



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2616

Introduced 10/24/2023, by Sen. Natalie Toro

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Human Rights Act. Provides that it is the public policy of the State to secure for all individuals the freedom from discrimination against any individual because of his or her family responsibilities in employment. Provides that it is a civil rights violation for a person, or 2 or more persons, to conspire to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be discrimination based on family responsibilities. Changes the definition of "harassment" to include any unwelcome conduct on the basis of an individual's actual or perceived family responsibilities. Defines "family responsibilities" as an employee's actual or perceived provision of personal care to a family member. Defines "personal care" and "family member".

LRB103 34532 LNS 64366 b

1 AN ACT concerning civil law.

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

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

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

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

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

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

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

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

7 (D) Freedom from Discrimination Based on Familial Status
8 or Source of Income-Real Estate Transactions. To prevent
9 discrimination based on familial status or source of income in
10 real estate transactions.

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

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

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

1 government and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State
3 against unfounded charges of unlawful discrimination, sexual
4 harassment in employment and sexual harassment in elementary,
5 secondary, and higher education, and discrimination based on
6 citizenship status or work authorization status in employment.
7 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

8 (775 ILCS 5/2-101)

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

11 (A) Employee.

12 (1) "Employee" includes:

13 (a) Any individual performing services for
14 remuneration within this State for an employer;

15 (b) An apprentice;

16 (c) An applicant for any apprenticeship.

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

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

24 (ii) the employer and the person performing the
25 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.

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

21 (O) "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 5/6-101) (from Ch. 68, par. 6-101)

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

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

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

20 (C) Interference. Wilfully interfere with the
21 performance of a duty or the exercise of a power by the
22 Commission or one of its members or representatives or the
23 Department or one of its officers or employees.

24 Definitions. For the purposes of this Section, "sexual
25 harassment", "citizenship status", ~~and~~ "work authorization
26 status", and "family responsibilities" shall have the same

1 meaning as defined in Section 2-101 of this Act.

2 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;

3 102-813, eff. 5-13-22.)