



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2419

Introduced 2/7/2025, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-101  
775 ILCS 5/2-102

Amends the Human Rights Act. Adds to the definition of "harassment" in the Employment Article to include "reproductive health decisions" that is covered under the Act. Provides that an employer is responsible for harassment and sexual harassment of the employer's employees by the employer's nonmanagerial and nonsupervisory employees, nonemployees, and third parties only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. Provides that a "third party" includes, but is not limited to, customers, clients, vendors, or other visitors.

LRB104 11063 JRC 21145 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 and 2-102 as follows:

6 (775 ILCS 5/2-101)

7 (Text of Section before amendment by P.A. 103-804)

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

10 (A) Employee.

11 (1) "Employee" includes:

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

14 (b) An apprentice;

15 (c) An applicant for any apprenticeship.

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

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

23 (ii) the employer and the person performing the

1 work agree that the person is not entitled to wages for  
2 the work performed; and

3 (iii) the work performed:

4 (I) supplements training given in an  
5 educational environment that may enhance the  
6 employability of the intern;

7 (II) provides experience for the benefit of  
8 the person performing the work;

9 (III) does not displace regular employees;

10 (IV) is performed under the close supervision  
11 of existing staff; and

12 (V) provides no immediate advantage to the  
13 employer providing the training and may  
14 occasionally impede the operations of the  
15 employer.

16 (2) "Employee" does not include:

17 (a) (Blank);

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

20 (c) Elected public officials or the members of  
21 their immediate personal staffs;

22 (d) Principal administrative officers of the State  
23 or of any political subdivision, municipal corporation  
24 or other governmental unit or agency;

25 (e) A person in a vocational rehabilitation  
26 facility certified under federal law who has been

1 designated an evaluatee, trainee, or work activity  
2 client.

3 (B) Employer.

4 (1) "Employer" includes:

5 (a) Any person employing one or more employees  
6 within Illinois during 20 or more calendar weeks  
7 within the calendar year of or preceding the alleged  
8 violation;

9 (b) Any person employing one or more employees  
10 when a complainant alleges civil rights violation due  
11 to unlawful discrimination based upon his or her  
12 physical or mental disability unrelated to ability,  
13 pregnancy, or sexual harassment;

14 (c) The State and any political subdivision,  
15 municipal corporation or other governmental unit or  
16 agency, without regard to the number of employees;

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

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

21 (2) "Employer" does not include any place of worship,  
22 religious corporation, association, educational  
23 institution, society, or nonprofit ~~non-profit~~ nursing  
24 institution conducted by and for those who rely upon  
25 treatment by prayer through spiritual means in accordance  
26 with the tenets of a recognized church or religious

1           denomination with respect to the employment of individuals  
2           of a particular religion to perform work connected with  
3           the carrying on by such place of worship, corporation,  
4           association, educational institution, society,    or  
5           nonprofit ~~non-profit~~ nursing institution of its  
6           activities.

7           (C) Employment Agency. "Employment Agency" includes both  
8           public and private employment agencies and any person, labor  
9           organization, or labor union having a hiring hall or hiring  
10          office regularly undertaking, with or without compensation, to  
11          procure opportunities to work,    or to procure, recruit, refer,     
12          or place employees.

13          (D) Labor Organization. "Labor Organization" includes any  
14          organization, labor union, craft union, or any voluntary  
15          unincorporated association designed to further the cause of  
16          the rights of union labor which is constituted for the  
17          purpose, in whole or in part, of collective bargaining or of  
18          dealing with employers concerning grievances, terms or  
19          conditions of employment, or apprenticeships or applications  
20          for apprenticeships, or of other mutual aid or protection in  
21          connection with employment, including apprenticeships or  
22          applications for apprenticeships.

23          (E) Sexual Harassment. "Sexual harassment" means any  
24          unwelcome sexual advances or requests for sexual favors or any  
25          conduct of a sexual nature when (1) submission to such conduct  
26          is made either explicitly or implicitly a term or condition of

1 an individual's employment, (2) submission to or rejection of  
2 such conduct by an individual is used as the basis for  
3 employment decisions affecting such individual, or (3) such  
4 conduct has the purpose or effect of substantially interfering  
5 with an individual's work performance or creating an  
6 intimidating, hostile, or offensive working environment.

7 For purposes of this definition, the phrase "working  
8 environment" is not limited to a physical location an employee  
9 is assigned to perform his or her duties.

10 (E-1) Harassment. "Harassment" means any unwelcome conduct  
11 on the basis of an individual's actual or perceived race,  
12 color, religion, national origin, ancestry, age, sex, marital  
13 status, order of protection status, disability, military  
14 status, sexual orientation, pregnancy, reproductive health  
15 decisions, unfavorable discharge from military service,  
16 citizenship status, work authorization status, or family  
17 responsibilities that has the purpose or effect of  
18 substantially interfering with the individual's work  
19 performance or creating an intimidating, hostile, or offensive  
20 working environment. For purposes of this definition, the  
21 phrase "working environment" is not limited to a physical  
22 location an employee is assigned to perform his or her duties.

23 (F) Religion. "Religion" with respect to employers  
24 includes all aspects of religious observance and practice, as  
25 well as belief, unless an employer demonstrates that he is  
26 unable to reasonably accommodate an employee's or prospective

1 employee's religious observance or practice without undue  
2 hardship on the conduct of the employer's business.

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

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

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

20 (J) Eligible Bidder. "Eligible bidder" means a person who,  
21 prior to contract award or prior to bid opening for State  
22 contracts for construction or construction-related services,  
23 has filed with the Department a properly completed, sworn and  
24 currently valid employer report form, pursuant to the  
25 Department's regulations. The provisions of this Article  
26 relating to eligible bidders apply only to bids on contracts

1 with the State and its departments, agencies, boards, and  
2 commissions, and the provisions do not apply to bids on  
3 contracts with units of local government or school districts.

4 (K) Citizenship Status. "Citizenship status" means the  
5 status of being:

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

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

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

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

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

18 (M) Family Responsibilities. "Family responsibilities"  
19 means an employee's actual or perceived provision of personal  
20 care to a family member. As used in this definition:

21 (1) "Personal care" has the meaning given to that term  
22 in the Employee Sick Leave Act.

23 (2) "Family member" has the meaning given to the term  
24 "covered family member" in the Employee Sick Leave Act.

25 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;  
26 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; revised

1 10-7-24.)

2 (Text of Section after amendment by P.A. 103-804)

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

5 (A) Employee.

6 (1) "Employee" includes:

7 (a) Any individual performing services for  
8 remuneration within this State for an employer;

9 (b) An apprentice;

10 (c) An applicant for any apprenticeship.

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

15 (i) the employer is not committed to hiring the  
16 person performing the work at the conclusion of the  
17 intern's tenure;

18 (ii) the employer and the person performing the  
19 work agree that the person is not entitled to wages for  
20 the work performed; and

21 (iii) the work performed:

22 (I) supplements training given in an  
23 educational environment that may enhance the  
24 employability of the intern;

25 (II) provides experience for the benefit of

1           the person performing the work;  
2           (III) does not displace regular employees;  
3           (IV) is performed under the close supervision  
4           of existing staff; and  
5           (V) provides no immediate advantage to the  
6           employer providing the training and may  
7           occasionally impede the operations of the  
8           employer.

9           (2) "Employee" does not include:

10           (a) (Blank);

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

13           (c) Elected public officials or the members of  
14           their immediate personal staffs;

15           (d) Principal administrative officers of the State  
16           or of any political subdivision, municipal corporation  
17           or other governmental unit or agency;

18           (e) A person in a vocational rehabilitation  
19           facility certified under federal law who has been  
20           designated an evaluatee, trainee, or work activity  
21           client.

22           (B) Employer.

23           (1) "Employer" includes:

24           (a) Any person employing one or more employees  
25           within Illinois during 20 or more calendar weeks  
26           within the calendar year of or preceding the alleged

1 violation;

2 (b) Any person employing one or more employees  
3 when a complainant alleges civil rights violation due  
4 to unlawful discrimination based upon his or her  
5 physical or mental disability unrelated to ability,  
6 pregnancy, or sexual harassment;

7 (c) The State and any political subdivision,  
8 municipal corporation or other governmental unit or  
9 agency, without regard to the number of employees;

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

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

14 (2) "Employer" does not include any place of worship,  
15 religious corporation, association, educational  
16 institution, society, or nonprofit ~~non-profit~~ nursing  
17 institution conducted by and for those who rely upon  
18 treatment by prayer through spiritual means in accordance  
19 with the tenets of a recognized church or religious  
20 denomination with respect to the employment of individuals  
21 of a particular religion to perform work connected with  
22 the carrying on by such place of worship, corporation,  
23 association, educational institution, society, or  
24 nonprofit ~~non-profit~~ nursing institution of its  
25 activities.

26 (C) Employment Agency. "Employment Agency" includes both

1 public and private employment agencies and any person, labor  
2 organization, or labor union having a hiring hall or hiring  
3 office regularly undertaking, with or without compensation, to  
4 procure opportunities to work, or to procure, recruit, refer,  
5 or place employees.

6 (D) Labor Organization. "Labor Organization" includes any  
7 organization, labor union, craft union, or any voluntary  
8 unincorporated association designed to further the cause of  
9 the rights of union labor which is constituted for the  
10 purpose, in whole or in part, of collective bargaining or of  
11 dealing with employers concerning grievances, terms or  
12 conditions of employment, or apprenticeships or applications  
13 for apprenticeships, or of other mutual aid or protection in  
14 connection with employment, including apprenticeships or  
15 applications for apprenticeships.

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

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1 environment" is not limited to a physical location an employee  
2 is assigned to perform his or her duties.

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4 on the basis of an individual's actual or perceived race,  
5 color, religion, national origin, ancestry, age, sex, marital  
6 status, order of protection status, disability, military  
7 status, sexual orientation, pregnancy, reproductive health  
8 decisions, unfavorable discharge from military service,  
9 citizenship status, work authorization status, or family  
10 responsibilities that has the purpose or effect of  
11 substantially interfering with the individual's work  
12 performance or creating an intimidating, hostile, or offensive  
13 working environment. For purposes of this definition, the  
14 phrase "working environment" is not limited to a physical  
15 location an employee is assigned to perform his or her duties.

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17 includes all aspects of religious observance and practice, as  
18 well as belief, unless an employer demonstrates that he is  
19 unable to reasonably accommodate an employee's or prospective  
20 employee's religious observance or practice without undue  
21 hardship on the conduct of the employer's business.

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

25 (H) Public Employee. "Public employee" means an employee  
26 of the State, agency or department thereof, unit of local

1 government, school district, instrumentality or political  
2 subdivision. "Public employee" does not include public  
3 officers or employees of the General Assembly or agencies  
4 thereof.

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

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

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

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

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

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

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

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

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12 means an employee's actual or perceived provision of personal  
13 care to a family member. As used in this definition:

14 (1) "Personal care" has the meaning given to that term  
15 in the Employee Sick Leave Act.

16 (2) "Family member" has the meaning given to the term  
17 "covered family member" in the Employee Sick Leave Act.

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

25 (O) ~~(N)~~ Generative Artificial Intelligence. "Generative  
26 artificial intelligence" means an automated computing system

1 that, when prompted with human prompts, descriptions, or  
2 queries, can produce outputs that simulate human-produced  
3 content, including, but not limited to, the following: (1)  
4 textual outputs, such as short answers, essays, poetry, or  
5 longer compositions or answers; (2) image outputs, such as  
6 fine art, photographs, conceptual art, diagrams, and other  
7 images; (3) multimedia outputs, such as audio or video in the  
8 form of compositions, songs, or short-form or long-form audio  
9 or video; and (4) other content that would be otherwise  
10 produced by human means.

11 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;  
12 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; 103-804, eff.  
13 1-1-26; revised 11-26-24.)

14 (775 ILCS 5/2-102)

15 (Text of Section before amendment by P.A. 103-804)

16 Sec. 2-102. Civil rights violations; employment ~~violations~~  
17 ~~employment~~. It is a civil rights violation:

18 (A) Employers. For any employer to refuse to hire, to  
19 segregate, to engage in harassment as defined in  
20 subsection (E-1) of Section 2-101, or to act with respect  
21 to recruitment, hiring, promotion, renewal of employment,  
22 selection for training or apprenticeship, discharge,  
23 discipline, tenure or terms, privileges or conditions of  
24 employment on the basis of unlawful discrimination,  
25 citizenship status, work authorization status, or family

1 responsibilities. An employer is responsible for  
2 harassment of the employer's employees by the employer's  
3 nonmanagerial and nonsupervisory employees, nonemployees  
4 as defined in this Section, and third parties only if the  
5 employer becomes aware of the conduct and fails to take  
6 reasonable corrective measures. For purposes of this  
7 Section, a third party includes, but is not limited to,  
8 customers, clients, vendors, or other visitors.

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

13 For the purposes of this subdivision (A-5), "language"  
14 means a person's native tongue, such as Polish, Spanish,  
15 or Chinese. "Language" does not include such things as  
16 slang, jargon, profanity, or vulgarity.

17 (A-10) Harassment of nonemployees. For any employer,  
18 employment agency, or labor organization to engage in  
19 harassment of nonemployees in the workplace. An employer  
20 is responsible for harassment of nonemployees by the  
21 employer's nonmanagerial and nonsupervisory employees only  
22 if the employer becomes aware of the conduct and fails to  
23 take reasonable corrective measures. For the purposes of  
24 this subdivision (A-10), "nonemployee" means a person who  
25 is not otherwise an employee of the employer and is  
26 directly performing services for the employer pursuant to

1 a contract with that employer. "Nonemployee" includes  
2 contractors and consultants. This subdivision applies to  
3 harassment occurring on or after January 1, 2020 (the  
4 effective date of Public Act 101-221) ~~this amendatory Act~~  
5 ~~of the 101st General Assembly.~~

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

4 (D) Sexual harassment. For any employer, employee,  
5 agent of any employer, employment agency or labor  
6 organization to engage in sexual harassment. An ~~+~~  
7 ~~provided, that an~~ employer shall be responsible for sexual  
8 harassment of the employer's employees by ~~nonemployees or~~  
9 nonmanagerial and nonsupervisory employees, nonemployees  
10 as defined in this Section, and third parties only if the  
11 employer becomes aware of the conduct and fails to take  
12 reasonable corrective measures. For purposes of this  
13 Section, a third party includes, but is not limited to,  
14 customers, clients, vendors, or other visitors.

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

1 includes contractors and consultants. This subdivision  
2 applies to sexual harassment occurring on or after January  
3 1, 2020 (the effective date of Public Act 101-221) ~~this~~  
4 ~~amendatory Act of the 101st General Assembly.~~

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

20 (E-5) Religious discrimination. For any employer to  
21 impose upon a person as a condition of obtaining or  
22 retaining employment, including opportunities for  
23 promotion, advancement, or transfer, any terms or  
24 conditions that would require such person to violate or  
25 forgo a sincerely held practice of his or her religion  
26 including, but not limited to, the wearing of any attire,

1 clothing, or facial hair in accordance with the  
2 requirements of his or her religion, unless, after  
3 engaging in a bona fide effort, the employer demonstrates  
4 that it is unable to reasonably accommodate the employee's  
5 or prospective employee's sincerely held religious belief,  
6 practice, or observance without undue hardship on the  
7 conduct of the employer's business.

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

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

17 (G) Immigration-related practices.

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

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

11          (H) (Blank).

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

26          (J) Pregnancy; reasonable accommodations.

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

1           accordance with this paragraph. Notwithstanding the  
2           provisions of this paragraph, the employer may require  
3           documentation by the employee's health care provider  
4           to determine compliance with other laws. The employee  
5           and employer shall engage in a timely, good faith, and  
6           meaningful exchange to determine effective reasonable  
7           accommodations.

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

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

25          (4) For an employer to require an employee,  
26          including a part-time, full-time, or probationary

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

17 For the purposes of this subdivision (J), "reasonable  
18 accommodations" means reasonable modifications or  
19 adjustments to the job application process or work  
20 environment, or to the manner or circumstances under which  
21 the position desired or held is customarily performed,  
22 that enable an applicant or employee affected by  
23 pregnancy, childbirth, or medical or common conditions  
24 related to pregnancy or childbirth to be considered for  
25 the position the applicant desires or to perform the  
26 essential functions of that position, and may include, but

1 is not limited to: more frequent or longer bathroom  
2 breaks, breaks for increased water intake, and breaks for  
3 periodic rest; private non-bathroom space for expressing  
4 breast milk and breastfeeding; seating; assistance with  
5 manual labor; light duty; temporary transfer to a less  
6 strenuous or hazardous position; the provision of an  
7 accessible worksite; acquisition or modification of  
8 equipment; job restructuring; a part-time or modified work  
9 schedule; appropriate adjustment or modifications of  
10 examinations, training materials, or policies;  
11 reassignment to a vacant position; time off to recover  
12 from conditions related to childbirth; and leave  
13 necessitated by pregnancy, childbirth, or medical or  
14 common conditions resulting from pregnancy or childbirth.

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

1 employees, and the number, type, and location of its  
2 facilities; and (iv) the type of operation or operations  
3 of the employer, including the composition, structure, and  
4 functions of the workforce of the employer, the geographic  
5 separateness, administrative, or fiscal relationship of  
6 the facility or facilities in question to the employer.  
7 The employer has the burden of proving undue hardship. The  
8 fact that the employer provides or would be required to  
9 provide a similar accommodation to similarly situated  
10 employees creates a rebuttable presumption that the  
11 accommodation does not impose an undue hardship on the  
12 employer.

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

22 (K) Notice.

23 (1) For an employer to fail to post or keep posted  
24 in a conspicuous location on the premises of the  
25 employer where notices to employees are customarily  
26 posted, or fail to include in any employee handbook

1 information concerning an employee's rights under this  
2 Article, a notice, to be prepared or approved by the  
3 Department, summarizing the requirements of this  
4 Article and information pertaining to the filing of a  
5 charge, including the right to be free from unlawful  
6 discrimination, the right to be free from sexual  
7 harassment, and the right to certain reasonable  
8 accommodations. The Department shall make the  
9 documents required under this paragraph available for  
10 retrieval from the Department's website.

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

19 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;  
20 revised 10-7-24.)

21 (Text of Section after amendment by P.A. 103-804)

22 Sec. 2-102. Civil rights violations; employment violations  
23 ~~employment~~. It is a civil rights violation:

24 (A) Employers. For any employer to refuse to hire, to  
25 segregate, to engage in harassment as defined in

1 subsection (E-1) of Section 2-101, or to act with respect  
2 to recruitment, hiring, promotion, renewal of employment,  
3 selection for training or apprenticeship, discharge,  
4 discipline, tenure or terms, privileges or conditions of  
5 employment on the basis of unlawful discrimination,  
6 citizenship status, work authorization status, or family  
7 responsibilities. An employer is responsible for  
8 harassment of the employer's employees by the employer's  
9 nonmanagerial and nonsupervisory employees, nonemployees  
10 as defined in this Section, and third parties only if the  
11 employer becomes aware of the conduct and fails to take  
12 reasonable corrective measures. For purposes of this  
13 Section, a third party includes, but is not limited to,  
14 customers, clients, vendors, or other visitors.

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

19 For the purposes of this subdivision (A-5), "language"  
20 means a person's native tongue, such as Polish, Spanish,  
21 or Chinese. "Language" does not include such things as  
22 slang, jargon, profanity, or vulgarity.

23 (A-10) Harassment of nonemployees. For any employer,  
24 employment agency, or labor organization to engage in  
25 harassment of nonemployees in the workplace. An employer  
26 is responsible for harassment of nonemployees by the

1 employer's nonmanagerial and nonsupervisory employees only  
2 if the employer becomes aware of the conduct and fails to  
3 take reasonable corrective measures. For the purposes of  
4 this subdivision (A-10), "nonemployee" means a person who  
5 is not otherwise an employee of the employer and is  
6 directly performing services for the employer pursuant to  
7 a contract with that employer. "Nonemployee" includes  
8 contractors and consultants. This subdivision applies to  
9 harassment occurring on or after January 1, 2020 (the  
10 effective date of Public Act 101-221) ~~this amendatory Act~~  
11 ~~of the 101st General Assembly.~~

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

25 (C) Labor organization. For any labor organization to  
26 limit, segregate or classify its membership, or to limit

1 employment opportunities, selection and training for  
2 apprenticeship in any trade or craft, or otherwise to  
3 take, or fail to take, any action which affects adversely  
4 any person's status as an employee or as an applicant for  
5 employment or as an apprentice, or as an applicant for  
6 apprenticeships, or wages, tenure, hours of employment or  
7 apprenticeship conditions on the basis of unlawful  
8 discrimination, citizenship status, work authorization  
9 status, or family responsibilities.

10 (D) Sexual harassment. For any employer, employee,  
11 agent of any employer, employment agency or labor  
12 organization to engage in sexual harassment. An ~~+~~  
13 ~~provided, that an~~ employer shall be responsible for sexual  
14 harassment of the employer's employees by ~~nonemployees or~~  
15 nonmanagerial and nonsupervisory employees, nonemployees  
16 as defined in this Section, and third parties only if the  
17 employer becomes aware of the conduct and fails to take  
18 reasonable corrective measures. For purposes of this  
19 Section, a third party includes, but is not limited to,  
20 customers, clients, vendors, or other visitors.

21 (D-5) Sexual harassment of nonemployees. For any  
22 employer, employee, agent of any employer, employment  
23 agency, or labor organization to engage in sexual  
24 harassment of nonemployees in the workplace. An employer  
25 is responsible for sexual harassment of nonemployees by  
26 the employer's nonmanagerial and nonsupervisory employees

1           only if the employer becomes aware of the conduct and  
2           fails to take reasonable corrective measures. For the  
3           purposes of this subdivision (D-5), "nonemployee" means a  
4           person who is not otherwise an employee of the employer  
5           and is directly performing services for the employer  
6           pursuant to a contract with that employer. "Nonemployee"  
7           includes contractors and consultants. This subdivision  
8           applies to sexual harassment occurring on or after January  
9           1, 2020 (the effective date of Public Act 101-221) ~~this~~  
10          ~~amendatory Act of the 101st General Assembly.~~

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

26           (E-5) Religious discrimination. For any employer to

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

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

18 (F) Training and apprenticeship programs. For any  
19 employer, employment agency or labor organization to  
20 discriminate against a person on the basis of age in the  
21 selection, referral for or conduct of apprenticeship or  
22 training programs.

23 (G) Immigration-related practices.

24 (1) for an employer to request for purposes of  
25 satisfying the requirements of Section 1324a(b) of  
26 Title 8 of the United States Code, as now or hereafter

1 amended, more or different documents than are required  
2 under such Section or to refuse to honor documents  
3 tendered that on their face reasonably appear to be  
4 genuine or to refuse to honor work authorization based  
5 upon the specific status or term of status that  
6 accompanies the authorization to work; or

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

17 (H) (Blank).

18 (I) Pregnancy. For an employer to refuse to hire, to  
19 segregate, or to act with respect to recruitment, hiring,  
20 promotion, renewal of employment, selection for training  
21 or apprenticeship, discharge, discipline, tenure or terms,  
22 privileges or conditions of employment on the basis of  
23 pregnancy, childbirth, or medical or common conditions  
24 related to pregnancy or childbirth. Women affected by  
25 pregnancy, childbirth, or medical or common conditions  
26 related to pregnancy or childbirth shall be treated the

1 same for all employment-related purposes, including  
2 receipt of benefits under fringe benefit programs, as  
3 other persons not so affected but similar in their ability  
4 or inability to work, regardless of the source of the  
5 inability to work or employment classification or status.

6 (J) Pregnancy; reasonable accommodations.

7 (1) If after a job applicant or employee,  
8 including a part-time, full-time, or probationary  
9 employee, requests a reasonable accommodation, for an  
10 employer to not make reasonable accommodations for any  
11 medical or common condition of a job applicant or  
12 employee related to pregnancy or childbirth, unless  
13 the employer can demonstrate that the accommodation  
14 would impose an undue hardship on the ordinary  
15 operation of the business of the employer. The  
16 employer may request documentation from the employee's  
17 health care provider concerning the need for the  
18 requested reasonable accommodation or accommodations  
19 to the same extent documentation is requested for  
20 conditions related to disability if the employer's  
21 request for documentation is job-related and  
22 consistent with business necessity. The employer may  
23 require only the medical justification for the  
24 requested accommodation or accommodations, a  
25 description of the reasonable accommodation or  
26 accommodations medically advisable, the date the

1 reasonable accommodation or accommodations became  
2 medically advisable, and the probable duration of the  
3 reasonable accommodation or accommodations. It is the  
4 duty of the individual seeking a reasonable  
5 accommodation or accommodations to submit to the  
6 employer any documentation that is requested in  
7 accordance with this paragraph. Notwithstanding the  
8 provisions of this paragraph, the employer may require  
9 documentation by the employee's health care provider  
10 to determine compliance with other laws. The employee  
11 and employer shall engage in a timely, good faith, and  
12 meaningful exchange to determine effective reasonable  
13 accommodations.

14 (2) For an employer to deny employment  
15 opportunities or benefits to or take adverse action  
16 against an otherwise qualified job applicant or  
17 employee, including a part-time, full-time, or  
18 probationary employee, if the denial or adverse action  
19 is based on the need of the employer to make reasonable  
20 accommodations to the known medical or common  
21 conditions related to the pregnancy or childbirth of  
22 the applicant or employee.

23 (3) For an employer to require a job applicant or  
24 employee, including a part-time, full-time, or  
25 probationary employee, affected by pregnancy,  
26 childbirth, or medical or common conditions related to

1 pregnancy or childbirth to accept an accommodation  
2 when the applicant or employee did not request an  
3 accommodation and the applicant or employee chooses  
4 not to accept the employer's accommodation.

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

23 For the purposes of this subdivision (J), "reasonable  
24 accommodations" means reasonable modifications or  
25 adjustments to the job application process or work  
26 environment, or to the manner or circumstances under which

1 the position desired or held is customarily performed,  
2 that enable an applicant or employee affected by  
3 pregnancy, childbirth, or medical or common conditions  
4 related to pregnancy or childbirth to be considered for  
5 the position the applicant desires or to perform the  
6 essential functions of that position, and may include, but  
7 is not limited to: more frequent or longer bathroom  
8 breaks, breaks for increased water intake, and breaks for  
9 periodic rest; private non-bathroom space for expressing  
10 breast milk and breastfeeding; seating; assistance with  
11 manual labor; light duty; temporary transfer to a less  
12 strenuous or hazardous position; the provision of an  
13 accessible worksite; acquisition or modification of  
14 equipment; job restructuring; a part-time or modified work  
15 schedule; appropriate adjustment or modifications of  
16 examinations, training materials, or policies;  
17 reassignment to a vacant position; time off to recover  
18 from conditions related to childbirth; and leave  
19 necessitated by pregnancy, childbirth, or medical or  
20 common conditions resulting from pregnancy or childbirth.

21 For the purposes of this subdivision (J), "undue  
22 hardship" means an action that is prohibitively expensive  
23 or disruptive when considered in light of the following  
24 factors: (i) the nature and cost of the accommodation  
25 needed; (ii) the overall financial resources of the  
26 facility or facilities involved in the provision of the

1 reasonable accommodation, the number of persons employed  
2 at the facility, the effect on expenses and resources, or  
3 the impact otherwise of the accommodation upon the  
4 operation of the facility; (iii) the overall financial  
5 resources of the employer, the overall size of the  
6 business of the employer with respect to the number of its  
7 employees, and the number, type, and location of its  
8 facilities; and (iv) the type of operation or operations  
9 of the employer, including the composition, structure, and  
10 functions of the workforce of the employer, the geographic  
11 separateness, administrative, or fiscal relationship of  
12 the facility or facilities in question to the employer.  
13 The employer has the burden of proving undue hardship. The  
14 fact that the employer provides or would be required to  
15 provide a similar accommodation to similarly situated  
16 employees creates a rebuttable presumption that the  
17 accommodation does not impose an undue hardship on the  
18 employer.

19 No employer is required by this subdivision (J) to  
20 create additional employment that the employer would not  
21 otherwise have created, unless the employer does so or  
22 would do so for other classes of employees who need  
23 accommodation. The employer is not required to discharge  
24 any employee, transfer any employee with more seniority,  
25 or promote any employee who is not qualified to perform  
26 the job, unless the employer does so or would do so to

1 accommodate other classes of employees who need it.

2 (K) Notice.

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

17 (2) Upon notification of a violation of paragraph  
18 (1) of this subdivision (K), the Department may launch  
19 a preliminary investigation. If the Department finds a  
20 violation, the Department may issue a notice to show  
21 cause giving the employer 30 days to correct the  
22 violation. If the violation is not corrected, the  
23 Department may initiate a charge of a civil rights  
24 violation.

25 (L) Use of artificial intelligence.

26 (1) With respect to recruitment, hiring,

1 promotion, renewal of employment, selection for  
2 training or apprenticeship, discharge, discipline,  
3 tenure, or the terms, privileges, or conditions of  
4 employment, for an employer to use artificial  
5 intelligence that has the effect of subjecting  
6 employees to discrimination on the basis of protected  
7 classes under this Article or to use zip codes as a  
8 proxy for protected classes under this Article.

9 (2) For an employer to fail to provide notice to an  
10 employee that the employer is using artificial  
11 intelligence for the purposes described in paragraph  
12 (1).

13 The Department shall adopt any rules necessary for the  
14 implementation and enforcement of this subdivision,  
15 including, but not limited to, rules on the circumstances  
16 and conditions that require notice, the time period for  
17 providing notice, and the means for providing notice.

18 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;  
19 103-804, eff. 1-1-26; revised 11-26-24.)

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes  
25 made by this Act or (ii) provisions derived from any other

1 Public Act.