

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 2-101, 2-102, 2-104, and 6-101 as follows:

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

1 the work performed; and

2 (iii) the work performed:

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

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

8 (III) does not displace regular employees;

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

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

15 (2) "Employee" does not include:

16 (a) (Blank);

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

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

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

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

1 client.

2 (B) Employer.

3 (1) "Employer" includes:

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

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

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

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

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

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

1 particular religion to perform work connected with the  
2 carrying on by such place of worship, corporation,  
3 association, educational institution, society or  
4 non-profit nursing institution of its activities.

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

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

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

1 employment decisions affecting such individual, or (3) such  
2 conduct has the purpose or effect of substantially interfering  
3 with an individual's work performance or creating an  
4 intimidating, hostile or offensive working environment.

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

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

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

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

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

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

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

1 contracts with units of local government or school districts.

2 (K) Citizenship Status. "Citizenship status" means the  
3 status of being:

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

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

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

7 (4) a person born outside the United States and not a  
8 U.S. citizen who is lawfully present and who is protected  
9 from discrimination under the provisions of Section 1324b  
10 of Title 8 of the United States Code, as now or hereafter  
11 amended.

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

16 (M) Family Responsibilities. "Family responsibilities"  
17 means an employee's actual or perceived provision of personal  
18 care to a family member. As used in this definition:

19 (1) "Personal care" has the meaning given to that term  
20 in the Employee Sick Leave Act.

21 (2) "Family member" has the meaning given to the term  
22 "covered family member" in the Employee Sick Leave Act.

23 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;  
24 102-233, eff. 8-2-21; 102-558, eff. 8-20-21; 102-1030, eff.  
25 5-27-22.)

1 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

4 (A) Employers. For any employer to refuse to hire, to  
5 segregate, to engage in harassment as defined in  
6 subsection (E-1) of Section 2-101, or to act with respect  
7 to recruitment, hiring, promotion, renewal of employment,  
8 selection for training or apprenticeship, discharge,  
9 discipline, tenure or terms, privileges or conditions of  
10 employment on the basis of unlawful discrimination,  
11 citizenship status, ~~or~~ work authorization status, or  
12 family responsibilities. An employer is responsible for  
13 harassment by the employer's nonmanagerial and  
14 nonsupervisory employees only if the employer becomes  
15 aware of the conduct and fails to take reasonable  
16 corrective measures.

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

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

25 (A-10) Harassment of nonemployees. For any employer,  
26 employment agency, or labor organization to engage in



1 harassment of nonemployees in the workplace. An employer  
2 is responsible for harassment of nonemployees by the  
3 employer's nonmanagerial and nonsupervisory employees only  
4 if the employer becomes aware of the conduct and fails to  
5 take reasonable corrective measures. For the purposes of  
6 this subdivision (A-10), "nonemployee" means a person who  
7 is not otherwise an employee of the employer and is  
8 directly performing services for the employer pursuant to  
9 a contract with that employer. "Nonemployee" includes  
10 contractors and consultants. This subdivision applies to  
11 harassment occurring on or after the effective date of  
12 this amendatory Act of the 101st General Assembly.

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

26 (C) Labor organization. For any labor organization to

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

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

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

1 purposes of this subdivision (D-5), "nonemployee" means a  
2 person who is not otherwise an employee of the employer  
3 and is directly performing services for the employer  
4 pursuant to a contract with that employer. "Nonemployee"  
5 includes contractors and consultants. This subdivision  
6 applies to sexual harassment occurring on or after the  
7 effective date of this amendatory Act of the 101st General  
8 Assembly.

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

24 (E-5) Religious discrimination. For any employer to  
25 impose upon a person as a condition of obtaining or  
26 retaining employment, including opportunities for

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

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

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

21 (G) Immigration-related practices.

22 (1) for an employer to request for purposes of  
23 satisfying the requirements of Section 1324a(b) of  
24 Title 8 of the United States Code, as now or hereafter  
25 amended, more or different documents than are required  
26 under such Section or to refuse to honor documents

1 tendered that on their face reasonably appear to be  
2 genuine or to refuse to honor work authorization based  
3 upon the specific status or term of status that  
4 accompanies the authorization to work; or

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

15 (H) (Blank).

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

1 other persons not so affected but similar in their ability  
2 or inability to work, regardless of the source of the  
3 inability to work or employment classification or status.

4 (J) Pregnancy; reasonable accommodations.

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

1 reasonable accommodation or accommodations. It is the  
2 duty of the individual seeking a reasonable  
3 accommodation or accommodations to submit to the  
4 employer any documentation that is requested in  
5 accordance with this paragraph. Notwithstanding the  
6 provisions of this paragraph, the employer may require  
7 documentation by the employee's health care provider  
8 to determine compliance with other laws. The employee  
9 and employer shall engage in a timely, good faith, and  
10 meaningful exchange to determine effective reasonable  
11 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  
9 an employee. No employer shall fail or refuse to  
10 reinstate the employee affected by pregnancy,  
11 childbirth, or medical or common conditions related to  
12 pregnancy or childbirth to her original job or to an  
13 equivalent position with equivalent pay and  
14 accumulated seniority, retirement, fringe benefits,  
15 and other applicable service credits upon her  
16 signifying her intent to return or when her need for  
17 reasonable accommodation ceases, unless the employer  
18 can 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,  
26 that enable an applicant or employee affected by



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

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

26 (K) Notice.

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

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

23          (Source: P.A. 101-221, eff. 1-1-20; 102-233, eff. 8-2-21.)

24                 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

25                 Sec. 2-104. Exemptions.

1           (A) Nothing contained in this Act shall prohibit an  
2 employer, employment agency, or labor organization from:

3           (1) Bona Fide Qualification. Hiring or selecting  
4 between persons for bona fide occupational qualifications  
5 or any reason except those civil-rights violations  
6 specifically identified in this Article.

7           (2) Veterans. Giving preferential treatment to  
8 veterans and their relatives as required by the laws or  
9 regulations of the United States or this State or a unit of  
10 local government, or pursuant to a private employer's  
11 voluntary veterans' preference employment policy  
12 authorized by the Veterans Preference in Private  
13 Employment Act.

14           (3) Unfavorable Discharge From Military Service.

15           (a) Using unfavorable discharge from military  
16 service as a valid employment criterion when  
17 authorized by federal law or regulation or when a  
18 position of employment involves the exercise of  
19 fiduciary responsibilities as defined by rules and  
20 regulations which the Department shall adopt; or

21           (b) Participating in a bona fide recruiting  
22 incentive program, sponsored by a branch of the United  
23 States Armed Forces, a reserve component of the United  
24 States Armed Forces, or any National Guard or Naval  
25 Militia, where participation in the program is limited  
26 by the sponsoring branch based upon the service

1 member's discharge status.

2 (4) Ability Tests. Giving or acting upon the results  
3 of any professionally developed ability test provided that  
4 such test, its administration, or action upon the results,  
5 is not used as a subterfuge for or does not have the effect  
6 of unlawful discrimination.

7 (5) Merit and Retirement Systems.

8 (a) Applying different standards of compensation,  
9 or different terms, conditions or privileges of  
10 employment pursuant to a merit or retirement system  
11 provided that such system or its administration is not  
12 used as a subterfuge for or does not have the effect of  
13 unlawful discrimination.

14 (b) Effecting compulsory retirement of any  
15 employee who has attained 65 years of age and who, for  
16 the 2-year period immediately preceding retirement, is  
17 employed in a bona fide executive or a high  
18 policymaking position, if such employee is entitled to  
19 an immediate nonforfeitable annual retirement benefit  
20 from a pension, profit-sharing, savings, or deferred  
21 compensation plan, or any combination of such plans of  
22 the employer of such employee, which equals, in the  
23 aggregate, at least \$44,000. If any such retirement  
24 benefit is in a form other than a straight life annuity  
25 (with no ancillary benefits) or if the employees  
26 contribute to any such plan or make rollover

1 contributions, the retirement benefit shall be  
2 adjusted in accordance with regulations prescribed by  
3 the Department, so that the benefit is the equivalent  
4 of a straight life annuity (with no ancillary  
5 benefits) under a plan to which employees do not  
6 contribute and under which no rollover contributions  
7 are made.

8 (c) Until January 1, 1994, effecting compulsory  
9 retirement of any employee who has attained 70 years  
10 of age, and who is serving under a contract of  
11 unlimited tenure (or similar arrangement providing for  
12 unlimited tenure) at an institution of higher  
13 education as defined by Section 1201(a) of the Higher  
14 Education Act of 1965.

15 (6) Training and Apprenticeship programs. Establishing  
16 an educational requirement as a prerequisite to selection  
17 for a training or apprenticeship program, provided such  
18 requirement does not operate to discriminate on the basis  
19 of any prohibited classification except age.

20 (7) Police and Firefighter/Paramedic Retirement.  
21 Imposing a mandatory retirement age for  
22 firefighters/paramedics or law enforcement officers and  
23 discharging or retiring such individuals pursuant to the  
24 mandatory retirement age if such action is taken pursuant  
25 to a bona fide retirement plan provided that the law  
26 enforcement officer or firefighter/paramedic has attained:

1 (a) the age of retirement in effect under  
2 applicable State or local law on March 3, 1983; or

3 (b) if the applicable State or local law was  
4 enacted after the date of enactment of the federal Age  
5 Discrimination in Employment Act Amendments of 1996  
6 (P.L. 104-208), the age of retirement in effect on the  
7 date of such discharge under such law.

8 This paragraph (7) shall not apply with respect to any  
9 cause of action arising under the Illinois Human Rights  
10 Act as in effect prior to the effective date of this  
11 amendatory Act of 1997.

12 (8) Police and Firefighter/Paramedic Appointment.  
13 Failing or refusing to hire any individual because of such  
14 individual's age if such action is taken with respect to  
15 the employment of an individual as a firefighter/paramedic  
16 or as a law enforcement officer and the individual has  
17 attained:

18 (a) the age of hiring or appointment in effect  
19 under applicable State or local law on March 3, 1983;  
20 or

21 (b) the age of hiring in effect on the date of such  
22 failure or refusal to hire under applicable State or  
23 local law enacted after the date of enactment of the  
24 federal Age Discrimination in Employment Act  
25 Amendments of 1996 (P.L. 104-208).

26 As used in paragraph (7) or (8):

1 "Firefighter/paramedic" means an employee, the duties  
2 of whose position are primarily to perform work directly  
3 connected with the control and extinguishment of fires or  
4 the maintenance and use of firefighting apparatus and  
5 equipment, or to provide emergency medical services,  
6 including an employee engaged in this activity who is  
7 transferred to a supervisory or administrative position.

8 "Law enforcement officer" means an employee, the  
9 duties of whose position are primarily the investigation,  
10 apprehension, or detention of individuals suspected or  
11 convicted of criminal offenses, including an employee  
12 engaged in this activity who is transferred to a  
13 supervisory or administrative position.

14 (9) Citizenship Status. Making legitimate distinctions  
15 based on citizenship status if specifically authorized or  
16 required by State or federal law.

17 (B) With respect to any employee who is subject to a  
18 collective bargaining agreement:

19 (a) which is in effect on June 30, 1986,

20 (b) which terminates after January 1, 1987,

21 (c) any provision of which was entered into by a labor  
22 organization as defined by Section 6(d)(4) of the Fair  
23 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

24 (d) which contains any provision that would be  
25 superseded by Public Act 85-748,

26 Public Act 85-748 shall not apply until the termination of



1 such collective bargaining agreement or January 1, 1990,  
2 whichever occurs first.

3 (C)(1) For purposes of this Act, the term "disability"  
4 shall not include any employee or applicant who is currently  
5 engaging in the illegal use of drugs, when an employer acts on  
6 the basis of such use.

7 (2) Paragraph (1) shall not apply where an employee or  
8 applicant for employment:

9 (a) has successfully completed a supervised drug  
10 rehabilitation program and is no longer engaging in the  
11 illegal use of drugs, or has otherwise been rehabilitated  
12 successfully and is no longer engaging in such use;

13 (b) is participating in a supervised rehabilitation  
14 program and is no longer engaging in such use; or

15 (c) is erroneously regarded as engaging in such use,  
16 but is not engaging in such use.

17 It shall not be a violation of this Act for an employer to  
18 adopt or administer reasonable policies or procedures,  
19 including but not limited to drug testing, designed to ensure  
20 that an individual described in subparagraph (a) or (b) is no  
21 longer engaging in the illegal use of drugs.

22 (3) An employer:

23 (a) may prohibit the illegal use of drugs and the use  
24 of alcohol at the workplace by all employees;

25 (b) may require that employees shall not be under the  
26 influence of alcohol or be engaging in the illegal use of

1 drugs at the workplace;

2 (c) may require that employees behave in conformance  
3 with the requirements established under the federal  
4 Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.)  
5 and the Drug Free Workplace Act;

6 (d) may hold an employee who engages in the illegal  
7 use of drugs or who is an alcoholic to the same  
8 qualification standards for employment or job performance  
9 and behavior that such employer holds other employees,  
10 even if any unsatisfactory performance or behavior is  
11 related to the drug use or alcoholism of such employee;  
12 and

13 (e) may, with respect to federal regulations regarding  
14 alcohol and the illegal use of drugs, require that:

15 (i) employees comply with the standards  
16 established in such regulations of the United States  
17 Department of Defense, if the employees of the  
18 employer are employed in an industry subject to such  
19 regulations, including complying with regulations (if  
20 any) that apply to employment in sensitive positions  
21 in such an industry, in the case of employees of the  
22 employer who are employed in such positions (as  
23 defined in the regulations of the Department of  
24 Defense);

25 (ii) employees comply with the standards  
26 established in such regulations of the Nuclear

1 Regulatory Commission, if the employees of the  
2 employer are employed in an industry subject to such  
3 regulations, including complying with regulations (if  
4 any) that apply to employment in sensitive positions  
5 in such an industry, in the case of employees of the  
6 employer who are employed in such positions (as  
7 defined in the regulations of the Nuclear Regulatory  
8 Commission); and

9 (iii) employees comply with the standards  
10 established in such regulations of the United States  
11 Department of Transportation, if the employees of the  
12 employer are employed in a transportation industry  
13 subject to such regulations, including complying with  
14 such regulations (if any) that apply to employment in  
15 sensitive positions in such an industry, in the case  
16 of employees of the employer who are employed in such  
17 positions (as defined in the regulations of the United  
18 States Department of Transportation).

19 (4) For purposes of this Act, a test to determine the  
20 illegal use of drugs shall not be considered a medical  
21 examination. Nothing in this Act shall be construed to  
22 encourage, prohibit, or authorize the conducting of drug  
23 testing for the illegal use of drugs by job applicants or  
24 employees or making employment decisions based on such test  
25 results.

26 (5) Nothing in this Act shall be construed to encourage,

1 prohibit, restrict, or authorize the otherwise lawful exercise  
2 by an employer subject to the jurisdiction of the United  
3 States Department of Transportation of authority to:

4 (a) test employees of such employer in, and applicants  
5 for, positions involving safety-sensitive duties for the  
6 illegal use of drugs and for on-duty impairment by  
7 alcohol; and

8 (b) remove such persons who test positive for illegal  
9 use of drugs and on-duty impairment by alcohol pursuant to  
10 subparagraph (a) from safety-sensitive duties in  
11 implementing paragraph (3).

12 (D) Nothing contained in this Act shall require an  
13 employer to sponsor, either monetarily or otherwise, any  
14 applicant or employee to obtain or modify work authorization  
15 status, unless otherwise required by federal law.

16 (E) Nothing contained in this Act may be construed to  
17 obligate an employer, employment agency, or labor organization  
18 to make accommodations or modifications to reasonable  
19 workplace rules or policies for an employee based on family  
20 responsibilities, including accommodations or modifications  
21 related to leave, scheduling, productivity, attendance,  
22 absenteeism, timeliness, work performance, referrals from a  
23 labor union hiring hall, and benefits, as long as its rules or  
24 policies are applied in accordance with this Act. Further,  
25 nothing contained in this Act prevents an employer from taking  
26 adverse action or otherwise enforcing reasonable workplace

1 rules or policies related to leave, scheduling, productivity,  
2 attendance, absenteeism, timeliness, work performance,  
3 referrals from a labor union hiring hall, and benefits against  
4 an employee with family responsibilities as long as its  
5 policies are applied in accordance with this Act.

6 (Source: P.A. 102-233, eff. 8-2-21.)

7 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

8 (Text of Section before amendment by P.A. 103-472)

9 Sec. 6-101. Additional civil rights violations under  
10 Articles 2, 4, 5, and 5A. It is a civil rights violation for a  
11 person, or for 2 or more persons, to conspire to:

12 (A) Retaliation. Retaliate against a person because he  
13 or she has opposed that which he or she reasonably and in  
14 good faith believes to be unlawful discrimination, sexual  
15 harassment in employment, sexual harassment in elementary,  
16 secondary, and higher education, or discrimination based  
17 on arrest record, citizenship status, ~~or~~ work  
18 authorization status, or family responsibilities in  
19 employment under Articles 2, 4, 5, and 5A, because he or  
20 she has made a charge, filed a complaint, testified,  
21 assisted, or participated in an investigation, proceeding,  
22 or hearing under this Act, or because he or she has  
23 requested, attempted to request, used, or attempted to use  
24 a reasonable accommodation as allowed by this Act;

25 (B) Aiding and Abetting; Coercion. Aid, abet, compel,

1 or coerce a person to commit any violation of this Act;

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

6 Definitions. For the purposes of this Section, "sexual  
7 harassment", "citizenship status", ~~and~~ "work authorization  
8 status", and "family responsibilities" shall have the same  
9 meaning as defined in Section 2-101 of this Act.

10 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
11 102-813, eff. 5-13-22.)

12 (Text of Section after amendment by P.A. 103-472)

13 Sec. 6-101. Additional civil rights violations under  
14 Articles 2, 4, 5, 5A, and 6. It is a civil rights violation for  
15 a person, or for 2 or more persons, to conspire to:

16 (A) Retaliation. Retaliate against a person because  
17 that person has:

18 (i) opposed or reported conduct that the person  
19 reasonably and in good faith believes to be prohibited  
20 under Articles 2, 4, 5, 5A, and 6;

21 (ii) made a charge, filed a complaint, testified,  
22 assisted, or participated in an investigation,  
23 proceeding, or hearing under this Act; or

24 (iii) requested, attempted to request, used, or  
25 attempted to use a reasonable accommodation as allowed

1           by this Act;

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

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

8           (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
9           102-813, eff. 5-13-22; 103-472, eff. 8-1-24.)