



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 1829

2 AMENDMENT NO. _____. Amend Senate Bill 1829 by replacing
3 everything after the enacting clause with the following:

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

1 2-101 of the Illinois Human Rights Act.

2 "Employer" has the same meaning as set forth in Section
3 2-101 of the Illinois Human Rights Act.

4 "Nondisclosure clause" means a provision in a contract or
5 agreement between an employer and employee establishing that
6 the parties to the contract or agreement agree not to disclose
7 information covered by the terms and conditions of the contract
8 or agreement.

9 "Nondisparagement clause" means a provision in a contract
10 or agreement between an employer and employee requiring one or
11 more parties to the contract or agreement not to make negative
12 statements about the other.

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

15 Section 1-10. Prohibitions.

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

1 (b) Notwithstanding any other provision of law, an employer
2 may not enforce or attempt to enforce a nondisparagement clause
3 or nondisclosure clause described in subsection (a) or
4 retaliate against an employee or applicant for reporting,
5 resisting, opposing, or assisting in the investigation of
6 harassment or discrimination as provided in Section 2-102 of
7 the Illinois Human Rights Act.

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

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

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

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

3 (2) while incompetent or impaired at the time of execution
4 of the contract or agreement; or

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

8 Section 1-20. Unconscionable terms. There is a rebuttable
9 presumption that the following contractual terms are
10 unconscionable if they are included in an arbitration agreement
11 and the employee or applicant does not draft the contract or
12 agreement:

13 (1) A requirement that resolution of legal claims take
14 place in an inconvenient venue. As used in this paragraph,
15 "inconvenient venue" means: (i) for State law claims, a place
16 other than the county in which the employee or applicant
17 resides or the contract was consummated; and (ii) for federal
18 law claims, a place other than the federal judicial district in
19 which the employee or applicant resides or the contract was
20 consummated.

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

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

25 (4) A provision limiting the time that an employee or

1 applicant may bring an action to a period shorter than the
2 applicable statute of limitations.

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

7 Section 1-25. Settlement or separation agreements.

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

11 (1) the legal claims accrued or the disputes arose
12 before the settlement agreement or separation agreement
13 was executed;

14 (2) the clauses are mutually agreed upon and mutually
15 benefit both the employer and the employee;

16 (3) the settlement or separation agreement is provided
17 to all parties, unless knowingly and voluntarily waived by
18 the employee or applicant, and the employee or applicant
19 has 21 calendar days to consider the agreement before it is
20 executed; and

21 (4) unless knowingly and voluntarily waived by the
22 employee or applicant, the employee or applicant has 7
23 calendar days following execution of the agreement to
24 revoke the agreement and the agreement is not effective or
25 enforceable until the revocation period has expired.

1 (b) An employer may not unilaterally include a
2 nondisclosure clause or nondisparagement clause that solely
3 benefits the employer in a separation or settlement agreement.

4 (c) Notwithstanding signing, before or after the effective
5 date of this Act, a settlement or separation agreement
6 containing a nondisclosure or nondisparagement clause, an
7 employee or applicant retains any right that person would
8 otherwise have had to report a concern about workplace
9 harassment or discrimination, including sexual harassment or
10 another violation of the law, to the Department of Human Rights
11 or any other federal, State, or local agency, and any right
12 that person would otherwise have had to bring an action in a
13 court of this State or of the United States.

14 Section 1-30. Enforcement. A violation of this Act
15 constitutes a civil rights violation under the Illinois Human
16 Rights Act.

17 Section 1-35. Application. If there is a conflict between
18 any collective bargaining agreement and this Act, the
19 collective bargaining agreement controls.

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

22 (1) An employee who receives complaints of workplace
23 harassment, including sexual harassment, or other employment

1 discrimination as a part of his or her assigned job duties; or

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

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

9 Article 2.

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

12 (5 ILCS 140/7.5)

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

16 (a) All information determined to be confidential
17 under Section 4002 of the Technology Advancement and
18 Development Act.

19 (b) Library circulation and order records identifying
20 library users with specific materials under the Library
21 Records Confidentiality Act.

22 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

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

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the Capital
22 Crimes Litigation Act. This subsection (n) shall apply
23 until the conclusion of the trial of the case, even if the
24 prosecution chooses not to pursue the death penalty prior
25 to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Regional Transportation Authority under Section 2.11 of
7 the Regional Transportation Authority Act or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

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

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

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

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained in,
18 stored in, submitted to, transferred by, or released from
19 the Illinois Health Information Exchange, and identified
20 or deidentified health information in the form of health
21 data and medical records of the Illinois Health Information
22 Exchange in the possession of the Illinois Health
23 Information Exchange Authority due to its administration
24 of the Illinois Health Information Exchange. The terms
25 "identified" and "deidentified" shall be given the same
26 meaning as in the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, or any
2 subsequent amendments thereto, and any regulations
3 promulgated thereunder.

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

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed Carry
14 Licensing Review Board under the Firearm Concealed Carry
15 Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality
6 review team or the Illinois Fatality Review Team Advisory
7 Council under Section 15 of the Adult Protective Services
8 Act.

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

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

13 (cc) Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

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

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

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

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

5 (jj) Information and reports that are required to be
6 submitted to the Department of Labor by registering day and
7 temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

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

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

17 (nn) ~~(ll)~~ Information that is exempt from disclosure
18 under Section 70 of the Higher Education Student Assistance
19 Act.

20 (oo) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
24 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
25 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
26 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.

1 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
2 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
3 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
4 10-12-18.)

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

7 (710 ILCS 5/1) (from Ch. 10, par. 101)

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

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

22 Section 2-15. The Illinois Human Rights Act is amended by
23 changing Sections 1-103, 2-101, 2-102, and 6-102 and by adding

1 Sections 2-108, 7-114, and 8-109.1 as follows:

2 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

5 (A) Age. "Age" means the chronological age of a person who
6 is at least 40 years old, except with regard to any practice
7 described in Section 2-102, insofar as that practice concerns
8 training or apprenticeship programs. In the case of training or
9 apprenticeship programs, for the purposes of Section 2-102,
10 "age" means the chronological age of a person who is 18 but not
11 yet 40 years old.

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

16 (C) Charge. "Charge" means an allegation filed with the
17 Department by an aggrieved party or initiated by the Department
18 under its authority.

19 (D) Civil rights violation. "Civil rights violation"
20 includes and shall be limited to only those specific acts set
21 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
22 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
23 6-101, and 6-102 of this Act.

24 (E) Commission. "Commission" means the Human Rights
25 Commission created by this Act.

1 (F) Complaint. "Complaint" means the formal pleading filed
2 by the Department with the Commission following an
3 investigation and finding of substantial evidence of a civil
4 rights violation.

5 (G) Complainant. "Complainant" means a person including
6 the Department who files a charge of civil rights violation
7 with the Department or the Commission.

8 (H) Department. "Department" means the Department of Human
9 Rights created by this Act.

10 (I) Disability. "Disability" means a determinable physical
11 or mental characteristic of a person, including, but not
12 limited to, a determinable physical characteristic which
13 necessitates the person's use of a guide, hearing or support
14 dog, the history of such characteristic, or the perception of
15 such characteristic by the person complained against, which may
16 result from disease, injury, congenital condition of birth or
17 functional disorder and which characteristic:

18 (1) For purposes of Article 2, is unrelated to the
19 person's ability to perform the duties of a particular job
20 or position and, pursuant to Section 2-104 of this Act, a
21 person's illegal use of drugs or alcohol is not a
22 disability;

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

26 (3) For purposes of Article 4, is unrelated to a

1 person's ability to repay;

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

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

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

10 (J-1) Military status. "Military status" means a person's
11 status on active duty in or status as a veteran of the armed
12 forces of the United States, status as a current member or
13 veteran of any reserve component of the armed forces of the
14 United States, including the United States Army Reserve, United
15 States Marine Corps Reserve, United States Navy Reserve, United
16 States Air Force Reserve, and United States Coast Guard
17 Reserve, or status as a current member or veteran of the
18 Illinois Army National Guard or Illinois Air National Guard.

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

21 (K-5) "Order of protection status" means a person's status
22 as being a person protected under an order of protection issued
23 pursuant to the Illinois Domestic Violence Act of 1986, Article
24 112A of the Code of Criminal Procedure of 1963, the Stalking No
25 Contact Order Act, or the Civil No Contact Order Act, or an
26 order of protection issued by a court of another state.

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

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
9 or medical or common conditions related to pregnancy or
10 childbirth.

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

14 (N) Religion. "Religion" includes all aspects of religious
15 observance and practice, as well as belief, except that with
16 respect to employers, for the purposes of Article 2, "religion"
17 has the meaning ascribed to it in paragraph (F) of Section
18 2-101.

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

20 (O-1) Sexual orientation. "Sexual orientation" means
21 actual or perceived heterosexuality, homosexuality,
22 bisexuality, or gender-related identity, whether or not
23 traditionally associated with the person's designated sex at
24 birth. "Sexual orientation" does not include a physical or
25 sexual attraction to a minor by an adult.

26 (P) Unfavorable military discharge. "Unfavorable military

1 discharge" includes discharges from the Armed Forces of the
2 United States, their Reserve components, or any National Guard
3 or Naval Militia which are classified as RE-3 or the equivalent
4 thereof, but does not include those characterized as RE-4 or
5 "Dishonorable".

6 (Q) Unlawful discrimination. "Unlawful discrimination"
7 means discrimination against a person because of his or her
8 actual or perceived: race, color, religion, national origin,
9 ancestry, age, sex, marital status, order of protection status,
10 disability, military status, sexual orientation, pregnancy, or
11 unfavorable discharge from military service as those terms are
12 defined in this Section.

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

14 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

17 (A) Employee.

18 (1) "Employee" includes:

19 (a) Any individual performing services for
20 remuneration within this State for an employer;

21 (b) An apprentice;

22 (c) An applicant for any apprenticeship.

23 For purposes of subsection (D) of Section 2-102 of this
24 Act, "employee" also includes an unpaid intern. An unpaid
25 intern is a person who performs work for an employer under

1 the following circumstances:

2 (i) the employer is not committed to hiring the
3 person performing the work at the conclusion of the
4 intern's tenure;

5 (ii) the employer and the person performing the
6 work agree that the person is not entitled to wages for
7 the work performed; and

8 (iii) the work performed:

9 (I) supplements training given in an
10 educational environment that may enhance the
11 employability of the intern;

12 (II) provides experience for the benefit of
13 the person performing the work;

14 (III) does not displace regular employees;

15 (IV) is performed under the close supervision
16 of existing staff; and

17 (V) provides no immediate advantage to the
18 employer providing the training and may
19 occasionally impede the operations of the
20 employer.

21 (2) "Employee" does not include:

22 (a) (Blank);

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

25 (c) Elected public officials or the members of
26 their immediate personal staffs;

1 (d) Principal administrative officers of the State
2 or of any political subdivision, municipal corporation
3 or other governmental unit or agency;

4 (e) A person in a vocational rehabilitation
5 facility certified under federal law who has been
6 designated an evaluatee, trainee, or work activity
7 client.

8 (B) Employer.

9 (1) "Employer" includes:

10 (a) Any person employing 15 or more employees
11 within Illinois during 20 or more calendar weeks within
12 the calendar year of or preceding the alleged
13 violation;

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

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

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

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

26 (2) "Employer" does not include any religious

1 corporation, association, educational institution,
2 society, or non-profit nursing institution conducted by
3 and for those who rely upon treatment by prayer through
4 spiritual means in accordance with the tenets of a
5 recognized church or religious denomination with respect
6 to the employment of individuals of a particular religion
7 to perform work connected with the carrying on by such
8 corporation, association, educational institution, society
9 or non-profit nursing institution of its activities.

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

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

26 (E) Sexual Harassment. "Sexual harassment" means any

1 unwelcome sexual advances or requests for sexual favors or any
2 conduct of a sexual nature when (1) submission to such conduct
3 is made either explicitly or implicitly a term or condition of
4 an individual's employment, (2) submission to or rejection of
5 such conduct by an individual is used as the basis for
6 employment decisions affecting such individual, or (3) such
7 conduct has the purpose or effect of substantially interfering
8 with an individual's work performance or creating an
9 intimidating, hostile or offensive working environment.

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

13 (F) Religion. "Religion" with respect to employers
14 includes all aspects of religious observance and practice, as
15 well as belief, unless an employer demonstrates that he is
16 unable to reasonably accommodate an employee's or prospective
17 employee's religious observance or practice without undue
18 hardship on the conduct of the employer's business.

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

22 (H) Public Employee. "Public employee" means an employee of
23 the State, agency or department thereof, unit of local
24 government, school district, instrumentality or political
25 subdivision. "Public employee" does not include public
26 officers or employees of the General Assembly or agencies

1 thereof.

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

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

20 (K) Citizenship Status. "Citizenship status" means the
21 status of being:

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

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

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

25 (4) a person born outside the United States and not a
26 U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of
2 Section 1324b of Title 8 of the United States Code, as now
3 or hereafter amended.

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

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

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

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

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

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

24 (B) Employment agency. For any employment agency to
25 fail or refuse to classify properly, accept applications
26 and register for employment referral or apprenticeship

1 referral, refer for employment, or refer for
2 apprenticeship on the basis of unlawful discrimination or
3 citizenship status or to accept from any person any job
4 order, requisition or request for referral of applicants
5 for employment or apprenticeship which makes or has the
6 effect of making unlawful discrimination or discrimination
7 on the basis of citizenship status a condition of referral.

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

18 (D) Sexual harassment. For any employer, employee,
19 agent of any employer, employment agency or labor
20 organization to engage in sexual harassment; provided,
21 that an employer shall be responsible for sexual harassment
22 of the employer's employees by nonemployees or
23 nonmanagerial and nonsupervisory employees only if the
24 employer becomes aware of the conduct and fails to take
25 reasonable corrective measures.

26 (D-5) Sexual harassment of nonemployees. For any

1 employer, employee, agent of any employer, employment
2 agency, or labor organization to engage in sexual
3 harassment of nonemployees in the workplace. However, an
4 employer is responsible for sexual harassment of
5 nonemployees by the employer's nonmanagerial and
6 nonsupervisory employees only if the employer becomes
7 aware of the conduct and fails to take reasonable
8 corrective measures. For purposes of this subdivision
9 (D-5), "nonemployees" include contractors, subcontractors,
10 vendors, consultants, or other persons performing work
11 pursuant to a contract.

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

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

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

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

24 (G) Immigration-related practices.

25 (1) for an employer to request for purposes of
26 satisfying the requirements of Section 1324a(b) of

1 Title 8 of the United States Code, as now or hereafter
2 amended, more or different documents than are required
3 under such Section or to refuse to honor documents
4 tendered that on their face reasonably appear to be
5 genuine; or

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

16 (H) (Blank).

17 (I) Pregnancy. For an employer to refuse to hire, to
18 segregate, or to act with respect to recruitment, hiring,
19 promotion, renewal of employment, selection for training
20 or apprenticeship, discharge, discipline, tenure or terms,
21 privileges or conditions of employment on the basis of
22 pregnancy, childbirth, or medical or common conditions
23 related to pregnancy or childbirth. Women affected by
24 pregnancy, childbirth, or medical or common conditions
25 related to pregnancy or childbirth shall be treated the
26 same for all employment-related purposes, including

1 receipt of benefits under fringe benefit programs, as other
2 persons not so affected but similar in their ability or
3 inability to work, regardless of the source of the
4 inability to work or employment classification or status.

5 (J) Pregnancy; reasonable accommodations.

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

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

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

21 (3) For an employer to require a job applicant or
22 employee, including a part-time, full-time, or
23 probationary employee, affected by pregnancy,
24 childbirth, or medical or common conditions related to
25 pregnancy or childbirth to accept an accommodation
26 when the applicant or employee did not request an

1 accommodation and the applicant or employee chooses
2 not to accept the employer's accommodation.

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

21 For the purposes of this subdivision (J), "reasonable
22 accommodations" means reasonable modifications or
23 adjustments to the job application process or work
24 environment, or to the manner or circumstances under which
25 the position desired or held is customarily performed, that
26 enable an applicant or employee affected by pregnancy,

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

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

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

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

25 (K) Notice.

26 (1) For an employer to fail to post or keep posted

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

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

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

23 (775 ILCS 5/2-108 new)

24 Sec. 2-108. Employer disclosure requirements.

25 (A) Definitions. The following definitions are applicable

1 strictly to this Section:

2 (1) "Employer" includes:

3 (a) any party to a public contract without regard
4 to the number of employees who, during the year
5 preceding the reporting period required under
6 subsection (B), has entered into a settlement as
7 defined by paragraph (2) or who has had an adverse
8 judgment or administrative ruling entered against the
9 party as defined by paragraph (3);

10 (b) any person employing one or more employees
11 within this State during the 20 or more calendar weeks
12 within the preceding calendar year who, during the year
13 preceding the reporting period required under
14 subsection (B), has entered into a settlement as
15 defined by subsection paragraph (2) or who has had an
16 adverse judgment or administrative ruling entered
17 against him or her as defined by paragraph (3);

18 (c) a labor organization, as defined in Section
19 2-101, that, during the year preceding the reporting
20 period required under subsection (B), has entered into
21 a settlement as defined by paragraph (2) or that has
22 had an adverse judgment or administrative ruling
23 entered against it as defined by paragraph (3); and

24 (d) the State and any political subdivision,
25 municipal corporation, or other governmental unit or
26 agency, without regard to the number of employees that,

1 during the year preceding the reporting period
2 required under subsection (B), has entered into a
3 settlement as defined by paragraph (2) or that has had
4 an adverse judgment or administrative ruling entered
5 against it as defined by paragraph (3).

6 (2) "Settlement" means any written commitment or
7 agreement, including any agreed judgment, stipulation,
8 decree, agreement to settle, assurance of discontinuance,
9 or otherwise between an employee, as defined by subsection
10 (A), and an employer under which the employer directly or
11 indirectly provides to an individual compensation or other
12 consideration due to an allegation that the individual has
13 been a victim of sexual harassment or unlawful
14 discrimination under this Act.

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

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

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

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

6 (b) involved the behavior of an employee of the
7 employer or a corporate executive of the employer,
8 without regard to whether that behavior occurred in the
9 workplace of the employer;

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

12 (a) sexual harassment or discrimination on the
13 basis of sex;

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

16 (c) discrimination or harassment on the basis of
17 religion;

18 (d) discrimination or harassment on the basis of
19 age;

20 (e) discrimination or harassment on the basis of
21 disability;

22 (f) discrimination or harassment on the basis of
23 military status or unfavorable discharge from military
24 status;

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

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

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

5 (4) whether any equitable relief was ordered against
6 the employer in any adverse judgment or administrative
7 ruling described in paragraph (3);

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

11 (a) sexual harassment or discrimination on the
12 basis of sex;

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

15 (c) discrimination or harassment on the basis of
16 religion;

17 (d) discrimination or harassment on the basis of
18 age;

19 (e) discrimination or harassment on the basis of
20 disability;

21 (f) discrimination or harassment on the basis of
22 military status or unfavorable discharge from military
23 status;

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

26 (h) discrimination or harassment on the basis of

1 any other characteristic protected under this Act;

2 (C) Prohibited disclosures. An employer may not disclose
3 the name of a victim of an act of alleged sexual harassment or
4 unlawful discrimination in any disclosures required under this
5 Section.

6 (D) Annual report. The Department shall publish an annual
7 report aggregating the information reported by employers under
8 this Section such that no individual employer data is available
9 to the public. The report shall include:

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

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

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

20 (E) Pattern and practice violations. The Department may
21 open a preliminary investigation if the information disclosed
22 under this Section identifies an employer or a corporate
23 executive of the employer who may have engaged in a pattern and
24 practice of unlawful discrimination under this Act. If a
25 pattern and practice of unlawful discrimination is found, the
26 Department shall initiate a charge of a civil rights violation.

1 (F) Failure to report and penalties. If an employer fails
2 to make any disclosures required under this Section, the
3 Department shall issue a notice to show cause giving the
4 employer 30 days to disclose the required information. If the
5 employer does not make the required disclosures within 30 days,
6 the Department shall the petition the Illinois Human Rights
7 Commission for entry of an order imposing a civil penalty
8 against the employer pursuant to Section 8-109.1. The civil
9 penalty shall be paid into the Department of Human Rights'
10 Training and Development Fund.

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

13 (775 ILCS 5/6-102)

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

1 Workplace Transparency Act commits a civil rights violation
2 within the meaning of this Act.

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

4 (775 ILCS 5/7-114 new)

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

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

17 (B) The Department shall produce a model sexual harassment
18 prevention training program aimed at the prevention of sexual
19 harassment in the workplace. The model program shall be made
20 available to employers at no cost. This model program shall be
21 interactive and, at a minimum, include the following:

22 (1) an explanation of sexual harassment consistent
23 with this Act;

24 (2) examples of conduct that constitutes unlawful
25 sexual harassment;

1 (3) an explanation of harassment based on sex
2 consistent with this Act;

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

5 (5) a summary of federal and State statutory provisions
6 concerning harassment based on sex, sexual harassment, and
7 all remedies available to victims of sexual harassment or
8 harassment based on sex;

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

11 (7) examples of appropriate and inappropriate conduct
12 by supervisors; and

13 (8) a summary of responsibilities of employers in the
14 prevention, investigation, and adjudication of sexual
15 harassment.

16 (C) Every employer shall use the model sexual harassment
17 prevention training program under this Section or establish a
18 training program for employees and supervisors to prevent
19 sexual harassment that equals or exceeds the minimum standards
20 provided by the model training. The sexual harassment
21 prevention training shall be provided to all employees on an
22 annual basis.

23 (D) Failure to train and penalties. If an employer violates
24 this Section, the Department shall issue a notice to show cause
25 giving the employer 30 days to comply. If the employer does not
26 comply within 30 days, the Department shall petition the Human

1 Rights Commission for entry of an order imposing a civil
2 penalty against the employer pursuant to Section 8-109.1. The
3 civil penalty shall be paid into the Department of Human
4 Rights' Training and Development Fund.

5 (775 ILCS 5/8-109.1 new)

6 Sec. 8-109.1. Civil penalties; failure to report; failure
7 to train.

8 (A) A hearing officer may recommend the Commission or any
9 3-member panel thereof may:

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

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

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

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

24 (2) For an employer with 4 or more employees: a penalty
25 not to exceed \$1,000 for a first offense; a penalty not to

1 exceed \$3,000 for a second offense; a penalty not to exceed
2 \$5,000 for a third or subsequent offense.

3 (C) The appropriateness of the penalty to the size of the
4 employer charged, the good faith efforts made by the employer
5 to comply, and the gravity of the violation shall be considered
6 in determining the amount of the civil penalty.

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

10 (820 ILCS 180/10)

11 Sec. 10. Definitions. In this Act, except as otherwise
12 expressly provided:

13 (1) "Commerce" includes trade, traffic, commerce,
14 transportation, or communication; and "industry or
15 activity affecting commerce" means any activity, business,
16 or industry in commerce or in which a labor dispute would
17 hinder or obstruct commerce or the free flow of commerce,
18 and includes "commerce" and any "industry affecting
19 commerce".

20 (2) "Course of conduct" means a course of repeatedly
21 maintaining a visual or physical proximity to a person or
22 conveying oral or written threats, including threats
23 conveyed through electronic communications, or threats
24 implied by conduct.

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

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

3 (5) "Domestic or sexual violence" means domestic
4 violence, sexual assault, or stalking.

5 (6) "Domestic violence" means abuse, as defined in
6 Section 103 of the Illinois Domestic Violence Act of 1986,
7 by a family or household member, as defined in Section 103
8 of the Illinois Domestic Violence Act of 1986.

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

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

18 (9) Employee.

19 (A) In general. "Employee" means any person
20 employed by an employer.

21 (B) Basis. "Employee" includes a person employed
22 as described in subparagraph (A) on a full or part-time
23 basis, or as a participant in a work assignment as a
24 condition of receipt of federal or State income-based
25 public assistance.

26 (10) "Employer" means any of the following: (A) the

1 State or any agency of the State; (B) any unit of local
2 government or school district; or (C) any person that
3 employs at least one employee.

4 (11) "Employment benefits" means all benefits provided
5 or made available to employees by an employer, including
6 group life insurance, health insurance, disability
7 insurance, sick leave, annual leave, educational benefits,
8 pensions, and profit-sharing, regardless of whether such
9 benefits are provided by a practice or written policy of an
10 employer or through an "employee benefit plan". "Employee
11 benefit plan" or "plan" means an employee welfare benefit
12 plan or an employee pension benefit plan or a plan which is
13 both an employee welfare benefit plan and an employee
14 pension benefit plan.

15 (12) "Family or household member", for employees with a
16 family or household member who is a victim of domestic
17 violence, sexual violence, or sexual harassment ~~or sexual~~
18 ~~violence,~~ means a spouse, parent, son, daughter, other
19 person related by blood or by present or prior marriage,
20 other person who shares a relationship through a son or
21 daughter, and persons jointly residing in the same
22 household.

23 (13) "Parent" means the biological parent of an
24 employee or an individual who stood in loco parentis to an
25 employee when the employee was a son or daughter. "Son or
26 daughter" means a biological, adopted, or foster child, a

1 stepchild, a legal ward, or a child of a person standing in
2 loco parentis, who is under 18 years of age, or is 18 years
3 of age or older and incapable of self-care because of a
4 mental or physical disability.

5 (14) "Perpetrator" means an individual who commits or
6 is alleged to have committed any act or threat of domestic
7 violence, sexual violence, or sexual harassment ~~or sexual~~
8 ~~violence~~.

9 (15) "Person" means an individual, partnership,
10 association, corporation, business trust, legal
11 representative, or any organized group of persons.

12 (16) "Public agency" means the Government of the State
13 or political subdivision thereof; any agency of the State,
14 or of a political subdivision of the State; or any
15 governmental agency.

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

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

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

24 (20) "Sexual assault" means any conduct proscribed by:
25 (i) Article 11 of the Criminal Code of 2012 except Sections
26 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,

1 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a
2 similar provision of the Criminal Code of 1961 ~~the Criminal~~
3 ~~Code of 1961 or the Criminal Code of 2012 in Sections~~
4 ~~11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,~~
5 ~~12-14.1, 12-15, and 12-16.~~

6 (21) "Stalking" means any conduct proscribed by the
7 Criminal Code of 1961 or the Criminal Code of 2012 in
8 Sections 12-7.3, 12-7.4, and 12-7.5.

9 (22) "Victim" or "survivor" means an individual who has
10 been subjected to domestic violence, sexual violence, or
11 sexual harassment ~~or sexual violence.~~

12 (23) "Victim services organization" means a nonprofit,
13 nongovernmental organization that provides assistance to
14 victims of domestic violence, sexual violence, or sexual
15 harassment ~~or sexual violence~~ or to advocates for such
16 victims, including a rape crisis center, an organization
17 carrying out a domestic violence program, an organization
18 operating a shelter or providing counseling services, or a
19 legal services organization or other organization
20 providing assistance through the legal process.

21 (24) "Emotional distress" means significant mental
22 suffering, anxiety, or alarm.

23 (25) "Sexual harassment" means any harassment or
24 discrimination on the basis of an individual's actual or
25 perceived sex or gender, including unwelcome sexual
26 advances, requests for sexual favors, other verbal or

1 physical conduct of a sexual nature, or any other conduct
2 of a sexual nature directed at a specific person that would
3 cause the victim or survivor emotional distress.

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

5 (820 ILCS 180/15)

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

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

19 (2) to address the failure of existing laws to protect
20 the employment rights of employees who are victims of
21 domestic violence, sexual violence, or sexual harassment
22 ~~or sexual violence~~ and employees with a family or household
23 member who is a victim of domestic violence, sexual
24 violence, or sexual harassment ~~or sexual violence~~, by
25 protecting the civil and economic rights of those

1 employees, and by furthering the equal opportunity of women
2 for economic self-sufficiency and employment free from
3 discrimination;

4 (3) to accomplish the purposes described in paragraphs
5 (1) and (2) by (A) entitling employed victims of domestic
6 violence, sexual violence, or sexual harassment ~~or sexual~~
7 ~~violence~~ and employees with a family or household member
8 who is a victim of domestic violence, sexual violence, or
9 sexual harassment ~~or sexual violence~~ to take unpaid leave
10 to seek medical help, legal assistance, counseling, safety
11 planning, and other assistance without penalty from their
12 employers for the employee or the family or household
13 member who is a victim; and (B) prohibiting employers from
14 discriminating against any employee who is a victim of
15 domestic violence, sexual violence, or sexual harassment
16 ~~or sexual violence~~ or any employee who has a family or
17 household member who is a victim of domestic violence,
18 sexual violence, or sexual harassment ~~or sexual violence,~~
19 in a manner that accommodates the legitimate interests of
20 employers and protects the safety of all persons in the
21 workplace.

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

23 (820 ILCS 180/20)

24 Sec. 20. Entitlement to leave due to domestic violence,
25 sexual violence, or sexual harassment ~~or sexual violence~~.

1 (a) Leave requirement.

2 (1) Basis. An employee who is a victim of domestic
3 violence, sexual violence, or sexual harassment ~~or sexual~~
4 ~~violence~~ or an employee who has a family or household
5 member who is a victim of domestic violence, sexual
6 violence, or sexual harassment ~~or sexual violence~~ whose
7 interests are not adverse to the employee as it relates to
8 the domestic violence, sexual violence, or sexual
9 harassment ~~or sexual violence~~ may take unpaid leave from
10 work if the employee or employee's family or household
11 member is experiencing an incident of domestic violence,
12 sexual violence, or sexual harassment ~~or sexual violence~~ or
13 to address domestic violence, sexual violence, or sexual
14 harassment ~~or sexual violence~~ by:

15 (A) seeking medical attention for, or recovering
16 from, physical or psychological injuries caused by
17 domestic violence, sexual violence, or sexual
18 harassment ~~or sexual violence~~ to the employee or the
19 employee's family or household member;

20 (B) obtaining services from a victim services
21 organization for the employee or the employee's family
22 or household member;

23 (C) obtaining psychological or other counseling
24 for the employee or the employee's family or household
25 member;

26 (D) participating in safety planning, temporarily

1 or permanently relocating, or taking other actions to
2 increase the safety of the employee or the employee's
3 family or household member from future domestic
4 violence, sexual violence, or sexual harassment ~~or~~
5 ~~sexual violence~~ or ensure economic security; or

6 (E) seeking legal assistance or remedies to ensure
7 the health and safety of the employee or the employee's
8 family or household member, including preparing for or
9 participating in any civil or criminal legal
10 proceeding related to or derived from domestic
11 violence, sexual violence, or sexual harassment ~~or~~
12 ~~sexual violence~~.

13 (2) Period. Subject to subsection (c), an employee
14 working for an employer that employs at least 50 employees
15 shall be entitled to a total of 12 workweeks of leave
16 during any 12-month period. Subject to subsection (c), an
17 employee working for an employer that employs at least 15
18 but not more than 49 employees shall be entitled to a total
19 of 8 workweeks of leave during any 12-month period. Subject
20 to subsection (c), an employee working for an employer that
21 employs at least one but not more than 14 employees shall
22 be entitled to a total of 4 workweeks of leave during any
23 12-month period. The total number of workweeks to which an
24 employee is entitled shall not decrease during the relevant
25 12-month period. This Act does not create a right for an
26 employee to take unpaid leave that exceeds the unpaid leave

1 time allowed under, or is in addition to the unpaid leave
2 time permitted by, the federal Family and Medical Leave Act
3 of 1993 (29 U.S.C. 2601 et seq.).

4 (3) Schedule. Leave described in paragraph (1) may be
5 taken consecutively, intermittently, or on a reduced work
6 schedule.

7 (b) Notice. The employee shall provide the employer with at
8 least 48 hours' advance notice of the employee's intention to
9 take the leave, unless providing such notice is not
10 practicable. When an unscheduled absence occurs, the employer
11 may not take any action against the employee if the employee,
12 upon request of the employer and within a reasonable period
13 after the absence, provides certification under subsection
14 (c).

15 (c) Certification.

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

18 (A) the employee or the employee's family or
19 household member is a victim of domestic violence,
20 sexual violence, or sexual harassment ~~or sexual~~
21 ~~violence~~; and

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

24 The employee shall provide such certification to the
25 employer within a reasonable period after the employer
26 requests certification.

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

5 (A) documentation from an employee, agent, or
6 volunteer of a victim services organization, an
7 attorney, a member of the clergy, or a medical or other
8 professional from whom the employee or the employee's
9 family or household member has sought assistance in
10 addressing domestic violence, sexual violence, or
11 sexual harassment ~~or sexual violence~~ and the effects of
12 the violence or harassment;

13 (B) a police or court record; or

14 (C) other corroborating evidence.

15 The employee may choose which document to submit if
16 that document demonstrates the basis of the leave allowed
17 under Section 20 of this Act. An employee is not required
18 to provide additional documentation if a subsequent leave
19 request is for the same reason for leave previously used
20 and for the same incident of domestic violence, sexual
21 violence, or sexual harassment or the same perpetrator of
22 the domestic violence, sexual violence, or sexual
23 harassment.

24 (d) Confidentiality. All information provided to the
25 employer pursuant to subsection (b) or (c), including a
26 statement of the employee or any other documentation, record,

1 or corroborating evidence, and the fact that the employee has
2 requested or obtained leave pursuant to this Section, shall be
3 retained in the strictest confidence by the employer, except to
4 the extent that disclosure is:

5 (1) requested or consented to in writing by the
6 employee; or

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

9 (e) Employment and benefits.

10 (1) Restoration to position.

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

14 (i) to be restored by the employer to the
15 position of employment held by the employee when
16 the leave commenced; or

17 (ii) to be restored to an equivalent position
18 with equivalent employment benefits, pay, and
19 other terms and conditions of employment.

20 (B) Loss of benefits. The taking of leave under
21 this Section shall not result in the loss of any
22 employment benefit accrued prior to the date on which
23 the leave commenced.

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

26 (i) the accrual of any seniority or employment

1 benefits during any period of leave; or

2 (ii) any right, benefit, or position of
3 employment other than any right, benefit, or
4 position to which the employee would have been
5 entitled had the employee not taken the leave.

6 (D) Construction. Nothing in this paragraph shall
7 be construed to prohibit an employer from requiring an
8 employee on leave under this Section to report
9 periodically to the employer on the status and
10 intention of the employee to return to work.

11 (2) Maintenance of health benefits.

12 (A) Coverage. Except as provided in subparagraph
13 (B), during any period that an employee takes leave
14 under this Section, the employer shall maintain
15 coverage for the employee and any family or household
16 member under any group health plan for the duration of
17 such leave at the level and under the conditions
18 coverage would have been provided if the employee had
19 continued in employment continuously for the duration
20 of such leave.

21 (B) Failure to return from leave. The employer may
22 recover the premium that the employer paid for
23 maintaining coverage for the employee and the
24 employee's family or household member under such group
25 health plan during any period of leave under this
26 Section if:

1 (i) the employee fails to return from leave
2 under this Section after the period of leave to
3 which the employee is entitled has expired; and

4 (ii) the employee fails to return to work for a
5 reason other than:

6 (I) the continuation, recurrence, or onset
7 of domestic violence, sexual violence, or
8 sexual harassment ~~or sexual violence~~ that
9 entitles the employee to leave pursuant to this
10 Section; or

11 (II) other circumstances beyond the
12 control of the employee.

13 (C) Certification.

14 (i) Issuance. An employer may require an
15 employee who claims that the employee is unable to
16 return to work because of a reason described in
17 subclause (I) or (II) of subparagraph (B)(ii) to
18 provide, within a reasonable period after making
19 the claim, certification to the employer that the
20 employee is unable to return to work because of
21 that reason. The employee shall choose which
22 document to submit.

23 (ii) Contents. An employee may satisfy the
24 certification requirement of clause (i) by
25 providing to the employer:

26 (I) a sworn statement of the employee;

1 (II) documentation from an employee,
2 agent, or volunteer of a victim services
3 organization, an attorney, a member of the
4 clergy, or a medical or other professional from
5 whom the employee has sought assistance in
6 addressing domestic violence, sexual violence,
7 or sexual harassment ~~or sexual violence~~ and the
8 effects of that violence or harassment;

9 (III) a police or court record; or

10 (IV) other corroborating evidence.

11 (D) Confidentiality. All information provided to
12 the employer pursuant to subparagraph (C), including a
13 statement of the employee or any other documentation,
14 record, or corroborating evidence, and the fact that
15 the employee is not returning to work because of a
16 reason described in subclause (I) or (II) of
17 subparagraph (B)(ii) shall be retained in the
18 strictest confidence by the employer, except to the
19 extent that disclosure is:

20 (i) requested or consented to in writing by the
21 employee; or

22 (ii) otherwise required by applicable federal
23 or State law.

24 (f) Prohibited acts.

25 (1) Interference with rights.

26 (A) Exercise of rights. It shall be unlawful for

1 any employer to interfere with, restrain, or deny the
2 exercise of or the attempt to exercise any right
3 provided under this Section.

4 (B) Employer discrimination. It shall be unlawful
5 for any employer to discharge or harass any individual,
6 or otherwise discriminate against any individual with
7 respect to compensation, terms, conditions, or
8 privileges of employment of the individual (including
9 retaliation in any form or manner) because the
10 individual:

11 (i) exercised any right provided under this
12 Section; or

13 (ii) opposed any practice made unlawful by
14 this Section.

15 (C) Public agency sanctions. It shall be unlawful
16 for any public agency to deny, reduce, or terminate the
17 benefits of, otherwise sanction, or harass any
18 individual, or otherwise discriminate against any
19 individual with respect to the amount, terms, or
20 conditions of public assistance of the individual
21 (including retaliation in any form or manner) because
22 the individual:

23 (i) exercised any right provided under this
24 Section; or

25 (ii) opposed any practice made unlawful by
26 this Section.

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

6 (A) has filed any charge, or has instituted or
7 caused to be instituted any proceeding, under or
8 related to this Section;

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

12 (C) has testified, or is about to testify, in any
13 inquiry or proceeding relating to any right provided
14 under this Section.

15 (g) Disciplinary action. Nothing in this Section shall be
16 construed to prohibit an employer from taking disciplinary
17 action, up to and including termination, against an employee
18 who uses leave provided pursuant to this Act for purposes other
19 than those described in this Section.

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

21 (820 ILCS 180/25)

22 Sec. 25. Existing leave usable for addressing domestic
23 violence, sexual violence, or sexual harassment ~~or sexual~~
24 ~~violence~~. An employee who is entitled to take paid or unpaid
25 leave (including family, medical, sick, annual, personal, or

1 similar leave) from employment, pursuant to federal, State, or
2 local law, a collective bargaining agreement, or an employment
3 benefits program or plan, may elect to substitute any period of
4 such leave for an equivalent period of leave provided under
5 Section 20. The employer may not require the employee to
6 substitute available paid or unpaid leave for leave provided
7 under Section 20.

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

9 (820 ILCS 180/30)

10 Sec. 30. Victims' employment sustainability; prohibited
11 discriminatory acts.

12 (a) An employer shall not fail to hire, refuse to hire,
13 discharge, constructively discharge, or harass any individual,
14 otherwise discriminate against any individual with respect to
15 the compensation, terms, conditions, or privileges of
16 employment of the individual, or retaliate against an
17 individual in any form or manner, and a public agency shall not
18 deny, reduce, or terminate the benefits of, otherwise sanction,
19 or harass any individual, otherwise discriminate against any
20 individual with respect to the amount, terms, or conditions of
21 public assistance of the individual, or retaliate against an
22 individual in any form or manner, because:

23 (1) the individual involved:

24 (A) is or is perceived to be a victim of domestic
25 violence, sexual violence, or sexual harassment ~~or~~

1 ~~sexual violence;~~

2 (B) attended, participated in, prepared for, or
3 requested leave to attend, participate in, or prepare
4 for a criminal or civil court proceeding relating to an
5 incident of domestic violence, sexual violence, or
6 sexual harassment ~~or sexual violence~~ of which the
7 individual or a family or household member of the
8 individual was a victim, or requested or took leave for
9 any other reason provided under Section 20;

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

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

22 (2) the workplace is disrupted or threatened by the
23 action of a person whom the individual states has committed
24 or threatened to commit domestic violence, sexual
25 violence, or sexual harassment ~~or sexual violence~~ against
26 the individual or the individual's family or household

1 member.

2 (b) In this Section:

3 (1) "Discriminate", used with respect to the terms,
4 conditions, or privileges of employment or with respect to
5 the terms or conditions of public assistance, includes not
6 making a reasonable accommodation to the known limitations
7 resulting from circumstances relating to being a victim of
8 domestic violence, sexual violence, or sexual harassment
9 ~~or sexual violence~~ or a family or household member being a
10 victim of domestic violence, sexual violence, or sexual
11 harassment ~~or sexual violence~~ of an otherwise qualified
12 individual:

13 (A) who is:

14 (i) an applicant or employee of the employer
15 (including a public agency); or

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

18 (B) who is:

19 (i) or is perceived to be a victim of domestic
20 violence, sexual violence, or sexual harassment ~~a~~
21 ~~victim of domestic or sexual violence~~; or

22 (ii) with a family or household member who is a
23 victim of domestic violence, sexual violence, or
24 sexual harassment ~~or sexual violence~~ whose
25 interests are not adverse to the individual in
26 subparagraph (A) as it relates to the domestic

1 violence, sexual violence, or sexual harassment ~~or~~
2 ~~sexual violence;~~

3 unless the employer or public agency can demonstrate that
4 the accommodation would impose an undue hardship on the
5 operation of the employer or public agency.

6 A reasonable accommodation must be made in a timely
7 fashion. Any exigent circumstances or danger facing the
8 employee or his or her family or household member shall be
9 considered in determining whether the accommodation is
10 reasonable.

11 (2) "Qualified individual" means:

12 (A) in the case of an applicant or employee
13 described in paragraph (1)(A)(i), an individual who,
14 but for being a victim of domestic violence, sexual
15 violence, or sexual harassment ~~or sexual violence~~ or
16 with a family or household member who is a victim of
17 domestic violence, sexual violence, or sexual
18 harassment ~~or sexual violence~~, can perform the
19 essential functions of the employment position that
20 such individual holds or desires; or

21 (B) in the case of an applicant or recipient
22 described in paragraph (1)(A)(ii), an individual who,
23 but for being a victim of domestic violence, sexual
24 violence, or sexual harassment ~~or sexual violence~~ or
25 with a family or household member who is a victim of
26 domestic violence, sexual violence, or sexual

1 harassment ~~or sexual violence~~, can satisfy the
2 essential requirements of the program providing the
3 public assistance that the individual receives or
4 desires.

5 (3) "Reasonable accommodation" may include, but is not
6 limited to, an adjustment to a job structure, workplace
7 facility, or work requirement, including a transfer,
8 reassignment, or modified schedule, leave, a changed
9 telephone number or seating assignment, installation of a
10 lock, or implementation of a safety procedure, or
11 assistance in documenting domestic violence, sexual
12 violence, or sexual harassment ~~or sexual violence~~ that
13 occurs at the workplace or in work-related settings, in
14 response to actual or threatened domestic violence, sexual
15 violence, or sexual harassment ~~or sexual violence~~.

16 (4) Undue hardship.

17 (A) In general. "Undue hardship" means an action
18 requiring significant difficulty or expense, when
19 considered in light of the factors set forth in
20 subparagraph (B).

21 (B) Factors to be considered. In determining
22 whether a reasonable accommodation would impose an
23 undue hardship on the operation of an employer or
24 public agency, factors to be considered include:

25 (i) the nature and cost of the reasonable
26 accommodation needed under this Section;

1 (ii) the overall financial resources of the
2 facility involved in the provision of the
3 reasonable accommodation, the number of persons
4 employed at such facility, the effect on expenses
5 and resources, or the impact otherwise of such
6 accommodation on the operation of the facility;

7 (iii) the overall financial resources of the
8 employer or public agency, the overall size of the
9 business of an employer or public agency with
10 respect to the number of employees of the employer
11 or public agency, and the number, type, and
12 location of the facilities of an employer or public
13 agency; and

14 (iv) the type of operation of the employer or
15 public agency, including the composition,
16 structure, and functions of the workforce of the
17 employer or public agency, the geographic
18 separateness of the facility from the employer or
19 public agency, and the administrative or fiscal
20 relationship of the facility to the employer or
21 public agency.

22 (c) An employer subject to Section 21 of the Workplace
23 Violence Prevention Act shall not violate any provisions of the
24 Workplace Violence Prevention Act.

25 (d) All information provided to the employer pursuant to
26 subsection (b) or (c), including a statement of the employee

1 and any other documentation, record, or corroborating
2 evidence, and the fact that the employee has requested or
3 obtained leave pursuant to this Section, shall be retained in
4 the strictest confidence by the employer, except to the extent
5 that disclosure is:

6 (1) requested or consented to in writing by the
7 employee; or

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

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

11 (820 ILCS 180/45)

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

13 (a) More protective laws, agreements, programs, and plans.
14 Nothing in this Act shall be construed to supersede any
15 provision of any federal, State, or local law, collective
16 bargaining agreement, or employment benefits program or plan
17 that provides:

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

21 (2) leave benefits for a larger population of victims
22 of domestic violence, sexual violence, or sexual
23 harassment ~~or sexual violence~~ (as defined in such law,
24 agreement, program, or plan) than the victims of domestic
25 violence, sexual violence, or sexual harassment ~~or sexual~~

1 ~~violence~~ covered under this Act.

2 (b) Less protective laws, agreements, programs, and plans.
3 The rights established for employees who are victims of
4 domestic violence, sexual violence, or sexual harassment ~~or~~
5 ~~sexual violence~~ and employees with a family or household member
6 who is a victim of domestic violence, sexual violence, or
7 sexual harassment ~~or sexual violence~~ under this Act shall not
8 be diminished by any federal, State or local law, collective
9 bargaining agreement, or employment benefits program or plan.
10 (Source: P.A. 93-591, eff. 8-25-03.)

11 Article 3.

12 Section 3-1. Short title. This Article may be cited as the
13 Stopping Predators from Evading Allegations of Abuse of Kids
14 Act. References in this Article to "this Act" mean this
15 Article.

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

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

18 "Youth recreational athletic entity" means a team,
19 program, or event, including practice and competition, not
20 associated with a school, during which youth athletes
21 participate or practice to participate in an organized athletic
22 game or competition against another team, club, entity, or
23 individual.

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

4 Section 3-10. Prohibition on sexual abuse of children in
5 youth sports. A person who owns, is employed by, or volunteers
6 with a youth recreational athletic entity shall not, in that
7 capacity, employ, use, persuade, induce, entice, or coerce a
8 minor to engage in, or assist another person to engage in,
9 sexually explicit conduct or the rape, molestation,
10 prostitution, or other form of sexual exploitation of a minor,
11 including actual or simulated:

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

19 (2) bestiality;

20 (3) masturbation;

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

22 (5) sadistic or masochistic abuse; or

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

1 Section 3-15. Required reporting of child and sexual abuse
2 in youth sports.

3 (a) Any person who owns, is employed by, or volunteers with
4 a youth recreational athletic entity and is subject to the
5 mandatory reporting requirements of the Abused and Neglected
6 Child Reporting Act shall also make a confidential report of
7 the suspected abuse to the relevant governing organization or
8 league that regulates or oversees the youth recreational
9 athletic entity as soon as practicable, but in no event later
10 than 10 days after learning of the incident.

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

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

22 Section 3-25. Enforcement.

23 (a) Any person who, as a result of a violation of Section
24 3-10, suffers personal injury, regardless of whether the injury

1 occurred when the person was a minor, has a right of action in
2 State circuit court. A prevailing plaintiff may recover for
3 each violation actual and compensatory damages, including, but
4 not limited to, damages for emotional distress, punitive
5 damages, reasonable attorney's fees and costs, including
6 expert witness fees and other litigation expenses, and such
7 equitable relief as may be appropriate.

8 (b) Any person who knowingly and willfully fails to notify
9 the relevant governing organization or league that regulates or
10 oversees the youth recreational athletic entity pursuant to
11 Section 3-15 may be subject to a civil penalty as follows: for
12 a first offense, a penalty not to exceed \$250; for a second
13 offense, a penalty not to exceed \$500; for a third or
14 subsequent offense, a penalty not to exceed \$1,000. In
15 determining the amount of the penalty, the appropriateness of
16 the penalty and the gravity of the violation shall be
17 considered. The penalty may be recovered in a civil action
18 brought by the Director of the Department of Children and
19 Family Services in any circuit court.

20 Article 4.

21 Section 4-1. Short title. This Act may be cited as the
22 Sexual Harassment Victim Representation Act. References in
23 this Article to "this Act" mean this Article.

1 Section 4-5. Definitions. In this Act:

2 "Perpetrator" means an individual who commits or is alleged
3 to have committed an act or threat of sexual harassment.

4 "Sexual harassment" means any unwelcome sexual advances or
5 requests for sexual favors or any conduct of a sexual nature
6 when: (i) submission to such conduct is made either explicitly
7 or implicitly a term or condition of an individual's
8 employment; (ii) submission to or rejection of such conduct by
9 an individual is used as the basis for employment decisions
10 affecting such individual; or (iii) such conduct has the
11 purpose or effect of substantially interfering with an
12 individual's work performance or creating an intimidating,
13 hostile, or offensive working environment.

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

17 "Union representative" means a person designated by a union
18 to represent a member of the union in any disciplinary
19 proceeding.

20 "Victim" means a victim of sexual harassment.

21 Section 4-10. Dual representation prohibited.

22 (a) In any proceeding in which a victim who is a member of
23 a union has accused a perpetrator who is a member of the same
24 union, the victim and the perpetrator may not be represented in
25 the proceeding by the same union representative.

1 (b) The union must designate separate union
2 representatives to represent the parties to the proceeding.".