



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2342

Introduced 2/10/2023, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101

775 ILCS 5/2-102

775 ILCS 5/2-108

from Ch. 68, par. 2-102

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer to engage in abusive conduct. Provides circumstances under which an employer is responsible for abusive conduct by nonmanagerial and nonsupervisory employees and for abusive conduct against nonemployees. Includes abusive conduct cases in provisions concerning required reporting by employers. Defines "abusive conduct" as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Makes conforming changes.

LRB103 27630 LNS 54006 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 2-101, 2-102, and 2-108, 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 (E-2) Abusive Conduct. "Abusive conduct" means conduct of  
21 an employer or employee in the workplace, with malice, that a  
22 reasonable person would find hostile, offensive, and unrelated  
23 to an employer's legitimate business interests. "Abusive  
24 conduct" includes, but is not limited to, repeated infliction  
25 of verbal abuse, such as the use of derogatory remarks,  
26 insults, and epithets, verbal or physical conduct that a

1 reasonable person would find threatening, intimidating, or  
2 humiliating, and the gratuitous sabotage or undermining of a  
3 person's work performance. "Abusive conduct" does not include  
4 a single act, unless the act is especially severe and  
5 egregious.

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

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

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

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

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

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

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

15           (1) a born U.S. citizen;

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

17           (3) a U.S. national; or

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

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



1 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;  
2 102-233, eff. 8-2-21; 102-558, eff. 8-20-21; 102-1030, eff.  
3 5-27-22.)

4 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

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

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

25 For the purposes of this subdivision (A-5), "language"

1 means a person's native tongue, such as Polish, Spanish,  
2 or Chinese. "Language" does not include such things as  
3 slang, jargon, profanity, or vulgarity.

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

18 (A-15) Abusive conduct against nonemployees. For any  
19 employer, employment agency, or labor organization to  
20 engage in abusive conduct against nonemployees in the  
21 workplace. An employer is responsible for the abusive  
22 conduct against nonemployees 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. For the purposes of this  
26 subdivision (A-15), "nonemployee" means a person who is

1 not otherwise an employee of the employer and is directly  
2 performing services for the employer pursuant to a  
3 contract with that employer. "Nonemployee" includes  
4 contractors and consultants. This subdivision applies to  
5 abusive conduct occurring on or after the effective date  
6 of this amendatory Act of the 103rd General Assembly.

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

19 (C) Labor organization. For any labor organization to  
20 limit, segregate or classify its membership, or to limit  
21 employment opportunities, selection and training for  
22 apprenticeship in any trade or craft, or otherwise to  
23 take, or fail to take, any action which affects adversely  
24 any person's status as an employee or as an applicant for  
25 employment or as an apprentice, or as an applicant for  
26 apprenticeships, or wages, tenure, hours of employment or

1 apprenticeship conditions on the basis of unlawful  
2 discrimination, citizenship status, or work authorization  
3 status.

4 (D) Sexual harassment. For any employer, employee,  
5 agent of any employer, employment agency or labor  
6 organization to engage in sexual harassment; provided,  
7 that an employer shall be responsible for sexual  
8 harassment of the employer's employees by nonemployees or  
9 nonmanagerial and nonsupervisory employees only if the  
10 employer becomes aware of the conduct and fails to take  
11 reasonable corrective measures.

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

1 Assembly.

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

17 (E-5) Religious discrimination. For any employer to  
18 impose upon a person as a condition of obtaining or  
19 retaining employment, including opportunities for  
20 promotion, advancement, or transfer, any terms or  
21 conditions that would require such person to violate or  
22 forgo a sincerely held practice of his or her religion  
23 including, but not limited to, the wearing of any attire,  
24 clothing, or facial hair in accordance with the  
25 requirements of his or her religion, unless, after  
26 engaging in a bona fide effort, the employer demonstrates

1           that it is unable to reasonably accommodate the employee's  
2           or prospective employee's sincerely held religious belief,  
3           practice, or observance without undue hardship on the  
4           conduct of the employer's business.

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

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

14          (G) Immigration-related practices.

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

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

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

8 (H) (Blank).

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

23 (J) Pregnancy; reasonable accommodations.

24 (1) If after a job applicant or employee,  
25 including a part-time, full-time, or probationary  
26 employee, requests a reasonable accommodation, for an

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



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

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

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

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

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

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

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

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

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

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

19 (K) Notice.

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

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

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

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

17 (775 ILCS 5/2-108)

18 (Section scheduled to be repealed on January 1, 2030)

19 Sec. 2-108. Employer disclosure requirements.

20 (A) Definitions. The following definitions are applicable  
21 strictly to this Section:

22 (1) "Employer" means:

23 (a) any person employing one or more employees  
24 within this State;

25 (b) a labor organization; or

1 (c) the State and any political subdivision,  
2 municipal corporation, or other governmental unit or  
3 agency, without regard to the number of employees.

4 (2) "Settlement" means any written commitment or  
5 written agreement, including any agreed judgment,  
6 stipulation, decree, agreement to settle, assurance of  
7 discontinuance, or otherwise between an employee, as  
8 defined by subsection (A) of Section 2-101, or a  
9 nonemployee to whom an employer owes a duty under this Act  
10 pursuant to subsection (A-10), (A-15), or (D-5) of Section  
11 2-102, and an employer under which the employer directly  
12 or indirectly provides to an individual compensation or  
13 other consideration due to an allegation that the  
14 individual has been a victim of sexual harassment, abusive  
15 conduct, or unlawful discrimination under this Act.

16 (3) "Adverse judgment or administrative ruling" means  
17 any final and non-appealable adverse judgment or final and  
18 non-appealable administrative ruling entered in favor of  
19 an employee as defined by subsection (A) of Section 2-101  
20 or a nonemployee to whom an employer owes a duty under this  
21 Act pursuant to subsection (A-10), (A-15), or (D-5) of  
22 Section 2-102, and against the employer during the  
23 preceding year in which there was a finding of sexual  
24 harassment, abusive conduct, or unlawful discrimination  
25 brought under this Act, Title VII of the Civil Rights Act  
26 of 1964, or any other federal, State, or local law

1 prohibiting sexual harassment, abusive conduct, or  
2 unlawful discrimination.

3 (B) Required disclosures. Beginning July 1, 2020, and by  
4 each July 1 thereafter, each employer that had an adverse  
5 judgment or administrative ruling against it in the preceding  
6 calendar year, as provided in this Section, shall disclose  
7 annually to the Department of Human Rights the following  
8 information:

9 (1) the total number of adverse judgments or  
10 administrative rulings during the preceding year;

11 (2) whether any equitable relief was ordered against  
12 the employer in any adverse judgment or administrative  
13 ruling described in paragraph (1);

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

17 (a) sexual harassment;

18 (b) discrimination or harassment on the basis of  
19 sex;

20 (c) discrimination or harassment on the basis of  
21 race, color, or national origin;

22 (d) discrimination or harassment on the basis of  
23 religion;

24 (e) discrimination or harassment on the basis of  
25 age;

26 (f) discrimination or harassment on the basis of

1 disability;

2 (g) discrimination or harassment on the basis of  
3 military status or unfavorable discharge from military  
4 status;

5 (h) discrimination or harassment on the basis of  
6 sexual orientation or gender identity; ~~and~~

7 (i) discrimination or harassment on the basis of  
8 any other characteristic protected under this Act; and

9 (j) abusive conduct.

10 (C) Settlements. If the Department is investigating a  
11 charge filed pursuant to this Act, the Department may request  
12 the employer responding to the charge to submit the total  
13 number of settlements entered into during the preceding 5  
14 years, or less at the direction of the Department, that relate  
15 to any alleged act of sexual harassment, abusive conduct, or  
16 unlawful discrimination that:

17 (1) occurred in the workplace of the employer; or

18 (2) involved the behavior of an employee of the  
19 employer or a corporate executive of the employer, without  
20 regard to whether that behavior occurred in the workplace  
21 of the employer.

22 The total number of settlements entered into during the  
23 requested period shall be reported along with how many  
24 settlements are in each of the following categories, when  
25 requested by the Department pursuant to this subsection:

26 (a) sexual harassment;



- 1 (b) discrimination or harassment on the basis of sex;
- 2 (c) discrimination or harassment on the basis of race,  
3 color, or national origin;
- 4 (d) discrimination or harassment on the basis of  
5 religion;
- 6 (e) discrimination or harassment on the basis of age;
- 7 (f) discrimination or harassment on the basis of  
8 disability;
- 9 (g) discrimination or harassment on the basis of  
10 military status or unfavorable discharge from military  
11 status;
- 12 (h) discrimination or harassment on the basis of  
13 sexual orientation or gender identity; ~~and~~
- 14 (i) discrimination or harassment on the basis of any  
15 other characteristic protected under this Act; and
- 16 (j) abusive conduct.

17 The Department shall not rely on the existence of any  
18 settlement agreement to support a finding of substantial  
19 evidence under this Act.

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

24 (E) Annual report. The Department shall publish an annual  
25 report aggregating the information reported by employers under  
26 subsection (B) of this Section such that no individual

1 employer data is available to the public. The report shall  
2 include the number of adverse judgments or administrative  
3 rulings filed during the preceding calendar year based on each  
4 of the protected classes identified by this Act.

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

10 (F) Failure to report and penalties. If an employer fails  
11 to make any disclosures required under this Section, the  
12 Department shall issue a notice to show cause giving the  
13 employer 30 days to disclose the required information. If the  
14 employer does not make the required disclosures within 30  
15 days, the Department shall petition the Illinois Human Rights  
16 Commission for entry of an order imposing a civil penalty  
17 against the employer pursuant to Section 8-109.1. The civil  
18 penalty shall be paid into the Department of Human Rights'  
19 Training and Development Fund.

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

22 (H) This Section is repealed on January 1, 2030.

23 (Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21.)