



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3206

by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-2302 new

Amends the Code of Civil Procedure. In the Part concerning settlement of claims, provides that an employer may not require an employee or prospective employee to execute a nondisclosure agreement, waiver, or other document that prohibits or attempts to prohibit an employee from disclosing or reporting allegations of sexual harassment, discrimination, or retaliation or the factual foundation of such an allegation. Provides that any nondisclosure agreement, waiver, or other document that: has the purpose or effect of prohibiting an employee from disclosing or reporting allegations of sexual harassment, discrimination, or retaliation or the factual foundation of such allegation; or purports or attempts to waive a substantive or procedural right or remedy under State or federal law arising out of the factual foundation providing the basis for a sexual harassment, discrimination, or retaliation claim is void and unenforceable. Defines terms. Effective immediately.

LRB101 10024 LNS 55126 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 2-2302 as follows:

6 (735 ILCS 5/2-2302 new)

7 Sec. 2-2302. Nondisclosure agreements. Notwithstanding any
8 other law to the contrary, an employer may not require an
9 employee or prospective employee to execute a nondisclosure
10 agreement, waiver, or other document that prohibits or attempts
11 to prohibit an employee from disclosing or reporting an
12 allegation of sexual harassment, discrimination, or
13 retaliation, or the factual foundation of such an allegation.

14 Any nondisclosure agreement, waiver, or other document
15 that has the purpose or effect of prohibiting an employee from
16 disclosing or reporting an allegation of sexual harassment,
17 discrimination, or retaliation, or the factual foundation of
18 such an allegation, is void and unenforceable.

19 Any nondisclosure agreement, waiver, or other document
20 that purports or attempts to waive a substantive or procedural
21 right or remedy under State or federal law arising out of the
22 factual foundation providing the basis for a sexual harassment,
23 discrimination, or retaliation, claim is void and

1 unenforceable.

2 As used in this Section, the following terms have the
3 following meanings:

4 "Discrimination" means for any employer to refuse to
5 hire, to segregate, or to act with respect to recruitment,
6 hiring, promotion, renewal of employment, selection for
7 training or apprenticeship, discharge, discipline, tenure
8 or terms, or privileges or conditions of employment on the
9 basis of unlawful discrimination or citizenship status.

10 "Employee" has the same meaning as set forth in
11 subsection (A) of Section 2-101 of the Illinois Human
12 Rights Act.

13 "Employer" has the same meaning as set forth in
14 subsection (B) of Section 2-101 of the Illinois Human
15 Rights Act.

16 "Retaliation" has the same meaning as set forth in
17 subsection (A) of Section 6-101 of the Illinois Human
18 Rights Act.

19 "Sexual harassment" has the same meaning as set forth
20 in subsection (E) of Section 2-101 of the Illinois Human
21 Rights Act.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.