

August 13, 2018

To the Honorable Members of  
The Illinois House of Representatives,  
100th General Assembly:

Today I veto House Bill 4572 from the 100th General Assembly, which expands the definition of “employer” for certain types of employment discrimination to impose further liability on Illinois small businesses.

The Illinois Human Rights Act prohibits unlawful discrimination in employment in Illinois, and, in most instances, applies to employers with 15 or more employees. This 15-employee threshold mirrors the federal definition of employer in Title VII of the Civil Rights Act, the Americans with Disabilities Act, and other anti-discrimination statutes enforced by the U.S. Equal Employment Opportunity Commission. This longstanding and well-reasoned threshold balances the need to foster fair, equitable and harassment-free workplaces across the State with the lopsided burden that discrimination claims impose upon small businesses and startups, in comparison to large organizations with in-house compliance, human resources, risk management, and litigation defense functions.

Additionally, for claims of disability, pregnancy, or sexual harassment, the Illinois Human Rights Act already covers employers who employ only one or more individuals. This administration has worked diligently to enhance awareness of sexual harassment and gender bias and to reform the investigation and adjudication of violations in this area. I signed Senate Bill 402, which declares that sexual harassment is unethical in Illinois for State officials and employees. It also required that registered lobbyists undertake sexual harassment prevention training. Executive Order 2018-02 mandated expedited sexual harassment investigations within State agencies and recognized the uniquely cultural and diverse issues that underscore our understanding of sexual harassment. And Executive Order 2018-08 requires a comprehensive reform of the adjudication of all anti-discrimination cases before the Illinois Department of Human Rights and Illinois Human Rights Commission to generate better and faster decisions for parties.

Moving away from federal best practices and Illinois' own current practices will discourage business creation, while maintaining greater consistency with this standard provides small businesses with predictability in their compliance efforts, and recognizes the distinct challenges that liability may pose for them.

Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return House Bill 4572, entitled "AN ACT concerning human rights," with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner  
GOVERNOR