

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 Article 1.

5 Section 1-1. Short title. This Article may be cited as the  
6 Workplace Transparency Act. References in this Article to "this  
7 Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Arbitration agreement" means an agreement between an  
10 employer and an employee to submit to arbitration all or  
11 certain disputes that arise in respect of a defined legal  
12 relationship, whether contractual or not, and may be in the  
13 form of an arbitration clause in a contract or in the form of a  
14 separate agreement.

15 "Employee" has the same meaning as set forth in Section  
16 2-101 of the Illinois Human Rights Act.

17 "Employer" has the same meaning as set forth in Section  
18 2-101 of the Illinois Human Rights Act.

19 "Nondisclosure clause" means a provision in a contract or  
20 agreement between an employer and employee establishing that  
21 the parties to the contract or agreement agree not to disclose  
22 information covered by the terms and conditions of the contract

1 or agreement.

2 "Nondisparagement clause" means a provision in a contract  
3 or agreement between an employer and employee requiring one or  
4 more parties to the contract or agreement not to make negative  
5 statements about the other.

6 "Sexual harassment" has the same meaning as set forth in  
7 Section 2-101 of the Illinois Human Rights Act.

8 Section 1-10. Prohibitions.

9 (a) An employer may not enter into a contract or agreement  
10 with an employee or applicant, as a condition of employment,  
11 promotion, compensation, benefits, or change in employment  
12 status or contractual relationship, or as a term, condition, or  
13 privilege of employment, if that contract or agreement contains  
14 a nondisclosure or nondisparagement clause that covers  
15 harassment or discrimination as provided under Section 2-102 of  
16 the Illinois Human Rights Act. Any such nondisclosure or  
17 nondisparagement clause is severable, and all other provisions  
18 of the employment contract shall remain in effect.

19 (b) Notwithstanding any other provision of law, an employer  
20 may not enforce or attempt to enforce a nondisparagement clause  
21 or nondisclosure clause described in subsection (a) or  
22 retaliate against an employee or applicant for reporting,  
23 resisting, opposing, or assisting in the investigation of  
24 harassment or discrimination as provided in Section 2-102 of  
25 the Illinois Human Rights Act.

1           (c) Except when inconsistent with federal or State law, an  
2 employer may enter into a contract or agreement with an  
3 employee or applicant. However, an arbitration clause shall  
4 contain a written exception for claims of harassment or  
5 discrimination, as provided under Section 2-102 of the Illinois  
6 Human Rights Act, and shall allow an employee or applicant to  
7 pursue such claims against the employer through either arbitral  
8 or judicial forums.

9           (d) An employer may not enforce or attempt to enforce an  
10 arbitration clause entered into if the clause does not contain  
11 the written exception required in subsection (c). Any such  
12 arbitration clause is severable, and all other provisions of  
13 the contract or agreement shall remain in effect.

14           Section 1-15. Voidable agreements. A contract or agreement  
15 containing a provision contrary to this Act that was entered  
16 into on or before the effective date of this Act shall be  
17 voidable by a party who entered into it under any of the  
18 following circumstances:

19           (1) while under duress in the execution of the contract or  
20 agreement;

21           (2) while incompetent or impaired at the time of execution  
22 of the contract or agreement; or

23           (3) while a minor at the time of execution of the contract  
24 or agreement, regardless of whether the person was represented  
25 at the time by counsel, a guardian, or a parent.

1           Section 1-20. Unconscionable terms. There is a rebuttable  
2           presumption that the following contractual terms are  
3           unconscionable if they are included in an arbitration agreement  
4           and the employee or applicant does not draft the contract or  
5           agreement:

6           (1) A requirement that resolution of legal claims take  
7           place in an inconvenient venue. As used in this paragraph,  
8           "inconvenient venue" means: (i) for State law claims, a place  
9           other than the county in which the employee or applicant  
10          resides or the contract was consummated; and (ii) for federal  
11          law claims, a place other than the federal judicial district in  
12          which the employee or applicant resides or the contract was  
13          consummated.

14          (2) A waiver of the employee or applicant's right to assert  
15          claims or seek remedies provided by State or federal statute.

16          (3) A waiver of the employee or applicant's right to seek  
17          punitive damages as provided by law.

18          (4) A provision limiting the time that an employee or  
19          applicant may bring an action to a period shorter than the  
20          applicable statute of limitations.

21          (5) A requirement that the employee or applicant pay fees  
22          and costs to bring a legal claim substantially in excess of the  
23          fees and costs that State or federal courts require to bring a  
24          claim.

1 Section 1-25. Settlement or separation agreements.

2 (a) This Act does not apply to a nondisclosure clause or  
3 nondisparagement clause contained in a settlement agreement or  
4 separation agreement that resolves legal claims or disputes if:

5 (1) the legal claims accrued or the disputes arose  
6 before the settlement agreement or separation agreement  
7 was executed;

8 (2) the clauses are mutually agreed upon and mutually  
9 benefit both the employer and the employee;

10 (3) the settlement or separation agreement is provided  
11 to all parties, unless knowingly and voluntarily waived by  
12 the employee or applicant, and the employee or applicant  
13 has 21 calendar days to consider the agreement before it is  
14 executed; and

15 (4) unless knowingly and voluntarily waived by the  
16 employee or applicant, the employee or applicant has 7  
17 calendar days following execution of the agreement to  
18 revoke the agreement and the agreement is not effective or  
19 enforceable until the revocation period has expired.

20 (b) An employer may not unilaterally include a  
21 nondisclosure clause or nondisparagement clause that solely  
22 benefits the employer in a separation or settlement agreement.

23 (c) Notwithstanding signing, before or after the effective  
24 date of this Act, a settlement or separation agreement  
25 containing a nondisclosure or nondisparagement clause, an  
26 employee or applicant retains any right that person would

1 otherwise have had to report a concern about workplace  
2 harassment or discrimination, including sexual harassment or  
3 another violation of the law, to the Department of Human Rights  
4 or any other federal, State, or local agency, and any right  
5 that person would otherwise have had to bring an action in a  
6 court of this State or of the United States.

7 Section 1-30. Enforcement. A violation of this Act  
8 constitutes a civil rights violation under the Illinois Human  
9 Rights Act.

10 Section 1-35. Application. If there is a conflict between  
11 any collective bargaining agreement and this Act, the  
12 collective bargaining agreement controls.

13 Section 1-40. Limitations. This Act shall not be construed  
14 to limit an employer's ability to require confidentiality of:

15 (1) An employee who receives complaints of workplace  
16 harassment, including sexual harassment, or other employment  
17 discrimination as a part of his or her assigned job duties; or

18 (2) An individual who is notified and requested to  
19 participate in an open and ongoing investigation into alleged  
20 workplace harassment, including sexual harassment, or other  
21 employment discrimination and requested to maintain reasonable  
22 confidentiality during the pendency of that investigation.

1 Section 1-45. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

3 Article 2.

4 Section 2-5. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other records  
19 prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a local  
21 emergency energy plan ordinance that is adopted under  
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information



1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of  
13 compensation and expenses for court appointed trial  
14 counsel as provided under Sections 10 and 15 of the Capital  
15 Crimes Litigation Act. This subsection (n) shall apply  
16 until the conclusion of the trial of the case, even if the  
17 prosecution chooses not to pursue the death penalty prior  
18 to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Regional Transportation Authority under Section 2.11 of  
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety  
2 Act.

3 (q) Information prohibited from being disclosed by the  
4 Personnel Record ~~Records~~ Review Act.

5 (r) Information prohibited from being disclosed by the  
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted  
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information  
10 in the form of health data or medical records contained in,  
11 stored in, submitted to, transferred by, or released from  
12 the Illinois Health Information Exchange, and identified  
13 or deidentified health information in the form of health  
14 data and medical records of the Illinois Health Information  
15 Exchange in the possession of the Illinois Health  
16 Information Exchange Authority due to its administration  
17 of the Illinois Health Information Exchange. The terms  
18 "identified" and "deidentified" shall be given the same  
19 meaning as in the Health Insurance Portability and  
20 Accountability Act of 1996, Public Law 104-191, or any  
21 subsequent amendments thereto, and any regulations  
22 promulgated thereunder.

23 (u) Records and information provided to an independent  
24 team of experts under the Developmental Disability and  
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure  
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from  
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure  
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure  
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being  
17 disclosed under Section 7-603.5 of the Illinois Vehicle  
18 Code.

19 (hh) Records that are exempt from disclosure under  
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure  
22 under Section 2505-800 of the Department of Revenue Law of  
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be  
25 submitted to the Department of Labor by registering day and  
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day  
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the  
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted  
6 and exempted under Section 5-30.8 of the Illinois Public  
7 Aid Code.

8 (mm) ~~(ll)~~ Records that are exempt from disclosure under  
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) ~~(ll)~~ Information that is exempt from disclosure  
11 under Section 70 of the Higher Education Student Assistance  
12 Act.

13 (oo) Data reported by an employer to the Department of  
14 Human Rights pursuant to Section 2-108 of the Illinois  
15 Human Rights Act.

16 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
17 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
18 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
19 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
20 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
21 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
22 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised  
23 10-12-18.)

24 Section 2-10. The Uniform Arbitration Act is amended by  
25 changing Section 1 as follows:

1 (710 ILCS 5/1) (from Ch. 10, par. 101)

2 Sec. 1. Validity of arbitration agreement. A written  
3 agreement to submit any existing controversy to arbitration or  
4 a provision in a written contract to submit to arbitration any  
5 controversy thereafter arising between the parties is valid,  
6 enforceable and irrevocable save upon such grounds as exist for  
7 the revocation of any contract, except: (1) as provided in the  
8 Workplace Transparency Act; and (2) ~~that~~ any agreement between  
9 a patient and a hospital or health care provider to submit to  
10 binding arbitration a claim for damages arising out of (i) ~~(1)~~  
11 injuries alleged to have been received by a patient, or (ii)  
12 ~~(2)~~ death of a patient, due to hospital or health care provider  
13 negligence or other wrongful act, but not including intentional  
14 torts, is also subject to the Health Care Arbitration Act.

15 (Source: P.A. 80-1012; 80-1031.)

16 Section 2-15. The Illinois Human Rights Act is amended by  
17 changing Sections 1-103, 2-101, 2-102, and 6-102 and by adding  
18 Sections 2-108, 7-114, and 8-109.1 as follows:

19 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

20 Sec. 1-103. General definitions. When used in this Act,  
21 unless the context requires otherwise, the term:

22 (A) Age. "Age" means the chronological age of a person who  
23 is at least 40 years old, except with regard to any practice

1 described in Section 2-102, insofar as that practice concerns  
2 training or apprenticeship programs. In the case of training or  
3 apprenticeship programs, for the purposes of Section 2-102,  
4 "age" means the chronological age of a person who is 18 but not  
5 yet 40 years old.

6 (B) Aggrieved party. "Aggrieved party" means a person who  
7 is alleged or proved to have been injured by a civil rights  
8 violation or believes he or she will be injured by a civil  
9 rights violation under Article 3 that is about to occur.

10 (C) Charge. "Charge" means an allegation filed with the  
11 Department by an aggrieved party or initiated by the Department  
12 under its authority.

13 (D) Civil rights violation. "Civil rights violation"  
14 includes and shall be limited to only those specific acts set  
15 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
16 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
17 6-101, and 6-102 of this Act.

18 (E) Commission. "Commission" means the Human Rights  
19 Commission created by this Act.

20 (F) Complaint. "Complaint" means the formal pleading filed  
21 by the Department with the Commission following an  
22 investigation and finding of substantial evidence of a civil  
23 rights violation.

24 (G) Complainant. "Complainant" means a person including  
25 the Department who files a charge of civil rights violation  
26 with the Department or the Commission.

1 (H) Department. "Department" means the Department of Human  
2 Rights created by this Act.

3 (I) Disability. "Disability" means a determinable physical  
4 or mental characteristic of a person, including, but not  
5 limited to, a determinable physical characteristic which  
6 necessitates the person's use of a guide, hearing or support  
7 dog, the history of such characteristic, or the perception of  
8 such characteristic by the person complained against, which may  
9 result from disease, injury, congenital condition of birth or  
10 functional disorder and which characteristic:

11 (1) For purposes of Article 2, is unrelated to the  
12 person's ability to perform the duties of a particular job  
13 or position and, pursuant to Section 2-104 of this Act, a  
14 person's illegal use of drugs or alcohol is not a  
15 disability;

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

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

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

24 (5) For purposes of Article 5, also includes any  
25 mental, psychological, or developmental disability,  
26 including autism spectrum disorders.



1 (J) Marital status. "Marital status" means the legal status  
2 of being married, single, separated, divorced, or widowed.

3 (J-1) Military status. "Military status" means a person's  
4 status on active duty in or status as a veteran of the armed  
5 forces of the United States, status as a current member or  
6 veteran of any reserve component of the armed forces of the  
7 United States, including the United States Army Reserve, United  
8 States Marine Corps Reserve, United States Navy Reserve, United  
9 States Air Force Reserve, and United States Coast Guard  
10 Reserve, or status as a current member or veteran of the  
11 Illinois Army National Guard or Illinois Air National Guard.

12 (K) National origin. "National origin" means the place in  
13 which a person or one of his or her ancestors was born.

14 (K-5) "Order of protection status" means a person's status  
15 as being a person protected under an order of protection issued  
16 pursuant to the Illinois Domestic Violence Act of 1986, Article  
17 112A of the Code of Criminal Procedure of 1963, the Stalking No  
18 Contact Order Act, or the Civil No Contact Order Act, or an  
19 order of protection issued by a court of another state.

20 (L) Person. "Person" includes one or more individuals,  
21 partnerships, associations or organizations, labor  
22 organizations, labor unions, joint apprenticeship committees,  
23 or union labor associations, corporations, the State of  
24 Illinois and its instrumentalities, political subdivisions,  
25 units of local government, legal representatives, trustees in  
26 bankruptcy or receivers.

1 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
2 or medical or common conditions related to pregnancy or  
3 childbirth.

4 (M) Public contract. "Public contract" includes every  
5 contract to which the State, any of its political subdivisions,  
6 or any municipal corporation is a party.

7 (N) Religion. "Religion" includes all aspects of religious  
8 observance and practice, as well as belief, except that with  
9 respect to employers, for the purposes of Article 2, "religion"  
10 has the meaning ascribed to it in paragraph (F) of Section  
11 2-101.

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

13 (O-1) Sexual orientation. "Sexual orientation" means  
14 actual or perceived heterosexuality, homosexuality,  
15 bisexuality, or gender-related identity, whether or not  
16 traditionally associated with the person's designated sex at  
17 birth. "Sexual orientation" does not include a physical or  
18 sexual attraction to a minor by an adult.

19 (P) Unfavorable military discharge. "Unfavorable military  
20 discharge" includes discharges from the Armed Forces of the  
21 United States, their Reserve components, or any National Guard  
22 or Naval Militia which are classified as RE-3 or the equivalent  
23 thereof, but does not include those characterized as RE-4 or  
24 "Dishonorable".

25 (Q) Unlawful discrimination. "Unlawful discrimination"  
26 means discrimination against a person because of his or her

1 actual or perceived: race, color, religion, national origin,  
2 ancestry, age, sex, marital status, order of protection status,  
3 disability, military status, sexual orientation, pregnancy, or  
4 unfavorable discharge from military service as those terms are  
5 defined in this Section.

6 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

7 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

10 (A) Employee.

11 (1) "Employee" includes:

12 (a) Any individual performing services for  
13 remuneration within this State for an employer;

14 (b) An apprentice;

15 (c) An applicant for any apprenticeship.

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

20 (i) the employer is not committed to hiring the  
21 person performing the work at the conclusion of the  
22 intern's tenure;

23 (ii) the employer and the person performing the  
24 work agree that the person is not entitled to wages for  
25 the work performed; and

1 (iii) the work performed:

2 (I) supplements training given in an  
3 educational environment that may enhance the  
4 employability of the intern;

5 (II) provides experience for the benefit of  
6 the person performing the work;

7 (III) does not displace regular employees;

8 (IV) is performed under the close supervision  
9 of existing staff; and

10 (V) provides no immediate advantage to the  
11 employer providing the training and may  
12 occasionally impede the operations of the  
13 employer.

14 (2) "Employee" does not include:

15 (a) (Blank);

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

18 (c) Elected public officials or the members of  
19 their immediate personal staffs;

20 (d) Principal administrative officers of the State  
21 or of any political subdivision, municipal corporation  
22 or other governmental unit or agency;

23 (e) A person in a vocational rehabilitation  
24 facility certified under federal law who has been  
25 designated an evaluatee, trainee, or work activity  
26 client.

1 (B) Employer.

2 (1) "Employer" includes:

3 (a) Any person employing 15 or more employees  
4 within Illinois during 20 or more calendar weeks within  
5 the calendar year of or preceding the alleged  
6 violation;

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

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

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

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

19 (2) "Employer" does not include any religious  
20 corporation, association, educational institution,  
21 society, or non-profit nursing institution conducted by  
22 and for those who rely upon treatment by prayer through  
23 spiritual means in accordance with the tenets of a  
24 recognized church or religious denomination with respect  
25 to the employment of individuals of a particular religion  
26 to perform work connected with the carrying on by such

1 corporation, association, educational institution, society  
2 or non-profit nursing institution of its activities.

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

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

19 (E) Sexual Harassment. "Sexual harassment" means any  
20 unwelcome sexual advances or requests for sexual favors or any  
21 conduct of a sexual nature when (1) submission to such conduct  
22 is made either explicitly or implicitly a term or condition of  
23 an individual's employment, (2) submission to or rejection of  
24 such conduct by an individual is used as the basis for  
25 employment decisions affecting such individual, or (3) such  
26 conduct has the purpose or effect of substantially interfering

1 with an individual's work performance or creating an  
2 intimidating, hostile or offensive working environment.

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

6 (F) Religion. "Religion" with respect to employers  
7 includes all aspects of religious observance and practice, as  
8 well as belief, unless an employer demonstrates that he is  
9 unable to reasonably accommodate an employee's or prospective  
10 employee's religious observance or practice without undue  
11 hardship on the conduct of the employer's business.

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

15 (H) Public Employee. "Public employee" means an employee of  
16 the State, agency or department thereof, unit of local  
17 government, school district, instrumentality or political  
18 subdivision. "Public employee" does not include public  
19 officers or employees of the General Assembly or agencies  
20 thereof.

21 (I) Public Officer. "Public officer" means a person who is  
22 elected to office pursuant to the Constitution or a statute or  
23 ordinance, or who is appointed to an office which is  
24 established, and the qualifications and duties of which are  
25 prescribed, by the Constitution or a statute or ordinance, to  
26 discharge a public duty for the State, agency or department

1       thereof, unit of local government, school district,  
2       instrumentality or political subdivision.

3           (J) Eligible Bidder. "Eligible bidder" means a person who,  
4       prior to contract award or prior to bid opening for State  
5       contracts for construction or construction-related services,  
6       has filed with the Department a properly completed, sworn and  
7       currently valid employer report form, pursuant to the  
8       Department's regulations. The provisions of this Article  
9       relating to eligible bidders apply only to bids on contracts  
10      with the State and its departments, agencies, boards, and  
11      commissions, and the provisions do not apply to bids on  
12      contracts with units of local government or school districts.

13          (K) Citizenship Status. "Citizenship status" means the  
14      status of being:

15           (1) a born U.S. citizen;

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

17           (3) a U.S. national; or

18           (4) a person born outside the United States and not a  
19      U.S. citizen who is not an unauthorized alien and who is  
20      protected from discrimination under the provisions of  
21      Section 1324b of Title 8 of the United States Code, as now  
22      or hereafter amended.

23      (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,  
24      eff. 8-9-17.)

25           (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)



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

3           (A) Employers. For any employer to refuse to hire, to  
4 segregate, to engage in harassment, or to act with respect  
5 to recruitment, hiring, promotion, renewal of employment,  
6 selection for training or apprenticeship, discharge,  
7 discipline, tenure or terms, privileges or conditions of  
8 employment on the basis of unlawful discrimination or  
9 citizenship status. However, an employer is responsible  
10 for harassment by the employer's nonmanagerial and  
11 nonsupervisory employees only if the employer becomes  
12 aware of the conduct and fails to take corrective measures.  
13 For the purpose of this subdivision (A), the phrase "to  
14 engage in harassment" includes verbal or physical conduct  
15 and any other conduct that has the purpose or effect of  
16 substantially interfering with an individual's work  
17 performance or creating an intimidating, hostile or  
18 offensive working environment on the basis of unlawful  
19 discrimination or citizenship status.

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

24           For the purposes of this subdivision (A-5), "language"  
25 means a person's native tongue, such as Polish, Spanish, or  
26 Chinese. "Language" does not include such things as slang,

1 jargon, profanity, or vulgarity.

2 (A-10) Harassment of nonemployees. For any employer,  
3 employment agency, or labor organization to engage in  
4 harassment of nonemployees in the workplace, including  
5 verbal or physical conduct or any other conduct that has  
6 the purpose or effect of substantially interfering with an  
7 individual's work performance or creating an intimidating,  
8 hostile, or offensive working environment on the basis of  
9 unlawful discrimination or citizenship status. However, an  
10 employer is responsible for harassment of nonemployees by  
11 the employer's nonmanagerial and nonsupervisory employees  
12 only if the employer becomes aware of the conduct and fails  
13 to take reasonable corrective measures. For purposes of  
14 this subdivision (A-10), "nonemployees" include  
15 contractors, subcontractors, vendors, consultants, or  
16 other persons performing work pursuant to a contract.

17 (B) Employment agency. For any employment agency to  
18 fail or refuse to classify properly, accept applications  
19 and register for employment referral or apprenticeship  
20 referral, refer for employment, or refer for  
21 apprenticeship on the basis of unlawful discrimination or  
22 citizenship status or to accept from any person any job  
23 order, requisition or request for referral of applicants  
24 for employment or apprenticeship which makes or has the  
25 effect of making unlawful discrimination or discrimination  
26 on the basis of citizenship status a condition of referral.

1 (C) Labor organization. For any labor organization to  
2 limit, segregate or classify its membership, or to limit  
3 employment opportunities, selection and training for  
4 apprenticeship in any trade or craft, or otherwise to take,  
5 or fail to take, any action which affects adversely any  
6 person's status as an employee or as an applicant for  
7 employment or as an apprentice, or as an applicant for  
8 apprenticeships, or wages, tenure, hours of employment or  
9 apprenticeship conditions on the basis of unlawful  
10 discrimination or citizenship status.

11 (D) Sexual harassment. For any employer, employee,  
12 agent of any employer, employment agency or labor  
13 organization to engage in sexual harassment; provided,  
14 that an employer shall be responsible for sexual harassment  
15 of the employer's employees by nonemployees or  
16 nonmanagerial and nonsupervisory employees only if the  
17 employer becomes aware of the conduct and fails to take  
18 reasonable corrective measures.

19 (D-5) Sexual harassment of nonemployees. For any  
20 employer, employee, agent of any employer, employment  
21 agency, or labor organization to engage in sexual  
22 harassment of nonemployees in the workplace. However, an  
23 employer is responsible for sexual harassment of  
24 nonemployees by the employer's nonmanagerial and  
25 nonsupervisory employees only if the employer becomes  
26 aware of the conduct and fails to take reasonable

1 corrective measures. For purposes of this subdivision  
2 (D-5), "nonemployees" include contractors, subcontractors,  
3 vendors, consultants, or other persons performing work  
4 pursuant to a contract.

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

20 (E-5) Religious discrimination. For any employer to  
21 impose upon a person as a condition of obtaining or  
22 retaining employment, including opportunities for  
23 promotion, advancement, or transfer, any terms or  
24 conditions that would require such person to violate or  
25 forgo a sincerely held practice of his or her religion  
26 including, but not limited to, the wearing of any attire,

1 clothing, or facial hair in accordance with the  
2 requirements of his or her religion, unless, after engaging  
3 in a bona fide effort, the employer demonstrates that it is  
4 unable to reasonably accommodate the employee's or  
5 prospective employee's sincerely held religious belief,  
6 practice, or observance without undue hardship on the  
7 conduct of the employer's business.

8 Nothing in this Section prohibits an employer from  
9 enacting a dress code or grooming policy that may include  
10 restrictions on attire, clothing, or facial hair to  
11 maintain workplace safety or food sanitation.

12 (F) Training and apprenticeship programs. For any  
13 employer, employment agency or labor organization to  
14 discriminate against a person on the basis of age in the  
15 selection, referral for or conduct of apprenticeship or  
16 training programs.

17 (G) Immigration-related practices.

18 (1) for an employer to request for purposes of  
19 satisfying the requirements of Section 1324a(b) of  
20 Title 8 of the United States Code, as now or hereafter  
21 amended, more or different documents than are required  
22 under such Section or to refuse to honor documents  
23 tendered that on their face reasonably appear to be  
24 genuine; or

25 (2) for an employer participating in the E-Verify  
26 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot

1 Programs for Employment Eligibility Confirmation  
2 (enacted by PL 104-208, div. C title IV, subtitle A) to  
3 refuse to hire, to segregate, or to act with respect to  
4 recruitment, hiring, promotion, renewal of employment,  
5 selection for training or apprenticeship, discharge,  
6 discipline, tenure or terms, privileges or conditions  
7 of employment without following the procedures under  
8 the E-Verify Program.

9 (H) (Blank).

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

24 (J) Pregnancy; reasonable accommodations.

25 (1) If after a job applicant or employee, including  
26 a part-time, full-time, or probationary employee,

1 requests a reasonable accommodation, for an employer  
2 to not make reasonable accommodations for any medical  
3 or common condition of a job applicant or employee  
4 related to pregnancy or childbirth, unless the  
5 employer can demonstrate that the accommodation would  
6 impose an undue hardship on the ordinary operation of  
7 the business of the employer. The employer may request  
8 documentation from the employee's health care provider  
9 concerning the need for the requested reasonable  
10 accommodation or accommodations to the same extent  
11 documentation is requested for conditions related to  
12 disability if the employer's request for documentation  
13 is job-related and consistent with business necessity.  
14 The employer may require only the medical  
15 justification for the requested accommodation or  
16 accommodations, a description of the reasonable  
17 accommodation or accommodations medically advisable,  
18 the date the reasonable accommodation or  
19 accommodations became medically advisable, and the  
20 probable duration of the reasonable accommodation or  
21 accommodations. It is the duty of the individual  
22 seeking a reasonable accommodation or accommodations  
23 to submit to the employer any documentation that is  
24 requested in accordance with this paragraph.  
25 Notwithstanding the provisions of this paragraph, the  
26 employer may require documentation by the employee's

1 health care provider to determine compliance with  
2 other laws. The employee and employer shall engage in a  
3 timely, good faith, and meaningful exchange to  
4 determine effective reasonable accommodations.

5 (2) For an employer to deny employment  
6 opportunities or benefits to or take adverse action  
7 against an otherwise qualified job applicant or  
8 employee, including a part-time, full-time, or  
9 probationary employee, if the denial or adverse action  
10 is based on the need of the employer to make reasonable  
11 accommodations to the known medical or common  
12 conditions related to the pregnancy or childbirth of  
13 the applicant or employee.

14 (3) For an employer to require a job applicant or  
15 employee, including a part-time, full-time, or  
16 probationary employee, affected by pregnancy,  
17 childbirth, or medical or common conditions related to  
18 pregnancy or childbirth to accept an accommodation  
19 when the applicant or employee did not request an  
20 accommodation and the applicant or employee chooses  
21 not to accept the employer's accommodation.

22 (4) For an employer to require an employee,  
23 including a part-time, full-time, or probationary  
24 employee, to take leave under any leave law or policy  
25 of the employer if another reasonable accommodation  
26 can be provided to the known medical or common



1 conditions related to the pregnancy or childbirth of an  
2 employee. No employer shall fail or refuse to reinstate  
3 the employee affected by pregnancy, childbirth, or  
4 medical or common conditions related to pregnancy or  
5 childbirth to her original job or to an equivalent  
6 position with equivalent pay and accumulated  
7 seniority, retirement, fringe benefits, and other  
8 applicable service credits upon her signifying her  
9 intent to return or when her need for reasonable  
10 accommodation ceases, unless the employer can  
11 demonstrate that the accommodation would impose an  
12 undue hardship on the ordinary operation of the  
13 business of the employer.

14 For the purposes of this subdivision (J), "reasonable  
15 accommodations" means reasonable modifications or  
16 adjustments to the job application process or work  
17 environment, or to the manner or circumstances under which  
18 the position desired or held is customarily performed, that  
19 enable an applicant or employee affected by pregnancy,  
20 childbirth, or medical or common conditions related to  
21 pregnancy or childbirth to be considered for the position  
22 the applicant desires or to perform the essential functions  
23 of that position, and may include, but is not limited to:  
24 more frequent or longer bathroom breaks, breaks for  
25 increased water intake, and breaks for periodic rest;  
26 private non-bathroom space for expressing breast milk and

1       breastfeeding; seating; assistance with manual labor;  
2       light duty; temporary transfer to a less strenuous or  
3       hazardous position; the provision of an accessible  
4       worksite; acquisition or modification of equipment; job  
5       restructuring; a part-time or modified work schedule;  
6       appropriate adjustment or modifications of examinations,  
7       training materials, or policies; reassignment to a vacant  
8       position; time off to recover from conditions related to  
9       childbirth; and leave necessitated by pregnancy,  
10      childbirth, or medical or common conditions resulting from  
11      pregnancy or childbirth.

12             For the purposes of this subdivision (J), "undue  
13      hardship" means an action that is prohibitively expensive  
14      or disruptive when considered in light of the following  
15      factors: (i) the nature and cost of the accommodation  
16      needed; (ii) the overall financial resources of the  
17      facility or facilities involved in the provision of the  
18      reasonable accommodation, the number of persons employed  
19      at the facility, the effect on expenses and resources, or  
20      the impact otherwise of the accommodation upon the  
21      operation of the facility; (iii) the overall financial  
22      resources of the employer, the overall size of the business  
23      of the employer with respect to the number of its  
24      employees, and the number, type, and location of its  
25      facilities; and (iv) the type of operation or operations of  
26      the employer, including the composition, structure, and

1 functions of the workforce of the employer, the geographic  
2 separateness, administrative, or fiscal relationship of  
3 the facility or facilities in question to the employer. The  
4 employer has the burden of proving undue hardship. The fact  
5 that the employer provides or would be required to provide  
6 a similar accommodation to similarly situated employees  
7 creates a rebuttable presumption that the accommodation  
8 does not impose an undue hardship on the employer.

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

18 (K) Notice.

19 (1) For an employer to fail to post or keep posted  
20 in a conspicuous location on the premises of the  
21 employer where notices to employees are customarily  
22 posted, or fail to include in any employee handbook  
23 information concerning an employee's rights under this  
24 Article, a notice, to be prepared or approved by the  
25 Department, summarizing the requirements of this  
26 Article and information pertaining to the filing of a

1 charge, including the right to be free from unlawful  
2 discrimination, the right to be free from sexual  
3 harassment, and the right to certain reasonable  
4 accommodations. The Department shall make the  
5 documents required under this paragraph available for  
6 retrieval from the Department's website.

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

15 (Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18.)

16 (775 ILCS 5/2-108 new)

17 Sec. 2-108. Employer disclosure requirements.

18 (A) Definitions. The following definitions are applicable  
19 strictly to this Section:

20 (1) "Employer" includes:

21 (a) any party to a public contract without regard  
22 to the number of employees who, during the year  
23 preceding the reporting period required under  
24 subsection (B), has entered into a settlement as  
25 defined by paragraph (2) or who has had an adverse

1 judgment or administrative ruling entered against the  
2 party as defined by paragraph (3);

3 (b) any person employing one or more employees  
4 within this State during the 20 or more calendar weeks  
5 within the preceding calendar year who, during the year  
6 preceding the reporting period required under  
7 subsection (B), has entered into a settlement as  
8 defined by subsection paragraph (2) or who has had an  
9 adverse judgment or administrative ruling entered  
10 against him or her as defined by paragraph (3);

11 (c) a labor organization, as defined in Section  
12 2-101, that, during the year preceding the reporting  
13 period required under subsection (B), has entered into  
14 a settlement as defined by paragraph (2) or that has  
15 had an adverse judgment or administrative ruling  
16 entered against it as defined by paragraph (3); and

17 (d) the State and any political subdivision,  
18 municipal corporation, or other governmental unit or  
19 agency, without regard to the number of employees that,  
20 during the year preceding the reporting period  
21 required under subsection (B), has entered into a  
22 settlement as defined by paragraph (2) or that has had  
23 an adverse judgment or administrative ruling entered  
24 against it as defined by paragraph (3).

25 (2) "Settlement" means any written commitment or  
26 agreement, including any agreed judgment, stipulation,

1 decree, agreement to settle, assurance of discontinuance,  
2 or otherwise between an employee, as defined by subsection  
3 (A), and an employer under which the employer directly or  
4 indirectly provides to an individual compensation or other  
5 consideration due to an allegation that the individual has  
6 been a victim of sexual harassment or unlawful  
7 discrimination under this Act.

8 (3) "Adverse judgment or administrative ruling" means  
9 any final adverse judgment or final administrative ruling  
10 entered in favor of an employee as defined by subsection  
11 (A) and against the employer during the preceding year  
12 based on claims of sexual harassment or unlawful  
13 discrimination brought under this Act, Title VII of the  
14 Civil Rights Act of 1964, or any other federal, State, or  
15 local law prohibiting sexual harassment or unlawful  
16 discrimination.

17 (B) Required disclosures. Beginning July 1, 2020, each  
18 employer under this Section shall disclose annually to the  
19 Department of Human Rights the following information:

20 (1) the total number of settlements entered into during  
21 the preceding year by the employer or a corporate executive  
22 of the employer that relate to any alleged act of sexual  
23 harassment or unlawful discrimination that:

24 (a) occurred in the workplace of the employer; or

25 (b) involved the behavior of an employee of the  
26 employer or a corporate executive of the employer,

1           without regard to whether that behavior occurred in the  
2           workplace of the employer;

3           (2) how many settlements described in paragraph (1) are  
4           in each of the following categories:

5                   (a) sexual harassment or discrimination on the  
6                   basis of sex;

7                   (b) discrimination or harassment on the basis of  
8                   race, color, or national origin;

9                   (c) discrimination or harassment on the basis of  
10                   religion;

11                   (d) discrimination or harassment on the basis of  
12                   age;

13                   (e) discrimination or harassment on the basis of  
14                   disability;

15                   (f) discrimination or harassment on the basis of  
16                   military status or unfavorable discharge from military  
17                   status;

18                   (g) discrimination or harassment on the basis of  
19                   sexual orientation or gender identity; and

20                   (h) discrimination or harassment on the basis of  
21                   any other characteristic protected under this Act;

22           (3) the total number of adverse judgments or  
23           administrative rulings during the preceding year;

24           (4) whether any equitable relief was ordered against  
25           the employer in any adverse judgment or administrative  
26           ruling described in paragraph (3);

1           (5) how many adverse judgments or administrative  
2           rulings described in paragraph (3) are in each of the  
3           following categories:

4           (a) sexual harassment or discrimination on the  
5           basis of sex;

6           (b) discrimination or harassment on the basis of  
7           race, color, or national origin;

8           (c) discrimination or harassment on the basis of  
9           religion;

10          (d) discrimination or harassment on the basis of  
11          age;

12          (e) discrimination or harassment on the basis of  
13          disability;

14          (f) discrimination or harassment on the basis of  
15          military status or unfavorable discharge from military  
16          status;

17          (g) discrimination or harassment on the basis of  
18          sexual orientation or gender identity; and

19          (h) discrimination or harassment on the basis of  
20          any other characteristic protected under this Act;

21          (C) Prohibited disclosures. An employer may not disclose  
22          the name of a victim of an act of alleged sexual harassment or  
23          unlawful discrimination in any disclosures required under this  
24          Section.

25          (D) Annual report. The Department shall publish an annual  
26          report aggregating the information reported by employers under



1 this Section such that no individual employer data is available  
2 to the public. The report shall include:

3 (1) the number of settlements entered into during the  
4 preceding calendar year based on each of the protected  
5 classes identified by this Act; and

6 (2) the number of adverse judgments or administrative  
7 rulings filed during the preceding calendar year based on  
8 each of the protected classes identified by this Act.

9 The report shall be filed with the General Assembly and  
10 made available to the public by December 31 of each reporting  
11 year. Data submitted by an employer to comply with this Section  
12 is exempt from the Freedom of Information Act.

13 (E) Pattern and practice violations. The Department may  
14 open a preliminary investigation if the information disclosed  
15 under this Section identifies an employer or a corporate  
16 executive of the employer who may have engaged in a pattern and  
17 practice of unlawful discrimination under this Act. If a  
18 pattern and practice of unlawful discrimination is found, the  
19 Department shall initiate a charge of a civil rights violation.

20 (F) Failure to report and penalties. If an employer fails  
21 to make any disclosures required under this Section, the  
22 Department shall issue a notice to show cause giving the  
23 employer 30 days to disclose the required information. If the  
24 employer does not make the required disclosures within 30 days,  
25 the Department shall the petition the Illinois Human Rights  
26 Commission for entry of an order imposing a civil penalty

1 against the employer pursuant to Section 8-109.1. The civil  
2 penalty shall be paid into the Department of Human Rights'  
3 Training and Development Fund.

4 (G) Rules. The Department shall adopt any rules it deems  
5 necessary for implementation of this Section.

6 (775 ILCS 5/6-102)

7 Sec. 6-102. Violations of other Acts. A person who violates  
8 the Section 11-117-12.2 of the Illinois Municipal Code, Section  
9 224.05 of the Illinois Insurance Code, Section 8-201.5 of the  
10 Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11,  
11 and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of  
12 the Interest Act, the Military Personnel Cellular Phone  
13 Contract Termination Act, Section 405-272 of the Civil  
14 Administrative Code of Illinois, Section 10-63 of the Illinois  
15 Administrative Procedure Act, Sections 30.25 and 30.30 of the  
16 Military Code of Illinois, Section 16 of the Landlord and  
17 Tenant Act, Section 26.5 of the Retail Installment Sales Act,  
18 or Section 37 of the Motor Vehicle Leasing Act, or the  
19 Workplace Transparency Act commits a civil rights violation  
20 within the meaning of this Act.

21 (Source: P.A. 100-1101, eff. 1-1-19.)

22 (775 ILCS 5/7-114 new)

23 Sec. 7-114. Sexual harassment prevention training.

24 (A) The General Assembly finds that the Equal Employment

1 Opportunity Commission estimates that 25% to 85% of working  
2 women have experienced sexual harassment on the job.  
3 Organizational tolerance of sexual harassment has a  
4 detrimental influence in workplaces by creating a hostile  
5 environment for women, reducing productivity, and increasing  
6 legal liability. It is the General Assembly's intent to  
7 encourage employers to adopt and actively implement policies to  
8 ensure their workplaces are safe for women to report concerns  
9 about sexual harassment without fear of retaliation, loss of  
10 status, or loss of promotional opportunities.

11 (B) The Department shall produce a model sexual harassment  
12 prevention training program aimed at the prevention of sexual  
13 harassment in the workplace. The model program shall be made  
14 available to employers at no cost. This model program shall be  
15 interactive and, at a minimum, include the following:

16 (1) an explanation of sexual harassment consistent  
17 with this Act;

18 (2) examples of conduct that constitutes unlawful  
19 sexual harassment;

20 (3) an explanation of harassment based on sex  
21 consistent with this Act;

22 (4) examples of conduct that constitute unlawful  
23 harassment based on sex;

24 (5) a summary of federal and State statutory provisions  
25 concerning harassment based on sex, sexual harassment, and  
26 all remedies available to victims of sexual harassment or

1 harassment based on sex;

2 (6) a summary of employees' rights and available  
3 remedies and forums to adjudicate complaints;

4 (7) examples of appropriate and inappropriate conduct  
5 by supervisors; and

6 (8) a summary of responsibilities of employers in the  
7 prevention, investigation, and adjudication of sexual  
8 harassment.

9 (C) Every employer shall use the model sexual harassment  
10 prevention training program under this Section or establish a  
11 training program for employees and supervisors to prevent  
12 sexual harassment that equals or exceeds the minimum standards  
13 provided by the model training. The sexual harassment  
14 prevention training shall be provided to all employees on an  
15 annual basis.

16 (D) Failure to train and penalties. If an employer violates  
17 this Section, the Department shall issue a notice to show cause  
18 giving the employer 30 days to comply. If the employer does not  
19 comply within 30 days, the Department shall petition the Human  
20 Rights Commission for entry of an order imposing a civil  
21 penalty against the employer pursuant to Section 8-109.1. The  
22 civil penalty shall be paid into the Department of Human  
23 Rights' Training and Development Fund.

24 (775 ILCS 5/8-109.1 new)

25 Sec. 8-109.1. Civil penalties; failure to report; failure

1 to train.

2 (A) A hearing officer may recommend the Commission or any  
3 3-member panel thereof may:

4 (1) Failure to Report. In the case of an employer who  
5 fails to make any disclosures required under Section 2-108,  
6 order that a civil penalty be imposed pursuant to  
7 subsection (B).

8 (2) Failure to Train. In the case of an employer who  
9 fails to comply with the sexual harassment prevention  
10 training requirements under Section 2-114, order that a  
11 civil penalty be imposed pursuant to subsection (B).

12 (B) Civil Penalty. An employer who violates Section 2-108  
13 or 2-114 is subjected to a civil penalty as follows:

14 (1) For an employer with fewer than 4 employees: a  
15 penalty not to exceed \$500 for a first offense; a penalty  
16 not to exceed \$1,000 for a second offense; a penalty not to  
17 exceed \$3,000 for a third or subsequent offense.

18 (2) For an employer with 4 or more employees: a penalty  
19 not to exceed \$1,000 for a first offense; a penalty not to  
20 exceed \$3,000 for a second offense; a penalty not to exceed  
21 \$5,000 for a third or subsequent offense.

22 (C) The appropriateness of the penalty to the size of the  
23 employer charged, the good faith efforts made by the employer  
24 to comply, and the gravity of the violation shall be considered  
25 in determining the amount of the civil penalty.

1 Section 2-20. The Victims' Economic Security and Safety Act  
2 is amended by changing Sections 10, 15, 20, 25, 30, and 45 as  
3 follows:

4 (820 ILCS 180/10)

5 Sec. 10. Definitions. In this Act, except as otherwise  
6 expressly provided:

7 (1) "Commerce" includes trade, traffic, commerce,  
8 transportation, or communication; and "industry or  
9 activity affecting commerce" means any activity, business,  
10 or industry in commerce or in which a labor dispute would  
11 hinder or obstruct commerce or the free flow of commerce,  
12 and includes "commerce" and any "industry affecting  
13 commerce".

14 (2) "Course of conduct" means a course of repeatedly  
15 maintaining a visual or physical proximity to a person or  
16 conveying oral or written threats, including threats  
17 conveyed through electronic communications, or threats  
18 implied by conduct.

19 (3) "Department" means the Department of Labor.

20 (4) "Director" means the Director of Labor.

21 (5) "Domestic or sexual violence" means domestic  
22 violence, sexual assault, or stalking.

23 (6) "Domestic violence" means abuse, as defined in  
24 Section 103 of the Illinois Domestic Violence Act of 1986,  
25 by a family or household member, as defined in Section 103

1 of the Illinois Domestic Violence Act of 1986.

2 (7) "Electronic communications" includes  
3 communications via telephone, mobile phone, computer,  
4 e-mail, video recorder, fax machine, telex, ~~or~~ pager,  
5 online platform (including, but not limited to, any  
6 public-facing website, web application, digital  
7 application, or social network), or any other electronic  
8 communication, as defined in Section 12-7.5 of the Criminal  
9 Code of 2012.

10 (8) "Employ" includes to suffer or permit to work.

11 (9) Employee.

12 (A) In general. "Employee" means any person  
13 employed by an employer.

14 (B) Basis. "Employee" includes a person employed  
15 as described in subparagraph (A) on a full or part-time  
16 basis, or as a participant in a work assignment as a  
17 condition of receipt of federal or State income-based  
18 public assistance.

19 (10) "Employer" means any of the following: (A) the  
20 State or any agency of the State; (B) any unit of local  
21 government or school district; or (C) any person that  
22 employs at least one employee.

23 (11) "Employment benefits" means all benefits provided  
24 or made available to employees by an employer, including  
25 group life insurance, health insurance, disability  
26 insurance, sick leave, annual leave, educational benefits,

1 pensions, and profit-sharing, regardless of whether such  
2 benefits are provided by a practice or written policy of an  
3 employer or through an "employee benefit plan". "Employee  
4 benefit plan" or "plan" means an employee welfare benefit  
5 plan or an employee pension benefit plan or a plan which is  
6 both an employee welfare benefit plan and an employee  
7 pension benefit plan.

8 (12) "Family or household member", for employees with a  
9 family or household member who is a victim of domestic  
10 violence, sexual violence, or sexual harassment ~~or sexual~~  
11 ~~violence~~, means a spouse, parent, son, daughter, other  
12 person related by blood or by present or prior marriage,  
13 other person who shares a relationship through a son or  
14 daughter, and persons jointly residing in the same  
15 household.

16 (13) "Parent" means the biological parent of an  
17 employee or an individual who stood in loco parentis to an  
18 employee when the employee was a son or daughter. "Son or  
19 daughter" means a biological, adopted, or foster child, a  
20 stepchild, a legal ward, or a child of a person standing in  
21 loco parentis, who is under 18 years of age, or is 18 years  
22 of age or older and incapable of self-care because of a  
23 mental or physical disability.

24 (14) "Perpetrator" means an individual who commits or  
25 is alleged to have committed any act or threat of domestic  
26 violence, sexual violence, or sexual harassment ~~or sexual~~



1 ~~violence.~~

2 (15) "Person" means an individual, partnership,  
3 association, corporation, business trust, legal  
4 representative, or any organized group of persons.

5 (16) "Public agency" means the Government of the State  
6 or political subdivision thereof; any agency of the State,  
7 or of a political subdivision of the State; or any  
8 governmental agency.

9 (17) "Public assistance" includes cash, food stamps,  
10 medical assistance, housing assistance, and other benefits  
11 provided on the basis of income by a public agency or  
12 public employer.

13 (18) "Reduced work schedule" means a work schedule that  
14 reduces the usual number of hours per workweek, or hours  
15 per workday, of an employee.

16 (19) "Repeatedly" means on 2 or more occasions.

17 (20) "Sexual assault" means any conduct proscribed by:  
18 (i) Article 11 of the Criminal Code of 2012 except Sections  
19 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,  
20 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a  
21 similar provision of the Criminal Code of 1961 ~~the Criminal~~  
22 ~~Code of 1961 or the Criminal Code of 2012 in Sections~~  
23 ~~11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,~~  
24 ~~12-14.1, 12-15, and 12-16.~~

25 (21) "Stalking" means any conduct proscribed by the  
26 Criminal Code of 1961 or the Criminal Code of 2012 in

1 Sections 12-7.3, 12-7.4, and 12-7.5.

2 (22) "Victim" or "survivor" means an individual who has  
3 been subjected to domestic violence, sexual violence, or  
4 sexual harassment ~~or sexual violence~~.

5 (23) "Victim services organization" means a nonprofit,  
6 nongovernmental organization that provides assistance to  
7 victims of domestic violence, sexual violence, or sexual  
8 harassment ~~or sexual violence~~ or to advocates for such  
9 victims, including a rape crisis center, an organization  
10 carrying out a domestic violence program, an organization  
11 operating a shelter or providing counseling services, or a  
12 legal services organization or other organization  
13 providing assistance through the legal process.

14 (24) "Emotional distress" means significant mental  
15 suffering, anxiety, or alarm.

16 (25) "Sexual harassment" means any harassment or  
17 discrimination on the basis of an individual's actual or  
18 perceived sex or gender, including unwelcome sexual  
19 advances, requests for sexual favors, other verbal or  
20 physical conduct of a sexual nature, or any other conduct  
21 of a sexual nature directed at a specific person that would  
22 cause the victim or survivor emotional distress.

23 (Source: P.A. 99-765, eff. 1-1-17.)

24 (820 ILCS 180/15)

25 Sec. 15. Purposes. The purposes of this Act are:

1           (1) to promote the State's interest in reducing  
2 domestic violence, dating violence, sexual assault, sexual  
3 harassment, and stalking by enabling victims of domestic  
4 violence, sexual violence, or sexual harassment ~~or sexual~~  
5 ~~violence~~ to maintain the financial independence necessary  
6 to leave abusive situations, achieve safety, and minimize  
7 the physical and emotional injuries from domestic  
8 violence, sexual violence, or sexual harassment ~~or sexual~~  
9 ~~violence~~, and to reduce the devastating economic  
10 consequences of domestic violence, sexual violence, or  
11 sexual harassment ~~or sexual violence~~ to employers and  
12 employees;

13           (2) to address the failure of existing laws to protect  
14 the employment rights of employees who are victims of  
15 domestic violence, sexual violence, or sexual harassment  
16 ~~or sexual violence~~ and employees with a family or household  
17 member who is a victim of domestic violence, sexual  
18 violence, or sexual harassment ~~or sexual violence~~, by  
19 protecting the civil and economic rights of those  
20 employees, and by furthering the equal opportunity of women  
21 for economic self-sufficiency and employment free from  
22 discrimination;

23           (3) to accomplish the purposes described in paragraphs  
24 (1) and (2) by (A) entitling employed victims of domestic  
25 violence, sexual violence, or sexual harassment ~~or sexual~~  
26 ~~violence~~ and employees with a family or household member

1 who is a victim of domestic violence, sexual violence, or  
2 sexual harassment ~~or sexual violence~~ to take unpaid leave  
3 to seek medical help, legal assistance, counseling, safety  
4 planning, and other assistance without penalty from their  
5 employers for the employee or the family or household  
6 member who is a victim; and (B) prohibiting employers from  
7 discriminating against any employee who is a victim of  
8 domestic violence, sexual violence, or sexual harassment  
9 ~~or sexual violence~~ or any employee who has a family or  
10 household member who is a victim of domestic violence,  
11 sexual violence, or sexual harassment ~~or sexual violence,~~  
12 in a manner that accommodates the legitimate interests of  
13 employers and protects the safety of all persons in the  
14 workplace.

15 (Source: P.A. 96-635, eff. 8-24-09.)

16 (820 ILCS 180/20)

17 Sec. 20. Entitlement to leave due to domestic violence,  
18 sexual violence, or sexual harassment ~~or sexual violence.~~

19 (a) Leave requirement.

20 (1) Basis. An employee who is a victim of domestic  
21 violence, sexual violence, or sexual harassment ~~or sexual~~  
22 ~~violence~~ or an employee who has a family or household  
23 member who is a victim of domestic violence, sexual  
24 violence, or sexual harassment ~~or sexual violence~~ whose  
25 interests are not adverse to the employee as it relates to

1 the domestic violence, sexual violence, or sexual  
2 harassment ~~or sexual violence~~ may take unpaid leave from  
3 work if the employee or employee's family or household  
4 member is experiencing an incident of domestic violence,  
5 sexual violence, or sexual harassment ~~or sexual violence~~ or  
6 to address domestic violence, sexual violence, or sexual  
7 harassment ~~or sexual violence~~ by:

8 (A) seeking medical attention for, or recovering  
9 from, physical or psychological injuries caused by  
10 domestic violence, sexual violence, or sexual  
11 harassment ~~or sexual violence~~ to the employee or the  
12 employee's family or household member;

13 (B) obtaining services from a victim services  
14 organization for the employee or the employee's family  
15 or household member;

16 (C) obtaining psychological or other counseling  
17 for the employee or the employee's family or household  
18 member;

19 (D) participating in safety planning, temporarily  
20 or permanently relocating, or taking other actions to  
21 increase the safety of the employee or the employee's  
22 family or household member from future domestic  
23 violence, sexual violence, or sexual harassment ~~or~~  
24 ~~sexual violence~~ or ensure economic security; or

25 (E) seeking legal assistance or remedies to ensure  
26 the health and safety of the employee or the employee's

1 family or household member, including preparing for or  
2 participating in any civil or criminal legal  
3 proceeding related to or derived from domestic  
4 violence, sexual violence, or sexual harassment ~~or~~  
5 ~~sexual violence~~.

6 (2) Period. Subject to subsection (c), an employee  
7 working for an employer that employs at least 50 employees  
8 shall be entitled to a total of 12 workweeks of leave  
9 during any 12-month period. Subject to subsection (c), an  
10 employee working for an employer that employs at least 15  
11 but not more than 49 employees shall be entitled to a total  
12 of 8 workweeks of leave during any 12-month period. Subject  
13 to subsection (c), an employee working for an employer that  
14 employs at least one but not more than 14 employees shall  
15 be entitled to a total of 4 workweeks of leave during any  
16 12-month period. The total number of workweeks to which an  
17 employee is entitled shall not decrease during the relevant  
18 12-month period. This Act does not create a right for an  
19 employee to take unpaid leave that exceeds the unpaid leave  
20 time allowed under, or is in addition to the unpaid leave  
21 time permitted by, the federal Family and Medical Leave Act  
22 of 1993 (29 U.S.C. 2601 et seq.).

23 (3) Schedule. Leave described in paragraph (1) may be  
24 taken consecutively, intermittently, or on a reduced work  
25 schedule.

26 (b) Notice. The employee shall provide the employer with at

1 least 48 hours' advance notice of the employee's intention to  
2 take the leave, unless providing such notice is not  
3 practicable. When an unscheduled absence occurs, the employer  
4 may not take any action against the employee if the employee,  
5 upon request of the employer and within a reasonable period  
6 after the absence, provides certification under subsection  
7 (c).

8 (c) Certification.

9 (1) In general. The employer may require the employee  
10 to provide certification to the employer that:

11 (A) the employee or the employee's family or  
12 household member is a victim of domestic violence,  
13 sexual violence, or sexual harassment ~~or sexual~~  
14 ~~violence~~; and

15 (B) the leave is for one of the purposes enumerated  
16 in paragraph (a) (1).

17 The employee shall provide such certification to the  
18 employer within a reasonable period after the employer  
19 requests certification.

20 (2) Contents. An employee may satisfy the  
21 certification requirement of paragraph (1) by providing to  
22 the employer a sworn statement of the employee, and upon  
23 obtaining such documents the employee shall provide:

24 (A) documentation from an employee, agent, or  
25 volunteer of a victim services organization, an  
26 attorney, a member of the clergy, or a medical or other

1 professional from whom the employee or the employee's  
2 family or household member has sought assistance in  
3 addressing domestic violence, sexual violence, or  
4 sexual harassment ~~or sexual violence~~ and the effects of  
5 the violence or harassment;

6 (B) a police or court record; or

7 (C) other corroborating evidence.

8 The employee may choose which document to submit if  
9 that document demonstrates the basis of the leave allowed  
10 under Section 20 of this Act. An employee is not required  
11 to provide additional documentation if a subsequent leave  
12 request is for the same reason for leave previously used  
13 and for the same incident of domestic violence, sexual  
14 violence, or sexual harassment or the same perpetrator of  
15 the domestic violence, sexual violence, or sexual  
16 harassment.

17 (d) Confidentiality. All information provided to the  
18 employer pursuant to subsection (b) or (c), including a  
19 statement of the employee or any other documentation, record,  
20 or corroborating evidence, and the fact that the employee has  
21 requested or obtained leave pursuant to this Section, shall be  
22 retained in the strictest confidence by the employer, except to  
23 the extent that disclosure is:

24 (1) requested or consented to in writing by the  
25 employee; or

26 (2) otherwise required by applicable federal or State



1 law.

2 (e) Employment and benefits.

3 (1) Restoration to position.

4 (A) In general. Any employee who takes leave under  
5 this Section for the intended purpose of the leave  
6 shall be entitled, on return from such leave:

7 (i) to be restored by the employer to the  
8 position of employment held by the employee when  
9 the leave commenced; or

10 (ii) to be restored to an equivalent position  
11 with equivalent employment benefits, pay, and  
12 other terms and conditions of employment.

13 (B) Loss of benefits. The taking of leave under  
14 this Section shall not result in the loss of any  
15 employment benefit accrued prior to the date on which  
16 the leave commenced.

17 (C) Limitations. Nothing in this subsection shall  
18 be construed to entitle any restored employee to:

19 (i) the accrual of any seniority or employment  
20 benefits during any period of leave; or

21 (ii) any right, benefit, or position of  
22 employment other than any right, benefit, or  
23 position to which the employee would have been  
24 entitled had the employee not taken the leave.

25 (D) Construction. Nothing in this paragraph shall  
26 be construed to prohibit an employer from requiring an

1 employee on leave under this Section to report  
2 periodically to the employer on the status and  
3 intention of the employee to return to work.

4 (2) Maintenance of health benefits.

5 (A) Coverage. Except as provided in subparagraph  
6 (B), during any period that an employee takes leave  
7 under this Section, the employer shall maintain  
8 coverage for the employee and any family or household  
9 member under any group health plan for the duration of  
10 such leave at the level and under the conditions  
11 coverage would have been provided if the employee had  
12 continued in employment continuously for the duration  
13 of such leave.

14 (B) Failure to return from leave. The employer may  
15 recover the premium that the employer paid for  
16 maintaining coverage for the employee and the  
17 employee's family or household member under such group  
18 health plan during any period of leave under this  
19 Section if:

20 (i) the employee fails to return from leave  
21 under this Section after the period of leave to  
22 which the employee is entitled has expired; and

23 (ii) the employee fails to return to work for a  
24 reason other than:

25 (I) the continuation, recurrence, or onset  
26 of domestic violence, sexual violence, or

1                   sexual harassment ~~or sexual violence~~ that  
2                   entitles the employee to leave pursuant to this  
3                   Section; or

4                   (II) other circumstances beyond the  
5                   control of the employee.

6                   (C) Certification.

7                   (i) Issuance. An employer may require an  
8                   employee who claims that the employee is unable to  
9                   return to work because of a reason described in  
10                  subclause (I) or (II) of subparagraph (B) (ii) to  
11                  provide, within a reasonable period after making  
12                  the claim, certification to the employer that the  
13                  employee is unable to return to work because of  
14                  that reason. The employee shall choose which  
15                  document to submit.

16                  (ii) Contents. An employee may satisfy the  
17                  certification requirement of clause (i) by  
18                  providing to the employer:

19                         (I) a sworn statement of the employee;

20                         (II) documentation from an employee,  
21                         agent, or volunteer of a victim services  
22                         organization, an attorney, a member of the  
23                         clergy, or a medical or other professional from  
24                         whom the employee has sought assistance in  
25                         addressing domestic violence, sexual violence,  
26                         or sexual harassment ~~or sexual violence~~ and the

1 effects of that violence or harassment;

2 (III) a police or court record; or

3 (IV) other corroborating evidence.

4 (D) Confidentiality. All information provided to  
5 the employer pursuant to subparagraph (C), including a  
6 statement of the employee or any other documentation,  
7 record, or corroborating evidence, and the fact that  
8 the employee is not returning to work because of a  
9 reason described in subclause (I) or (II) of  
10 subparagraph (B)(ii) shall be retained in the  
11 strictest confidence by the employer, except to the  
12 extent that disclosure is:

13 (i) requested or consented to in writing by the  
14 employee; or

15 (ii) otherwise required by applicable federal  
16 or State law.

17 (f) Prohibited acts.

18 (1) Interference with rights.

19 (A) Exercise of rights. It shall be unlawful for  
20 any employer to interfere with, restrain, or deny the  
21 exercise of or the attempt to exercise any right  
22 provided under this Section.

23 (B) Employer discrimination. It shall be unlawful  
24 for any employer to discharge or harass any individual,  
25 or otherwise discriminate against any individual with  
26 respect to compensation, terms, conditions, or

1           privileges of employment of the individual (including  
2           retaliation in any form or manner) because the  
3           individual:

4                   (i) exercised any right provided under this  
5           Section; or

6                   (ii) opposed any practice made unlawful by  
7           this Section.

8           (C) Public agency sanctions. It shall be unlawful  
9           for any public agency to deny, reduce, or terminate the  
10          benefits of, otherwise sanction, or harass any  
11          individual, or otherwise discriminate against any  
12          individual with respect to the amount, terms, or  
13          conditions of public assistance of the individual  
14          (including retaliation in any form or manner) because  
15          the individual:

16                   (i) exercised any right provided under this  
17          Section; or

18                   (ii) opposed any practice made unlawful by  
19          this Section.

20          (2) Interference with proceedings or inquiries. It  
21          shall be unlawful for any person to discharge or in any  
22          other manner discriminate (as described in subparagraph  
23          (B) or (C) of paragraph (1)) against any individual because  
24          such individual:

25                  (A) has filed any charge, or has instituted or  
26          caused to be instituted any proceeding, under or

1 related to this Section;

2 (B) has given, or is about to give, any information  
3 in connection with any inquiry or proceeding relating  
4 to any right provided under this Section; or

5 (C) has testified, or is about to testify, in any  
6 inquiry or proceeding relating to any right provided  
7 under this Section.

8 (g) Disciplinary action. Nothing in this Section shall be  
9 construed to prohibit an employer from taking disciplinary  
10 action, up to and including termination, against an employee  
11 who uses leave provided pursuant to this Act for purposes other  
12 than those described in this Section.

13 (Source: P.A. 99-765, eff. 1-1-17.)

14 (820 ILCS 180/25)

15 Sec. 25. Existing leave usable for addressing domestic  
16 violence, sexual violence, or sexual harassment ~~or sexual~~  
17 ~~violence~~. An employee who is entitled to take paid or unpaid  
18 leave (including family, medical, sick, annual, personal, or  
19 similar leave) from employment, pursuant to federal, State, or  
20 local law, a collective bargaining agreement, or an employment  
21 benefits program or plan, may elect to substitute any period of  
22 such leave for an equivalent period of leave provided under  
23 Section 20. The employer may not require the employee to  
24 substitute available paid or unpaid leave for leave provided  
25 under Section 20.

1 (Source: P.A. 96-635, eff. 8-24-09.)

2 (820 ILCS 180/30)

3 Sec. 30. Victims' employment sustainability; prohibited  
4 discriminatory acts.

5 (a) An employer shall not fail to hire, refuse to hire,  
6 discharge, constructively discharge, or harass any individual,  
7 otherwise discriminate against any individual with respect to  
8 the compensation, terms, conditions, or privileges of  
9 employment of the individual, or retaliate against an  
10 individual in any form or manner, and a public agency shall not  
11 deny, reduce, or terminate the benefits of, otherwise sanction,  
12 or harass any individual, otherwise discriminate against any  
13 individual with respect to the amount, terms, or conditions of  
14 public assistance of the individual, or retaliate against an  
15 individual in any form or manner, because:

16 (1) the individual involved:

17 (A) is or is perceived to be a victim of domestic  
18 violence, sexual violence, or sexual harassment ~~or~~  
19 ~~sexual violence~~;

20 (B) attended, participated in, prepared for, or  
21 requested leave to attend, participate in, or prepare  
22 for a criminal or civil court proceeding relating to an  
23 incident of domestic violence, sexual violence, or  
24 sexual harassment ~~or sexual violence~~ of which the  
25 individual or a family or household member of the

1 individual was a victim, or requested or took leave for  
2 any other reason provided under Section 20;

3 (C) requested an adjustment to a job structure,  
4 workplace facility, or work requirement, including a  
5 transfer, reassignment, or modified schedule, leave, a  
6 changed telephone number or seating assignment,  
7 installation of a lock, or implementation of a safety  
8 procedure or any other reasonable accommodation in  
9 response to actual or threatened domestic violence,  
10 sexual violence, or sexual harassment ~~or sexual~~  
11 ~~violence~~, regardless of whether the request was  
12 granted; or

13 (D) is an employee whose employer is subject to  
14 Section 21 of the Workplace Violence Prevention Act; or

15 (2) the workplace is disrupted or threatened by the  
16 action of a person whom the individual states has committed  
17 or threatened to commit domestic violence, sexual  
18 violence, or sexual harassment ~~or sexual violence~~ against  
19 the individual or the individual's family or household  
20 member.

21 (b) In this Section:

22 (1) "Discriminate", used with respect to the terms,  
23 conditions, or privileges of employment or with respect to  
24 the terms or conditions of public assistance, includes not  
25 making a reasonable accommodation to the known limitations  
26 resulting from circumstances relating to being a victim of



1        domestic violence, sexual violence, or sexual harassment  
2        ~~or sexual violence~~ or a family or household member being a  
3        victim of domestic violence, sexual violence, or sexual  
4        harassment ~~or sexual violence~~ of an otherwise qualified  
5        individual:

6                (A) who is:

7                        (i) an applicant or employee of the employer  
8                        (including a public agency); or

9                        (ii) an applicant for or recipient of public  
10                        assistance from a public agency; and

11                (B) who is:

12                        (i) or is perceived to be a victim of domestic  
13                        violence, sexual violence, or sexual harassment ~~a~~  
14                        ~~victim of domestic or sexual violence~~; or

15                        (ii) with a family or household member who is a  
16                        victim of domestic violence, sexual violence, or  
17                        sexual harassment ~~or sexual violence~~ whose  
18                        interests are not adverse to the individual in  
19                        subparagraph (A) as it relates to the domestic  
20                        violence, sexual violence, or sexual harassment ~~or~~  
21                        ~~sexual violence~~;

22        unless the employer or public agency can demonstrate that  
23        the accommodation would impose an undue hardship on the  
24        operation of the employer or public agency.

25        A reasonable accommodation must be made in a timely  
26        fashion. Any exigent circumstances or danger facing the

1 employee or his or her family or household member shall be  
2 considered in determining whether the accommodation is  
3 reasonable.

4 (2) "Qualified individual" means:

5 (A) in the case of an applicant or employee  
6 described in paragraph (1)(A)(i), an individual who,  
7 but for being a victim of domestic violence, sexual  
8 violence, or sexual harassment ~~or sexual violence~~ or  
9 with a family or household member who is a victim of  
10 domestic violence, sexual violence, or sexual  
11 harassment ~~or sexual violence~~, can perform the  
12 essential functions of the employment position that  
13 such individual holds or desires; or

14 (B) in the case of an applicant or recipient  
15 described in paragraph (1)(A)(ii), an individual who,  
16 but for being a victim of domestic violence, sexual  
17 violence, or sexual harassment ~~or sexual violence~~ or  
18 with a family or household member who is a victim of  
19 domestic violence, sexual violence, or sexual  
20 harassment ~~or sexual violence~~, can satisfy the  
21 essential requirements of the program providing the  
22 public assistance that the individual receives or  
23 desires.

24 (3) "Reasonable accommodation" may include, but is not  
25 limited to, an adjustment to a job structure, workplace  
26 facility, or work requirement, including a transfer,

1 reassignment, or modified schedule, leave, a changed  
2 telephone number or seating assignment, installation of a  
3 lock, or implementation of a safety procedure, or  
4 assistance in documenting domestic violence, sexual  
5 violence, or sexual harassment ~~or sexual violence~~ that  
6 occurs at the workplace or in work-related settings, in  
7 response to actual or threatened domestic violence, sexual  
8 violence, or sexual harassment ~~or sexual violence~~.

9 (4) Undue hardship.

10 (A) In general. "Undue hardship" means an action  
11 requiring significant difficulty or expense, when  
12 considered in light of the factors set forth in  
13 subparagraph (B).

14 (B) Factors to be considered. In determining  
15 whether a reasonable accommodation would impose an  
16 undue hardship on the operation of an employer or  
17 public agency, factors to be considered include:

18 (i) the nature and cost of the reasonable  
19 accommodation needed under this Section;

20 (ii) the overall financial resources of the  
21 facility involved in the provision of the  
22 reasonable accommodation, the number of persons  
23 employed at such facility, the effect on expenses  
24 and resources, or the impact otherwise of such  
25 accommodation on the operation of the facility;

26 (iii) the overall financial resources of the

1 employer or public agency, the overall size of the  
2 business of an employer or public agency with  
3 respect to the number of employees of the employer  
4 or public agency, and the number, type, and  
5 location of the facilities of an employer or public  
6 agency; and

7 (iv) the type of operation of the employer or  
8 public agency, including the composition,  
9 structure, and functions of the workforce of the  
10 employer or public agency, the geographic  
11 separateness of the facility from the employer or  
12 public agency, and the administrative or fiscal  
13 relationship of the facility to the employer or  
14 public agency.

15 (c) An employer subject to Section 21 of the Workplace  
16 Violence Prevention Act shall not violate any provisions of the  
17 Workplace Violence Prevention Act.

18 (d) All information provided to the employer pursuant to  
19 subsection (b) or (c), including a statement of the employee  
20 and any other documentation, record, or corroborating  
21 evidence, and the fact that the employee has requested or  
22 obtained leave pursuant to this Section, shall be retained in  
23 the strictest confidence by the employer, except to the extent  
24 that disclosure is:

25 (1) requested or consented to in writing by the  
26 employee; or

1           (2) otherwise required by applicable federal or State  
2           law.

3           (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)

4           (820 ILCS 180/45)

5           Sec. 45. Effect on other laws and employment benefits.

6           (a) More protective laws, agreements, programs, and plans.  
7           Nothing in this Act shall be construed to supersede any  
8           provision of any federal, State, or local law, collective  
9           bargaining agreement, or employment benefits program or plan  
10          that provides:

11                 (1) greater leave benefits for victims of domestic  
12                 violence, sexual violence, or sexual harassment ~~or sexual~~  
13                 ~~violence~~ than the rights established under this Act; or

14                 (2) leave benefits for a larger population of victims  
15                 of domestic violence, sexual violence, or sexual  
16                 harassment ~~or sexual violence~~ (as defined in such law,  
17                 agreement, program, or plan) than the victims of domestic  
18                 violence, sexual violence, or sexual harassment ~~or sexual~~  
19                 ~~violence~~ covered under this Act.

20           (b) Less protective laws, agreements, programs, and plans.  
21           The rights established for employees who are victims of  
22           domestic violence, sexual violence, or sexual harassment ~~or~~  
23           ~~sexual violence~~ and employees with a family or household member  
24           who is a victim of domestic violence, sexual violence, or  
25           sexual harassment ~~or sexual violence~~ under this Act shall not

1 be diminished by any federal, State or local law, collective  
2 bargaining agreement, or employment benefits program or plan.  
3 (Source: P.A. 93-591, eff. 8-25-03.)

4 Article 3.

5 Section 3-1. Short title. This Article may be cited as the  
6 Stopping Predators from Evading Allegations of Abuse of Kids  
7 Act. References in this Article to "this Act" mean this  
8 Article.

9 Section 3-5. Definitions. As used in this Act:

10 "Minor" means any person under the age of 18 years.

11 "Youth recreational athletic entity" means a team,  
12 program, or event, including practice and competition, not  
13 associated with a school, during which youth athletes  
14 participate or practice to participate in an organized athletic  
15 game or competition against another team, club, entity, or  
16 individual.

17 "Youth recreational athletic entity" includes, but is not  
18 limited to, athletic activity sponsored by a recreation center,  
19 community center, or private sports club.

20 Section 3-10. Prohibition on sexual abuse of children in  
21 youth sports. A person who owns, is employed by, or volunteers  
22 with a youth recreational athletic entity shall not, in that

1 capacity, employ, use, persuade, induce, entice, or coerce a  
2 minor to engage in, or assist another person to engage in,  
3 sexually explicit conduct or the rape, molestation,  
4 prostitution, or other form of sexual exploitation of a minor,  
5 including actual or simulated:

6 (1) sexual contact in the manner of genital-genital,  
7 oral-genital, anal-genital, or oral-anal contact. For purposes  
8 of this Act, "sexual contact" means the intentional touching,  
9 either directly or through clothing, of the genitalia, anus,  
10 groin, breast, inner thigh, or buttocks of any person with an  
11 intent to abuse, humiliate, harass, degrade, or arouse or  
12 gratify the sexual desire of any person;

13 (2) bestiality;

14 (3) masturbation;

15 (4) lascivious exhibition of the genitals or pubic area;

16 (5) sadistic or masochistic abuse; or

17 (6) any other sexual conduct or sexual penetration, as  
18 defined in Section 11-0.1 of the Criminal Code of 2012.

19 Section 3-15. Required reporting of child and sexual abuse  
20 in youth sports.

21 (a) Any person who owns, is employed by, or volunteers with  
22 a youth recreational athletic entity and is subject to the  
23 mandatory reporting requirements of the Abused and Neglected  
24 Child Reporting Act shall also make a confidential report of  
25 the suspected abuse to the relevant governing organization or

1 league that regulates or oversees the youth recreational  
2 athletic entity as soon as practicable, but in no event later  
3 than 10 days after learning of the incident.

4 (b) Nothing in this Act shall be construed to require a  
5 victim of abuse to self-report the abuse.

6 Section 3-20. Posting of rights by youth recreational  
7 athletic entity. Each youth recreational athletic entity shall  
8 post in a clear and conspicuous place in its athletic  
9 facilities and on its website a notice stating a minor's rights  
10 under this Act as well as the toll-free number to the 24-hour  
11 child abuse hotline of the Department of Children and Family  
12 Services and contact information for all governing  
13 organizations or leagues that regulate or oversee the youth  
14 recreational athletic entity.

15 Section 3-25. Enforcement.

16 (a) Any person who, as a result of a violation of Section  
17 3-10, suffers personal injury, regardless of whether the injury  
18 occurred when the person was a minor, has a right of action in  
19 State circuit court. A prevailing plaintiff may recover for  
20 each violation actual and compensatory damages, including, but  
21 not limited to, damages for emotional distress, punitive  
22 damages, reasonable attorney's fees and costs, including  
23 expert witness fees and other litigation expenses, and such  
24 equitable relief as may be appropriate.





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

7 "Union" means any organization defined as a "labor  
8 organization" under Section 2 of the National Labor Relations  
9 Act (29 U.S.C. 152).

10 "Union representative" means a person designated by a union  
11 to represent a member of the union in any disciplinary  
12 proceeding.

13 "Victim" means a victim of sexual harassment.

14 Section 4-10. Dual representation prohibited.

15 (a) In any proceeding in which a victim who is a member of  
16 a union has accused a perpetrator who is a member of the same  
17 union, the victim and the perpetrator may not be represented in  
18 the proceeding by the same union representative.

19 (b) The union must designate separate union  
20 representatives to represent the parties to the proceeding.