

1 AN ACT concerning business.

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 and 2-102 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 that has the purpose or effect of
15 substantially interfering with the individual's work
16 performance or creating an intimidating, hostile, or offensive
17 working environment. For purposes of this definition, the
18 phrase "working environment" is not limited to a physical
19 location an employee is assigned to perform his or her duties.

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

26 (G) Public Employer. "Public employer" means the State, an

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

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

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

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

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

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

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

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

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

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

15 (M) Artificial Intelligence. "Artificial intelligence"
16 means a machine-based system that, for explicit or implicit
17 objectives, infers, from the input it receives, how to
18 generate outputs such as predictions, content,
19 recommendations, or decisions that can influence physical or
20 virtual environments. "Artificial intelligence" includes
21 generative artificial intelligence.

22 (N) Generative Artificial Intelligence. "Generative
23 artificial intelligence" means an automated computing system
24 that, when prompted with human prompts, descriptions, or
25 queries, can produce outputs that simulate human-produced
26 content, including, but not limited to, the following: (1)

1 textual outputs, such as short answers, essays, poetry, or
2 longer compositions or answers; (2) image outputs, such as
3 fine art, photographs, conceptual art, diagrams, and other
4 images; (3) multimedia outputs, such as audio or video in the
5 form of compositions, songs, or short-form or long-form audio
6 or video; and (4) other content that would be otherwise
7 produced by human means.

8 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;
9 102-233, eff. 8-2-21; 102-558, eff. 8-20-21; 102-1030, eff.
10 5-27-22.)

11 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

14 (A) Employers. For any employer to refuse to hire, to
15 segregate, to engage in harassment as defined in
16 subsection (E-1) of Section 2-101, or to act with respect
17 to recruitment, hiring, promotion, renewal of employment,
18 selection for training or apprenticeship, discharge,
19 discipline, tenure or terms, privileges or conditions of
20 employment on the basis of unlawful discrimination,
21 citizenship status, or work authorization status. An
22 employer is responsible for harassment by the employer's
23 nonmanagerial and nonsupervisory employees only if the
24 employer becomes aware of the conduct and fails to take
25 reasonable corrective measures.

1 (A-5) Language. For an employer to impose a
2 restriction that has the effect of prohibiting a language
3 from being spoken by an employee in communications that
4 are unrelated 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,
7 or Chinese. "Language" does not include such things as
8 slang, 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. An employer
12 is responsible for harassment of nonemployees by the
13 employer's nonmanagerial and nonsupervisory employees only
14 if the employer becomes aware of the conduct and fails to
15 take reasonable corrective measures. For the purposes of
16 this subdivision (A-10), "nonemployee" means a person who
17 is not otherwise an employee of the employer and is
18 directly performing services for the employer pursuant to
19 a contract with that employer. "Nonemployee" includes
20 contractors and consultants. This subdivision applies to
21 harassment occurring on or after the effective date of
22 this amendatory Act of the 101st General Assembly.

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

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

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

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

1 reasonable corrective measures.

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

18 (E) Public employers. For any public employer to
19 refuse to permit a public employee under its jurisdiction
20 who takes time off from work in order to practice his or
21 her religious beliefs to engage in work, during hours
22 other than such employee's regular working hours,
23 consistent with the operational needs of the employer and
24 in order to compensate for work time lost for such
25 religious reasons. Any employee who elects such deferred
26 work shall be compensated at the wage rate which he or she

1 would have earned during the originally scheduled work
2 period. The employer may require that an employee who
3 plans to take time off from work in order to practice his
4 or her religious beliefs provide the employer with a
5 notice of his or her intention to be absent from work not
6 exceeding 5 days prior to the date of absence.

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

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

25 (F) Training and apprenticeship programs. For any
26 employer, employment agency or labor organization to

1 discriminate against a person on the basis of age in the
2 selection, referral for or conduct of apprenticeship or
3 training programs.

4 (G) Immigration-related practices.

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

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

24 (H) (Blank).

25 (I) Pregnancy. For an employer to refuse to hire, to
26 segregate, or to act with respect to recruitment, hiring,

1 promotion, renewal of employment, selection for training
2 or apprenticeship, discharge, discipline, tenure or terms,
3 privileges or conditions of employment on the basis of
4 pregnancy, childbirth, or medical or common conditions
5 related to pregnancy or childbirth. Women affected by
6 pregnancy, childbirth, or medical or common conditions
7 related to pregnancy or childbirth shall be treated the
8 same for all employment-related purposes, including
9 receipt of benefits under fringe benefit programs, as
10 other persons not so affected but similar in their ability
11 or inability to work, regardless of the source of the
12 inability to work or employment classification or status.

13 (J) Pregnancy; reasonable accommodations.

14 (1) If after a job applicant or employee,
15 including a part-time, full-time, or probationary
16 employee, requests a reasonable accommodation, for an
17 employer to not make reasonable accommodations for any
18 medical or common condition of a job applicant or
19 employee related to pregnancy or childbirth, unless
20 the employer can demonstrate that the accommodation
21 would impose an undue hardship on the ordinary
22 operation of the business of the employer. The
23 employer may request documentation from the employee's
24 health care provider concerning the need for the
25 requested reasonable accommodation or accommodations
26 to the same extent documentation is requested for

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

21 (2) For an employer to deny employment
22 opportunities or benefits to or take adverse action
23 against an otherwise qualified job applicant or
24 employee, including a part-time, full-time, or
25 probationary employee, if the denial or adverse action
26 is based on the need of the employer to make reasonable

1 accommodations to the known medical or common
2 conditions related to the pregnancy or childbirth of
3 the applicant or employee.

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

12 (4) For an employer to require an employee,
13 including a part-time, full-time, or probationary
14 employee, to take leave under any leave law or policy
15 of the employer if another reasonable accommodation
16 can be provided to the known medical or common
17 conditions related to the pregnancy or childbirth of
18 an employee. No employer shall fail or refuse to
19 reinstate the employee affected by pregnancy,
20 childbirth, or medical or common conditions related to
21 pregnancy or childbirth to her original job or to an
22 equivalent position with equivalent pay and
23 accumulated seniority, retirement, fringe benefits,
24 and other applicable service credits upon her
25 signifying her intent to return or when her need for
26 reasonable accommodation ceases, unless the employer

1 can demonstrate that the accommodation would impose an
2 undue hardship on the ordinary operation of the
3 business of the employer.

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

1 common conditions resulting from pregnancy or childbirth.

2 For the purposes of this subdivision (J), "undue
3 hardship" means an action that is prohibitively expensive
4 or disruptive when considered in light of the following
5 factors: (i) the nature and cost of the accommodation
6 needed; (ii) the overall financial resources of the
7 facility or facilities involved in the provision of the
8 reasonable accommodation, the number of persons employed
9 at the facility, the effect on expenses and resources, or
10 the impact otherwise of the accommodation upon the
11 operation of the facility; (iii) the overall financial
12 resources of the employer, the overall size of the
13 business of the employer with respect to the number of its
14 employees, and the number, type, and location of its
15 facilities; and (iv) the type of operation or operations
16 of the employer, including the composition, structure, and
17 functions of the workforce of the employer, the geographic
18 separateness, administrative, or fiscal relationship of
19 the facility or facilities in question to the employer.
20 The employer has the burden of proving undue hardship. The
21 fact that the employer provides or would be required to
22 provide a similar accommodation to similarly situated
23 employees creates a rebuttable presumption that the
24 accommodation does not impose an undue hardship on the
25 employer.

26 No employer is required by this subdivision (J) to

1 create additional employment that the employer would not
2 otherwise have created, unless the employer does so or
3 would do so for other classes of employees who need
4 accommodation. The employer is not required to discharge
5 any employee, transfer any employee with more seniority,
6 or promote any employee who is not qualified to perform
7 the job, unless the employer does so or would do so to
8 accommodate other classes of employees who need it.

9 (K) Notice.

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

24 (2) Upon notification of a violation of paragraph
25 (1) of this subdivision (K), the Department may launch
26 a preliminary investigation. If the Department finds a

1 violation, the Department may issue a notice to show
2 cause giving the employer 30 days to correct the
3 violation. If the violation is not corrected, the
4 Department may initiate a charge of a civil rights
5 violation.

6 (L) Use of artificial intelligence.

7 (1) With respect to recruitment, hiring,
8 promotion, renewal of employment, selection for
9 training or apprenticeship, discharge, discipline,
10 tenure, or the terms, privileges, or conditions of
11 employment, for an employer to use artificial
12 intelligence that has the effect of subjecting
13 employees to discrimination on the basis of protected
14 classes under this Article or to use zip codes as a
15 proxy for protected classes under this Article.

16 (2) For an employer to fail to provide notice to an
17 employee that the employer is using artificial
18 intelligence for the purposes described in paragraph
19 (1).

20 The Department shall adopt any rules necessary for the
21 implementation and enforcement of this subdivision,
22 including, but not limited to, rules on the circumstances
23 and conditions that require notice, the time period for
24 providing notice, and the means for providing notice.

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

26 Section 99. Effective date. This Act takes effect January

1 1, 2026.