

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 Section 2-102 as follows:

6 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

7 Sec. 2-102. Civil Rights Violations - Employment. It is
8 a civil rights violation:

9 (A) Employers. For any employer to refuse to hire, to
10 segregate, or to act with respect to recruitment, hiring,
11 promotion, renewal of employment, selection for training or
12 apprenticeship, discharge, discipline, tenure or terms,
13 privileges or conditions of employment on the basis of
14 unlawful discrimination or citizenship status.

15 (A-5) Language. For any employer to adopt or enforce a
16 policy that limits or prohibits the use of any language in
17 any workplace, unless both of the following conditions exist:

18 (1) The language restriction is justified by a
19 business necessity.

20 (2) The employer has notified its employees of the
21 circumstances and the time when the language restriction
22 is required to be observed and of the consequences for
23 violating the language restriction.

24 For the purposes of this subdivision (A-5), "business
25 necessity" means an overriding legitimate business purpose
26 such that the language restriction is necessary to the safe
27 and efficient operation of the business, that the language
28 restriction effectively fulfills the business purpose it is
29 supposed to serve, and there is no alternative practice to
30 the language restriction that would accomplish the business
31 purpose equally well with a lesser discriminatory impact.

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

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

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

29 (E) Public Employers. For any public employer to refuse
30 to permit a public employee under its jurisdiction who takes
31 time off from work in order to practice his or her religious
32 beliefs to engage in work, during hours other than such
33 employee's regular working hours, consistent with the
34 operational needs of the employer and in order to compensate

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

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. For an employer to
15 request for purposes of satisfying the requirements of
16 Section 1324a(b) of Title 8 of the United States Code, as now
17 or hereafter amended, more or different documents than are
18 required under such Section or to refuse to honor documents
19 tendered that on their face reasonably appear to be genuine.

20 It is not a civil rights violation for an employer to
21 take any action that is required by Section 1324a of Title 8
22 of the United States Code, as now or hereafter amended.

23 (Source: P.A. 87-579.)