable  
4 accommodation or accommodations medically advisable, the  
5 date the reasonable accommodation or accommodations became  
6 medically advisable, and the probable duration of the  
7 reasonable accommodation or accommodations. It is the duty  
8 of the individual seeking a reasonable accommodation or  
9 accommodations to submit to the employer any documentation  
10 that is requested in accordance with this paragraph.  
11 Notwithstanding the provisions of this paragraph, the  
12 employer may require documentation by the employee's  
13 health care provider to determine compliance with other  
14 laws. The employee and employer shall engage in a timely,  
15 good faith, and meaningful exchange to determine effective  
16 reasonable accommodations.

17 (2) For an employer to deny employment opportunities or  
18 benefits to or take adverse action against an otherwise  
19 qualified job applicant or employee, including a  
20 part-time, full-time, or probationary employee, if the  
21 denial or adverse action is based on the need of the  
22 employer to make reasonable accommodations to the known  
23 medical or common conditions related to the pregnancy or  
24 childbirth of the applicant or employee.

25 (3) For an employer to require a job applicant or  
26 employee, including a part-time, full-time, or

1 probationary employee, affected by pregnancy, childbirth,  
2 or medical or common conditions related to pregnancy or  
3 childbirth to accept an accommodation when the applicant or  
4 employee did not request an accommodation and the applicant  
5 or employee chooses not to accept the employer's  
6 accommodation.

7 (4) For an employer to require an employee, including a  
8 part-time, full-time, or probationary employee, to take  
9 leave under any leave law or policy of the employer if  
10 another reasonable accommodation can be provided to the  
11 known medical or common conditions related to the pregnancy  
12 or childbirth of an employee. No employer shall fail or  
13 refuse to reinstate the employee affected by pregnancy,  
14 childbirth, or medical or common conditions related to  
15 pregnancy or childbirth to her original job or to an  
16 equivalent position with equivalent pay and accumulated  
17 seniority, retirement, fringe benefits, and other  
18 applicable service credits upon her signifying her intent  
19 to return or when her need for reasonable accommodation  
20 ceases, unless the employer can demonstrate that the  
21 accommodation would impose an undue hardship on the  
22 ordinary operation of the business of the employer.

23 For the purposes of this subdivision (J), "reasonable  
24 accommodations" means reasonable modifications or adjustments  
25 to the job application process or work environment, or to the  
26 manner or circumstances under which the position desired or

1 held is customarily performed, that enable an applicant or  
2 employee affected by pregnancy, childbirth, or medical or  
3 common conditions related to pregnancy or childbirth to be  
4 considered for the position the applicant desires or to perform  
5 the essential functions of that position, and may include, but  
6 is not limited to: more frequent or longer bathroom breaks,  
7 breaks for increased water intake, and breaks for periodic  
8 rest; private non-bathroom space for expressing breast milk and  
9 breastfeeding; seating; assistance with manual labor; light  
10 duty; temporary transfer to a less strenuous or hazardous  
11 position; the provision of an accessible worksite; acquisition  
12 or modification of equipment; job restructuring; a part-time or  
13 modified work schedule; appropriate adjustment or  
14 modifications of examinations, training materials, or  
15 policies; reassignment to a vacant position; time off to  
16 recover from conditions related to childbirth; and leave  
17 necessitated by pregnancy, childbirth, or medical or common  
18 conditions resulting from pregnancy or childbirth.

19 For the purposes of this subdivision (J), "undue hardship"  
20 means an action that is prohibitively expensive or disruptive  
21 when considered in light of the following factors: (i) the  
22 nature and cost of the accommodation needed; (ii) the overall  
23 financial resources of the facility or facilities involved in  
24 the provision of the reasonable accommodation, the number of  
25 persons employed at the facility, the effect on expenses and  
26 resources, or the impact otherwise of the accommodation upon

1 the operation of the facility; (iii) the overall financial  
2 resources of the employer, the overall size of the business of  
3 the employer with respect to the number of its employees, and  
4 the number, type, and location of its facilities; and (iv) the  
5 type of operation or operations of the employer, including the  
6 composition, structure, and functions of the workforce of the  
7 employer, the geographic separateness, administrative, or  
8 fiscal relationship of the facility or facilities in question  
9 to the employer. The employer has the burden of proving undue  
10 hardship. The fact that the employer provides or would be  
11 required to provide a similar accommodation to similarly  
12 situated employees creates a rebuttable presumption that the  
13 accommodation does not impose an undue hardship on the  
14 employer.

15 No employer is required by this subdivision (J) to create  
16 additional employment that the employer would not otherwise  
17 have created, unless the employer does so or would do so for  
18 other classes of employees who need accommodation. The employer  
19 is not required to discharge any employee, transfer any  
20 employee with more seniority, or promote any employee who is  
21 not qualified to perform the job, unless the employer does so  
22 or would do so to accommodate other classes of employees who  
23 need it.

24 (K) Notice.

25 (1) For an employer to fail to post or keep posted in a  
26 conspicuous location on the premises of the employer where

1 notices to employees are customarily posted, or fail to  
2 include in any employee handbook information concerning an  
3 employee's rights under this Article, a notice, to be  
4 prepared or approved by the Department, summarizing the  
5 requirements of this Article and information pertaining to  
6 the filing of a charge, including the right to be free from  
7 unlawful discrimination and the right to certain  
8 reasonable accommodations. The Department shall make the  
9 documents required under this paragraph available for  
10 retrieval from the Department's website.

11 (2) Upon notification of a violation of paragraph (1)  
12 of this subdivision (K), the Department may launch a  
13 preliminary investigation. If the Department finds a  
14 violation, the Department may issue a notice to show cause  
15 giving the employer 30 days to correct the violation. If  
16 the violation is not corrected, the Department may initiate  
17 a charge of a civil rights violation.

18 (Source: P.A. 97-596, eff. 8-26-11; 98-212, eff. 8-9-13.)

19 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

20 Sec. 6-101. Additional Civil Rights Violations. It is a  
21 civil rights violation for a person, or for two or more persons  
22 to conspire, to:

23 (A) Retaliation. Retaliate against a person because he  
24 or she has opposed that which he or she reasonably and in  
25 good faith believes to be unlawful discrimination, sexual

1 harassment in employment or sexual harassment in  
2 elementary, secondary, and higher education,  
3 discrimination based on citizenship status in employment,  
4 ~~or~~ because he or she has made a charge, filed a complaint,  
5 testified, assisted, or participated in an investigation,  
6 proceeding, or hearing under this Act, or because he or she  
7 has requested, attempted to request, used, or attempted to  
8 use a reasonable accommodation as allowed by this Act;

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

11 (C) Interference. Wilfully interfere with the  
12 performance of a duty or the exercise of a power by the  
13 Commission or one of its members or representatives or the  
14 Department or one of its officers or employees.

15 Definitions. For the purposes of this Section, "sexual  
16 harassment" and "citizenship status" shall have the same  
17 meaning as defined in Section 2-101 of this Act.

18 (Source: P.A. 96-1319, eff. 7-27-10; 97-333, eff. 8-12-11.)

19 Section 99. Effective date. This Act takes effect January  
20 1, 2015.