

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. Findings. The General Assembly finds and
5 declares the following:

6 (1) Current workplace laws are inadequate to protect
7 pregnant workers from enjoying equal employment
8 opportunities.

9 (2) Because of inadequate protections, pregnant women
10 who are temporarily limited in their abilities to perform
11 their work functions because of pregnancy, childbirth, or
12 conditions related to pregnancy or childbirth are often
13 forced to take unpaid leave or are fired, despite the
14 availability of reasonable accommodations that would allow
15 them to continue to work. The most frequent accommodations
16 involve limits on lifting, access to places to sit, and
17 more frequent bathroom breaks.

18 (3) Many pregnant women are single mothers or the
19 primary breadwinners for their families. If one of these
20 women loses her job, her whole family, and Illinois,
21 suffers.

22 (4) Employers are familiar with the reasonable
23 accommodations framework. Indeed, employers are required
24 to reasonably accommodate people with disabilities and

1 employees injured on the job. Sadly, many employers refuse
2 to provide reasonable accommodations or decline to extend
3 workplace injury policies to pregnant women.

4 (5) Women are nearly 50% of all workers in Illinois and
5 women of childbearing age are 54% of women workers. Failing
6 to provide reasonable accommodations to pregnant women
7 leads to lost wages, periods of unemployment, and lost
8 employment opportunities and job benefits such as
9 seniority, all of which have lifelong repercussions on
10 women's economic security and advancement and the
11 well-being of their families.

12 (6) Most women work during pregnancy. By continuing to
13 work, women can maintain and advance their economic
14 security. Moreover, women who work during pregnancy may be
15 able to take a longer period of leave following childbirth,
16 which in turn facilitates breastfeeding, bonding with and
17 caring for a new child, and recovering from childbirth.

18 (7) Enabling pregnant workers to work through
19 pregnancy is good for businesses. Providing pregnant
20 employees with reasonable, temporary accommodations
21 increases worker productivity, retention, and morale,
22 decreases re-training costs, and reduces health care costs
23 associated with pregnancy complications.

24 Section 10. Purposes. The purposes of this Act are:

25 (1) to promote the State's interest in eradicating

1 gender discrimination, including discrimination based on
2 pregnancy, childbirth, or conditions related to pregnancy
3 or childbirth, and in promoting women's equality;

4 (2) to address the failure of existing laws to protect
5 the employment rights of pregnant workers; and

6 (3) to ensure full and equal participation for women in
7 the labor force by requiring employers to provide
8 reasonable accommodations to employees with conditions
9 related to pregnancy or childbirth.

10 Section 15. The Illinois Human Rights Act is amended by
11 changing Sections 1-102, 1-103, 2-101, 2-102, and 6-101 as
12 follows:

13 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

1 (B) Freedom from Sexual Harassment-Employment and
2 Elementary, Secondary, and Higher Education. To prevent sexual
3 harassment in employment and sexual harassment in elementary,
4 secondary, and higher education.

5 (C) Freedom from Discrimination Based on Citizenship
6 Status-Employment. To prevent discrimination based on
7 citizenship status in employment.

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

11 (E) Public Health, Welfare and Safety. To promote the
12 public health, welfare and safety by protecting the interest of
13 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 government

1 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 in employment.

7 (Source: P.A. 95-668, eff. 10-10-07; 96-447, eff. 1-1-10;
8 96-1319, eff. 7-27-10.)

9 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

10 Sec. 1-103. General Definitions. When used in this Act,
11 unless the context requires otherwise, the term:

12 (A) Age. "Age" means the chronological age of a person who
13 is at least 40 years old, except with regard to any practice
14 described in Section 2-102, insofar as that practice concerns
15 training or apprenticeship programs. In the case of training or
16 apprenticeship programs, for the purposes of Section 2-102,
17 "age" means the chronological age of a person who is 18 but not
18 yet 40 years old.

19 (B) Aggrieved Party. "Aggrieved party" means a person who
20 is alleged or proved to have been injured by a civil rights
21 violation or believes he or she will be injured by a civil
22 rights violation under Article 3 that is about to occur.

23 (C) Charge. "Charge" means an allegation filed with the
24 Department by an aggrieved party or initiated by the Department
25 under its authority.

1 (D) Civil Rights Violation. "Civil rights violation"
2 includes and shall be limited to only those specific acts set
3 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
4 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
5 6-101, and 6-102 of this Act.

6 (E) Commission. "Commission" means the Human Rights
7 Commission created by this Act.

8 (F) Complaint. "Complaint" means the formal pleading filed
9 by the Department with the Commission following an
10 investigation and finding of substantial evidence of a civil
11 rights violation.

12 (G) Complainant. "Complainant" means a person including
13 the Department who files a charge of civil rights violation
14 with the Department or the Commission.

15 (H) Department. "Department" means the Department of Human
16 Rights created by this Act.

17 (I) Disability. "Disability" means a determinable physical
18 or mental characteristic of a person, including, but not
19 limited to, a determinable physical characteristic which
20 necessitates the person's use of a guide, hearing or support
21 dog, the history of such characteristic, or the perception of
22 such characteristic by the person complained against, which may
23 result from disease, injury, congenital condition of birth or
24 functional disorder and which characteristic:

25 (1) For purposes of Article 2 is unrelated to the
26 person's ability to perform the duties of a particular job

1 or position and, pursuant to Section 2-104 of this Act, a
2 person's illegal use of drugs or alcohol is not a
3 disability;

4 (2) For purposes of Article 3, is unrelated to the
5 person's ability to acquire, rent or maintain a housing
6 accommodation;

7 (3) For purposes of Article 4, is unrelated to a
8 person's ability to repay;

9 (4) For purposes of Article 5, is unrelated to a
10 person's ability to utilize and benefit from a place of
11 public accommodation;

12 (5) For purposes of Article 5, also includes any
13 mental, psychological, or developmental disability,
14 including autism spectrum disorders.

15 (J) Marital Status. "Marital status" means the legal status
16 of being married, single, separated, divorced or widowed.

17 (J-1) Military Status. "Military status" means a person's
18 status on active duty in or status as a veteran of the armed
19 forces of the United States, status as a current member or
20 veteran of any reserve component of the armed forces of the
21 United States, including the United States Army Reserve, United
22 States Marine Corps Reserve, United States Navy Reserve, United
23 States Air Force Reserve, and United States Coast Guard
24 Reserve, or status as a current member or veteran of the
25 Illinois Army National Guard or Illinois Air National Guard.

26 (K) National Origin. "National origin" means the place in

1 which a person or one of his or her ancestors was born.

2 (K-5) "Order of protection status" means a person's status
3 as being a person protected under an order of protection issued
4 pursuant to the Illinois Domestic Violence Act of 1986 or an
5 order of protection issued by a court of another state.

6 (L) Person. "Person" includes one or more individuals,
7 partnerships, associations or organizations, labor
8 organizations, labor unions, joint apprenticeship committees,
9 or union labor associations, corporations, the State of
10 Illinois and its instrumentalities, political subdivisions,
11 units of local government, legal representatives, trustees in
12 bankruptcy or receivers.

13 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
14 or conditions related to pregnancy or childbirth.

15 (M) Public Contract. "Public contract" includes every
16 contract to which the State, any of its political subdivisions
17 or any municipal corporation is a party.

18 (N) Religion. "Religion" includes all aspects of religious
19 observance and practice, as well as belief, except that with
20 respect to employers, for the purposes of Article 2, "religion"
21 has the meaning ascribed to it in paragraph (F) of Section
22 2-101.

23 (O) Sex. "Sex" means the status of being male or female.

24 (O-1) Sexual orientation. "Sexual orientation" means
25 actual or perceived heterosexuality, homosexuality,
26 bisexuality, or gender-related identity, whether or not

1 traditionally associated with the person's designated sex at
2 birth. "Sexual orientation" does not include a physical or
3 sexual attraction to a minor by an adult.

4 (P) Unfavorable Military Discharge. "Unfavorable military
5 discharge" includes discharges from the Armed Forces of the
6 United States, their Reserve components or any National Guard
7 or Naval Militia which are classified as RE-3 or the equivalent
8 thereof, but does not include those characterized as RE-4 or
9 "Dishonorable".

10 (Q) Unlawful Discrimination. "Unlawful discrimination"
11 means discrimination against a person because of his or her
12 race, color, religion, national origin, ancestry, age, sex,
13 marital status, order of protection status, disability,
14 military status, sexual orientation, pregnancy, or unfavorable
15 discharge from military service as those terms are defined in
16 this Section.

17 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;
18 97-410, eff. 1-1-12; 97-813, eff. 7-13-12.)

19 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

22 (A) Employee.

23 (1) "Employee" includes:

24 (a) Any individual performing services for
25 remuneration within this State for an employer;

1 (b) An apprentice;

2 (c) An applicant for any apprenticeship.

3 (2) "Employee" does not include:

4 (a) Domestic servants in private homes;

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

7 (c) Elected public officials or the members of
8 their immediate personal staffs;

9 (d) Principal administrative officers of the State
10 or of any political subdivision, municipal corporation
11 or other governmental unit or agency;

12 (e) A person in a vocational rehabilitation
13 facility certified under federal law who has been
14 designated an evaluatee, trainee, or work activity
15 client.

16 (B) Employer.

17 (1) "Employer" includes:

18 (a) Any person employing 15 or more employees
19 within Illinois during 20 or more calendar weeks within
20 the calendar year of or preceding the alleged
21 violation;

22 (b) Any person employing one or more employees when
23 a complainant alleges civil rights violation due to
24 unlawful discrimination based upon his or her physical
25 or mental disability unrelated to ability, pregnancy,
26 or sexual harassment;

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

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

8 (2) "Employer" does not include any religious
9 corporation, association, educational institution,
10 society, or non-profit nursing institution conducted by
11 and for those who rely upon treatment by prayer through
12 spiritual means in accordance with the tenets of a
13 recognized church or religious denomination with respect
14 to the employment of individuals of a particular religion
15 to perform work connected with the carrying on by such
16 corporation, association, educational institution, society
17 or non-profit nursing institution of its activities.

18 (C) Employment Agency. "Employment Agency" includes both
19 public and private employment agencies and any person, labor
20 organization, or labor union having a hiring hall or hiring
21 office regularly undertaking, with or without compensation, to
22 procure opportunities to work, or to procure, recruit, refer or
23 place employees.

24 (D) Labor Organization. "Labor Organization" includes any
25 organization, labor union, craft union, or any voluntary
26 unincorporated association designed to further the cause of the

1 rights of union labor which is constituted for the purpose, in
2 whole or in part, of collective bargaining or of dealing with
3 employers concerning grievances, terms or conditions of
4 employment, or apprenticeships or applications for
5 apprenticeships, or of other mutual aid or protection in
6 connection with employment, including apprenticeships or
7 applications for apprenticeships.

8 (E) Sexual Harassment. "Sexual harassment" means any
9 unwelcome sexual advances or requests for sexual favors or any
10 conduct of a sexual nature when (1) submission to such conduct
11 is made either explicitly or implicitly a term or condition of
12 an individual's employment, (2) submission to or rejection of
13 such conduct by an individual is used as the basis for
14 employment decisions affecting such individual, or (3) such
15 conduct has the purpose or effect of substantially interfering
16 with an individual's work performance or creating an
17 intimidating, hostile or offensive working environment.

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

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

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

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

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

24 (K) Citizenship Status. "Citizenship status" means the
25 status of being:

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

- 1 (2) a naturalized U.S. citizen;
- 2 (3) a U.S. national; or
- 3 (4) a person born outside the United States and not a
- 4 U.S. citizen who is not an unauthorized alien and who is
- 5 protected from discrimination under the provisions of
- 6 Section 1324b of Title 8 of the United States Code, as now
- 7 or hereafter amended.

8 (Source: P.A. 97-877, eff. 8-2-12.)

9 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

10 Sec. 2-102. Civil Rights Violations - Employment. It is a

11 civil rights violation:

12 (A) Employers. For any employer to refuse to hire, to

13 segregate, or to act with respect to recruitment, hiring,

14 promotion, renewal of employment, selection for training or

15 apprenticeship, discharge, discipline, tenure or terms,

16 privileges or conditions of employment on the basis of unlawful

17 discrimination or citizenship status.

18 (A-5) Language. For an employer to impose a restriction

19 that has the effect of prohibiting a language from being spoken

20 by an employee in communications that are unrelated to the

21 employee's duties.

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

23 means a person's native tongue, such as Polish, Spanish, or

24 Chinese. "Language" does not include such things as slang,

25 jargon, profanity, or vulgarity.

1 (B) Employment Agency. For any employment agency to fail or
2 refuse to classify properly, accept applications and register
3 for employment referral or apprenticeship referral, refer for
4 employment, or refer for apprenticeship on the basis of
5 unlawful discrimination or citizenship status or to accept from
6 any person any job order, requisition or request for referral
7 of applicants for employment or apprenticeship which makes or
8 has the effect of making unlawful discrimination or
9 discrimination on the basis of citizenship status a condition
10 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, or
15 fail to take, any action which affects adversely any person's
16 status as an employee or as an applicant for employment or as
17 an apprentice, or as an applicant for apprenticeships, or
18 wages, tenure, hours of employment or apprenticeship
19 conditions on the basis of unlawful discrimination or
20 citizenship status.

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

1 take reasonable corrective measures.

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

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 Title 8
24 of the United States Code, as now or hereafter amended,
25 more or different documents than are required under such
26 Section or to refuse to honor documents tendered that on

1 their face reasonably appear to be genuine; or

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

11 (H) (Blank). ~~Pregnancy; peace officers and fire fighters.~~
12 ~~For a public employer to refuse to temporarily transfer a~~
13 ~~pregnant female peace officer or pregnant female fire fighter~~
14 ~~to a less strenuous or hazardous position for the duration of~~
15 ~~her pregnancy if she so requests, with the advice of her~~
16 ~~physician, where that transfer can be reasonably accommodated.~~
17 ~~For the purposes of this subdivision (H), "peace officer" and~~
18 ~~"fire fighter" have the meanings ascribed to those terms in~~
19 ~~Section 3 of the Illinois Public Labor Relations Act.~~

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

23 (I) Pregnancy. For an employer to refuse to hire, to
24 segregate, or to act with respect to recruitment, hiring,
25 promotion, renewal of employment, selection for training or
26 apprenticeship, discharge, discipline, tenure or terms,

1 privileges or conditions of employment on the basis of
2 pregnancy, childbirth, or ~~related medical~~ conditions related
3 to pregnancy or childbirth. Women affected by pregnancy,
4 childbirth, or ~~related medical~~ conditions related to pregnancy
5 or childbirth shall be treated the same for all
6 employment-related purposes, including receipt of benefits
7 under fringe benefit programs, as other persons not so affected
8 but similar in their ability or inability to work, regardless
9 of the source of the inability to work or employment
10 classification or status, including part-time, full-time, or
11 probationary.

12 (J) Pregnancy; reasonable accommodations.

13 (1) For an employer to not make reasonable
14 accommodations for any condition of a job applicant or
15 employee related to pregnancy or childbirth, if she so
16 requests, unless the employer can demonstrate that the
17 accommodation would impose an undue hardship on the
18 ordinary operation of the business of the employer. If the
19 employer requests a certificate from the employee's health
20 care provider concerning the need for the requested
21 reasonable accommodation or accommodations and the request
22 by the employer for documentation is job-related and
23 consistent with business necessity, the employer may
24 require only the medical justification for the requested
25 accommodation or accommodations, a description of the
26 reasonable accommodation or accommodations medically

1 advisable, the date the reasonable accommodation or
2 accommodations became medically advisable, and the
3 probable duration of the reasonable accommodation or
4 accommodations. Notwithstanding the provisions of this
5 paragraph, the employer may require a certificate by the
6 employee's health care provider to determine compliance
7 with other laws. The employer shall engage in a timely,
8 good faith, and meaningful exchange with the employee to
9 determine effective reasonable accommodations.

10 (2) For an employer to deny employment opportunities or
11 benefits to or take adverse action against an otherwise
12 qualified job applicant or employee, if the denial or
13 adverse action is based on the need of the employer to make
14 reasonable accommodations to the known conditions related
15 to the pregnancy or childbirth of the applicant or
16 employee.

17 (3) For an employer to require a job applicant or
18 employee affected by pregnancy, childbirth, or conditions
19 related to pregnancy or childbirth to accept an
20 accommodation that the applicant or employee chooses not to
21 accept.

22 (4) For an employer to require an employee to take
23 leave under any leave law or policy of the employer if
24 another reasonable accommodation can be provided to the
25 known conditions related to the pregnancy or childbirth of
26 an employee. No employer shall fail or refuse to reinstate

1 the employee affected by pregnancy or childbirth, or
2 conditions related to pregnancy or childbirth to her
3 original job or to an equivalent position with equivalent
4 pay and accumulated seniority, retirement, fringe
5 benefits, and other applicable service credits upon her
6 signifying her intent to return or when her need for
7 reasonable accommodation ceases, unless the employer can
8 demonstrate that the accommodation would impose an undue
9 hardship on the ordinary operation of the business of the
10 employer.

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

1 modified work schedule; appropriate adjustment or
2 modifications of examinations, training materials, or
3 policies; reassignment to a vacant position; time off to
4 recover from childbirth; and leave.

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

1 No employer is required by this subdivision (J) to create
2 additional employment that the employer would not otherwise
3 have created, unless the employer does so or would do so for
4 other classes of employees who need accommodation. The employer
5 is not required to discharge any employee, transfer any
6 employee with more seniority, or promote any employee who is
7 not qualified to perform the job, unless the employer does so
8 or would do so to accommodate other classes of employees who
9 need it.

10 (K) Notice.

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

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

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

4 (Source: P.A. 97-596, eff. 8-26-11; 98-212, eff. 8-9-13.)

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

6 Sec. 6-101. Additional Civil Rights Violations. It is a
7 civil rights violation for a person, or for two or more persons
8 to conspire, to:

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

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

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

1 Definitions. For the purposes of this Section, "sexual
2 harassment" and "citizenship status" shall have the same
3 meaning as defined in Section 2-101 of this Act.

4 (Source: P.A. 96-1319, eff. 7-27-10; 97-333, eff. 8-12-11.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.