



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB0121

Introduced 1/14/2021, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/2-101	
775 ILCS 5/2-102	from Ch. 68, par. 2-102
775 ILCS 5/6-101	from Ch. 68, par. 6-101

Amends the Illinois Human Rights Act. Provides that it is the public policy of the State to prevent discrimination based on the specific status or term of status that accompanies a legal work authorization. Defines "work authorization status" as the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States. Provides that it is a civil rights violation for: (1) any employer to refuse to hire, to segregate, to engage in harassment, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of work authorization status; (2) any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of work authorization status; (3) any labor organization to limit, segregate, or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment, or apprenticeship conditions on the basis of work authorization status; and (4) any employer to refuse to honor work authorization based upon the specific status or term of status that accompanies the authorization to work. Provides that it is a civil rights violation for a person, or for 2 or more persons, to conspire to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be discrimination based on work authorization status. Makes conforming changes. Effective immediately.

LRB102 02562 LNS 12564 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 1-102, 2-101, 2-102, and 6-101 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

18 (B) Freedom from Sexual Harassment-Employment and  
19 Elementary, Secondary, and Higher Education. To prevent sexual  
20 harassment in employment and sexual harassment in elementary,  
21 secondary, and higher education.

22 (C) Freedom from Discrimination Based on Citizenship  
23 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

2 (C-5) Freedom from Discrimination Based on Work  
3 Authorization Status-Employment. To prevent discrimination  
4 based on the specific status or term of status that  
5 accompanies a legal work authorization.

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

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

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

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

26 (H) Unfounded Charges. To protect citizens of this State

1 against unfounded charges of unlawful discrimination, sexual  
2 harassment in employment and sexual harassment in elementary,  
3 secondary, and higher education, and discrimination based on  
4 citizenship status or work authorization status in employment.  
5 (Source: P.A. 98-1050, eff. 1-1-15.)

6 (775 ILCS 5/2-101)

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

9 (A) Employee.

10 (1) "Employee" includes:

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

13 (b) An apprentice;

14 (c) An applicant for any apprenticeship.

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

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

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

25 (iii) the work performed:

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

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

6 (III) does not displace regular employees;

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

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

13 (2) "Employee" does not include:

14 (a) (Blank);

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

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

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

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

26 (B) Employer.

1 (1) "Employer" includes:

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

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

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

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

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

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

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

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

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

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

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

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

6 (E-1) Harassment. "Harassment" means any unwelcome conduct  
7 on the basis of an individual's actual or perceived race,  
8 color, religion, national origin, ancestry, age, sex, marital  
9 status, order of protection status, disability, military  
10 status, sexual orientation, pregnancy, unfavorable discharge  
11 from military service, ~~or~~ citizenship status, or work  
12 authorization status that has the purpose or effect of  
13 substantially interfering with the individual's work  
14 performance or creating an intimidating, hostile, or offensive  
15 working environment. For purposes of this definition, the  
16 phrase "working environment" is not limited to a physical  
17 location an employee is assigned to perform his or her duties.

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

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



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

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

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

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

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

9 (L) Work Authorization Status. "Work authorization status"  
10 means the status of being a person born outside of the United  
11 States, and not a U.S. citizen, who is authorized by the  
12 federal government to work in the United States.

13 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20;  
14 101-430, eff. 7-1-20; revised 8-4-20.)

15 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)  
16 Sec. 2-102. Civil rights violations - employment. It is a  
17 civil rights violation:

18 (A) Employers. For any employer to refuse to hire, to  
19 segregate, to engage in harassment as defined in  
20 subsection (E-1) of Section 2-101, or to act with respect  
21 to recruitment, hiring, promotion, renewal of employment,  
22 selection for training or apprenticeship, discharge,  
23 discipline, tenure or terms, privileges or conditions of  
24 employment on the basis of unlawful discrimination, ~~or~~  
25 citizenship status, or work authorization status. An

1 employer is responsible for harassment by the employer's  
2 nonmanagerial and nonsupervisory employees only if the  
3 employer becomes aware of the conduct and fails to take  
4 reasonable corrective measures.

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

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

13 (A-10) Harassment of nonemployees. For any employer,  
14 employment agency, or labor organization to engage in  
15 harassment of nonemployees in the workplace. An employer  
16 is responsible for harassment of nonemployees by the  
17 employer's nonmanagerial and nonsupervisory employees only  
18 if the employer becomes aware of the conduct and fails to  
19 take reasonable corrective measures. For the purposes of  
20 this subdivision (A-10), "nonemployee" means a person who  
21 is not otherwise an employee of the employer and is  
22 directly performing services for the employer pursuant to  
23 a contract with that employer. "Nonemployee" includes  
24 contractors and consultants. This subdivision applies to  
25 harassment occurring on or after the effective date of  
26 this amendatory Act of the 101st General Assembly.

1 (B) Employment agency. For any employment agency to  
2 fail or refuse to classify properly, accept applications  
3 and register for employment referral or apprenticeship  
4 referral, refer for employment, or refer for  
5 apprenticeship on the basis of unlawful discrimination, ~~or~~  
6 citizenship status, or work authorization status or to  
7 accept from any person any job order, requisition or  
8 request for referral of applicants for employment or  
9 apprenticeship which makes or has the effect of making  
10 unlawful discrimination or discrimination on the basis of  
11 citizenship status or work authorization status a  
12 condition of referral.

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

24 (D) Sexual harassment. For any employer, employee,  
25 agent of any employer, employment agency or labor  
26 organization to engage in sexual harassment; provided,

1           that an employer shall be responsible for sexual  
2 harassment of the employer's employees by nonemployees or  
3 nonmanagerial and nonsupervisory employees only if the  
4 employer becomes aware of the conduct and fails to take  
5 reasonable corrective measures.

6           (D-5) Sexual harassment of nonemployees. For any  
7 employer, employee, agent of any employer, employment  
8 agency, or labor organization to engage in sexual  
9 harassment of nonemployees in the workplace. An employer  
10 is responsible for sexual harassment of nonemployees by  
11 the employer's nonmanagerial and nonsupervisory employees  
12 only if the employer becomes aware of the conduct and  
13 fails to take reasonable corrective measures. For the  
14 purposes of this subdivision (D-5), "nonemployee" means a  
15 person who is not otherwise an employee of the employer  
16 and is directly performing services for the employer  
17 pursuant to a contract with that employer. "Nonemployee"  
18 includes contractors and consultants. This subdivision  
19 applies to sexual harassment occurring on or after the  
20 effective date of this amendatory Act of the 101st General  
21 Assembly.

22           (E) Public employers. For any public employer to  
23 refuse to permit a public employee under its jurisdiction  
24 who takes time off from work in order to practice his or  
25 her religious beliefs to engage in work, during hours  
26 other than such employee's regular working hours,

1 consistent with the operational needs of the employer and  
2 in order to compensate for work time lost for such  
3 religious reasons. Any employee who elects such deferred  
4 work shall be compensated at the wage rate which he or she  
5 would have earned during the originally scheduled work  
6 period. The employer may require that an employee who  
7 plans to take time off from work in order to practice his  
8 or her religious beliefs provide the employer with a  
9 notice of his or her intention to be absent from work not  
10 exceeding 5 days prior to the date of absence.

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

25 Nothing in this Section prohibits an employer from  
26 enacting a dress code or grooming policy that may include

1 restrictions on attire, clothing, or facial hair to  
2 maintain workplace safety or food sanitation.

3 (F) Training and apprenticeship programs. For any  
4 employer, employment agency or labor organization to  
5 discriminate against a person on the basis of age in the  
6 selection, referral for or conduct of apprenticeship or  
7 training programs.

8 (G) Immigration-related practices.

9 (1) for an employer to request for purposes of  
10 satisfying the requirements of Section 1324a(b) of  
11 Title 8 of the United States Code, as now or hereafter  
12 amended, more or different documents than are required  
13 under such Section or to refuse to honor documents  
14 tendered that on their face reasonably appear to be  
15 genuine or to refuse to honor work authorization based  
16 upon the specific status or term of status that  
17 accompanies the authorization to work; or

18 (2) for an employer participating in the E-Verify  
19 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
20 Programs for Employment Eligibility Confirmation  
21 (enacted by PL 104-208, div. C title IV, subtitle A) to  
22 refuse to hire, to segregate, or to act with respect to  
23 recruitment, hiring, promotion, renewal of employment,  
24 selection for training or apprenticeship, discharge,  
25 discipline, tenure or terms, privileges or conditions  
26 of employment without following the procedures under

1 the E-Verify Program.

2 (H) (Blank).

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

17 (J) Pregnancy; reasonable accommodations.

18 (1) If after a job applicant or employee,  
19 including a part-time, full-time, or probationary  
20 employee, requests a reasonable accommodation, for an  
21 employer to not make reasonable accommodations for any  
22 medical or common condition of a job applicant or  
23 employee related to pregnancy or childbirth, unless  
24 the employer can demonstrate that the accommodation  
25 would impose an undue hardship on the ordinary  
26 operation of the business of the employer. The



1 employer may request documentation from the employee's  
2 health care provider concerning the need for the  
3 requested reasonable accommodation or accommodations  
4 to the same extent documentation is requested for  
5 conditions related to disability if the employer's  
6 request for documentation is job-related and  
7 consistent with business necessity. The employer may  
8 require only the medical justification for the  
9 requested accommodation or accommodations, a  
10 description of the reasonable accommodation or  
11 accommodations medically advisable, the date the  
12 reasonable accommodation or accommodations became  
13 medically advisable, and the probable duration of the  
14 reasonable accommodation or accommodations. It is the  
15 duty of the individual seeking a reasonable  
16 accommodation or accommodations to submit to the  
17 employer any documentation that is requested in  
18 accordance with this paragraph. Notwithstanding the  
19 provisions of this paragraph, the employer may require  
20 documentation by the employee's health care provider  
21 to determine compliance with other laws. The employee  
22 and employer shall engage in a timely, good faith, and  
23 meaningful exchange to determine effective reasonable  
24 accommodations.

25 (2) For an employer to deny employment  
26 opportunities or benefits to or take adverse action

1           against an otherwise qualified job applicant or  
2           employee, including a part-time, full-time, or  
3           probationary employee, if the denial or adverse action  
4           is based on the need of the employer to make reasonable  
5           accommodations to the known medical or common  
6           conditions related to the pregnancy or childbirth of  
7           the applicant or employee.

8           (3) For an employer to require a job applicant or  
9           employee, including a part-time, full-time, or  
10          probationary employee, affected by pregnancy,  
11          childbirth, or medical or common conditions related to  
12          pregnancy or childbirth to accept an accommodation  
13          when the applicant or employee did not request an  
14          accommodation and the applicant or employee chooses  
15          not to accept the employer's accommodation.

16          (4) For an employer to require an employee,  
17          including a part-time, full-time, or probationary  
18          employee, to take leave under any leave law or policy  
19          of the employer if another reasonable accommodation  
20          can be provided to the known medical or common  
21          conditions related to the pregnancy or childbirth of  
22          an employee. No employer shall fail or refuse to  
23          reinstate the employee affected by pregnancy,  
24          childbirth, or medical or common conditions related to  
25          pregnancy or childbirth to her original job or to an  
26          equivalent position with equivalent pay and

1 accumulated seniority, retirement, fringe benefits,  
2 and other applicable service credits upon her  
3 signifying her intent to return or when her need for  
4 reasonable accommodation ceases, unless the employer  
5 can demonstrate that the accommodation would impose an  
6 undue hardship on the ordinary operation of the  
7 business of the employer.

8 For the purposes of this subdivision (J), "reasonable  
9 accommodations" means reasonable modifications or  
10 adjustments to the job application process or work  
11 environment, or to the manner or circumstances under which  
12 the position desired or held is customarily performed,  
13 that enable an applicant or employee affected by  
14 pregnancy, childbirth, or medical or common conditions  
15 related to pregnancy or childbirth to be considered for  
16 the position the applicant desires or to perform the  
17 essential functions of that position, and may include, but  
18 is not limited to: more frequent or longer bathroom  
19 breaks, breaks for increased water intake, and breaks for  
20 periodic rest; private non-bathroom space for expressing  
21 breast milk and breastfeeding; seating; assistance with  
22 manual labor; light duty; temporary transfer to a less  
23 strenuous or hazardous position; the provision of an  
24 accessible worksite; acquisition or modification of  
25 equipment; job restructuring; a part-time or modified work  
26 schedule; appropriate adjustment or modifications of

1 examinations, training materials, or policies;  
2 reassignment to a vacant position; time off to recover  
3 from conditions related to childbirth; and leave  
4 necessitated by pregnancy, childbirth, or medical or  
5 common conditions resulting from pregnancy or childbirth.

6 For the purposes of this subdivision (J), "undue  
7 hardship" means an action that is prohibitively expensive  
8 or disruptive when considered in light of the following  
9 factors: (i) the nature and cost of the accommodation  
10 needed; (ii) the overall financial resources of the  
11 facility or facilities involved in the provision of the  
12 reasonable accommodation, the number of persons employed  
13 at the facility, the effect on expenses and resources, or  
14 the impact otherwise of the accommodation upon the  
15 operation of the facility; (iii) the overall financial  
16 resources of the employer, the overall size of the  
17 business of the employer with respect to the number of its  
18 employees, and the number, type, and location of its  
19 facilities; and (iv) the type of operation or operations  
20 of the employer, including the composition, structure, and  
21 functions of the workforce of the employer, the geographic  
22 separateness, administrative, or fiscal relationship of  
23 the facility or facilities in question to the employer.  
24 The employer has the burden of proving undue hardship. The  
25 fact that the employer provides or would be required to  
26 provide a similar accommodation to similarly situated

1 employees creates a rebuttable presumption that the  
2 accommodation does not impose an undue hardship on the  
3 employer.

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

13 (K) Notice.

14 (1) For an employer to fail to post or keep posted  
15 in a conspicuous location on the premises of the  
16 employer where notices to employees are customarily  
17 posted, or fail to include in any employee handbook  
18 information concerning an employee's rights under this  
19 Article, a notice, to be prepared or approved by the  
20 Department, summarizing the requirements of this  
21 Article and information pertaining to the filing of a  
22 charge, including the right to be free from unlawful  
23 discrimination, the right to be free from sexual  
24 harassment, and the right to certain reasonable  
25 accommodations. The Department shall make the  
26 documents required under this paragraph available for

1 retrieval from the Department's website.

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

10 (Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18;  
11 101-221, eff. 1-1-20.)

12 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

13 Sec. 6-101. Additional Civil Rights Violations. It is a  
14 civil rights violation for a person, or for 2 ~~two~~ or more  
15 persons to conspire, to:

16 (A) Retaliation. Retaliate against a person because he  
17 or she has opposed that which he or she reasonably and in  
18 good faith believes to be unlawful discrimination, sexual  
19 harassment in employment or sexual harassment in  
20 elementary, secondary, and higher education, or  
21 discrimination based on citizenship status or work  
22 authorization status in employment, because he or she has  
23 made a charge, filed a complaint, testified, assisted, or  
24 participated in an investigation, proceeding, or hearing  
25 under this Act, or because he or she has requested,

1 attempted to request, used, or attempted to use a  
2 reasonable accommodation as allowed by this Act;

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

5 (C) Interference. Wilfully interfere with the  
6 performance of a duty or the exercise of a power by the  
7 Commission or one of its members or representatives or the  
8 Department or one of its officers or employees.

9 Definitions. For the purposes of this Section, "sexual  
10 harassment", ~~and~~ "citizenship status", and "work authorization  
11 status" shall have the same meaning as defined in Section  
12 2-101 of this Act.

13 (Source: P.A. 97-333, eff. 8-12-11; 98-1050, eff. 1-1-15.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.