

1 AN ACT concerning civil law.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Workplace Transparency Act. References in this Article to "this
7 Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Arbitration agreement" means an agreement between an
10 employer and an employee to submit to arbitration all or
11 certain disputes that arise in respect of a defined legal
12 relationship, whether contractual or not, and may be in the
13 form of an arbitration clause in a contract or in the form of a
14 separate agreement.

15 "Employee" has the same meaning as set forth in Section
16 2-101 of the Illinois Human Rights Act.

17 "Employer" has the same meaning as set forth in Section
18 2-101 of the Illinois Human Rights Act.

19 "Nondisclosure clause" means a provision in a contract or
20 agreement between an employer and employee establishing that
21 the parties to the contract or agreement agree not to disclose
22 information covered by the terms and conditions of the contract

1 or agreement.

2 "Nondisparagement clause" means a provision in a contract
3 or agreement between an employer and employee requiring one or
4 more parties to the contract or agreement not to make negative
5 statements about the other.

6 "Sexual harassment" has the same meaning as set forth in
7 Section 2-101 of the Illinois Human Rights Act.

8 Section 1-10. Prohibitions.

9 (a) An employer may not enter into a contract or agreement
10 with an employee or applicant, as a condition of employment,
11 promotion, compensation, benefits, or change in employment
12 status or contractual relationship, or as a term, condition, or
13 privilege of employment, if that contract or agreement contains
14 a nondisclosure or nondisparagement clause that covers
15 harassment or discrimination as provided under Section 2-102 of
16 the Illinois Human Rights Act. Any such nondisclosure or
17 nondisparagement clause is severable, and all other provisions
18 of the employment contract shall remain in effect.

19 (b) Notwithstanding any other provision of law, an employer
20 may not enforce or attempt to enforce a nondisparagement clause
21 or nondisclosure clause described in subsection (a) or
22 retaliate against an employee or applicant for reporting,
23 resisting, opposing, or assisting in the investigation of
24 harassment or discrimination as provided in Section 2-102 of
25 the Illinois Human Rights Act.

1 (c) Except when inconsistent with federal or State law, an
2 employer may enter into a contract or agreement with an
3 employee or applicant. However, an arbitration clause shall
4 contain a written exception for claims of harassment or
5 discrimination, as provided under Section 2-102 of the Illinois
6 Human Rights Act, and shall allow an employee or applicant to
7 pursue such claims against the employer through either arbitral
8 or judicial forums.

9 (d) An employer may not enforce or attempt to enforce an
10 arbitration clause entered into if the clause does not contain
11 the written exception required in subsection (c). Any such
12 arbitration clause is severable, and all other provisions of
13 the contract or agreement shall remain in effect.

14 Section 1-15. Voidable agreements. A contract or agreement
15 containing a provision contrary to this Act that was entered
16 into on or before the effective date of this Act shall be
17 voidable by a party who entered into it under any of the
18 following circumstances:

19 (1) while under duress in the execution of the contract or
20 agreement;

21 (2) while incompetent or impaired at the time of execution
22 of the contract or agreement; or

23 (3) while a minor at the time of execution of the contract
24 or agreement, regardless of whether the person was represented
25 at the time by counsel, a guardian, or a parent.

1 Section 1-20. Unconscionable terms. There is a rebuttable
2 presumption that the following contractual terms are
3 unconscionable if they are included in an arbitration agreement
4 and the employee or applicant does not draft the contract or
5 agreement:

6 (1) A requirement that resolution of legal claims take
7 place in an inconvenient venue. As used in this paragraph,
8 "inconvenient venue" means: (i) for State law claims, a place
9 other than the county in which the employee or applicant
10 resides or the contract was consummated; and (ii) for federal
11 law claims, a place other than the federal judicial district in
12 which the employee or applicant resides or the contract was
13 consummated.

14 (2) A waiver of the employee or applicant's right to assert
15 claims or seek remedies provided by State or federal statute.

16 (3) A waiver of the employee or applicant's right to seek
17 punitive damages as provided by law.

18 (4) A provision limiting the time that an employee or
19 applicant may bring an action to a period shorter than the
20 applicable statute of limitations.

21 (5) A requirement that the employee or applicant pay fees
22 and costs to bring a legal claim substantially in excess of the
23 fees and costs that State or federal courts require to bring a
24 claim.

1 Section 1-25. Settlement or separation agreements.

2 (a) This Act does not apply to a nondisclosure clause or
3 nondisparagement clause contained in a settlement agreement or
4 separation agreement that resolves legal claims or disputes if:

5 (1) the legal claims accrued or the disputes arose
6 before the settlement agreement or separation agreement
7 was executed;

8 (2) the clauses are mutually agreed upon and mutually
9 benefit both the employer and the employee;

10 (3) the settlement or separation agreement is provided
11 to all parties, unless knowingly and voluntarily waived by
12 the employee or applicant, and the employee or applicant
13 has 21 calendar days to consider the agreement before it is
14 executed; and

15 (4) unless knowingly and voluntarily waived by the
16 employee or applicant, the employee or applicant has 7
17 calendar days following execution of the agreement to
18 revoke the agreement and the agreement is not effective or
19 enforceable until the revocation period has expired.

20 (b) An employer may not unilaterally include a
21 nondisclosure clause or nondisparagement clause that solely
22 benefits the employer in a separation or settlement agreement.

23 (c) Notwithstanding signing, before or after the effective
24 date of this Act, a settlement or separation agreement
25 containing a nondisclosure or nondisparagement clause, an
26 employee or applicant retains any right that person would

1 otherwise have had to report a concern about workplace
2 harassment or discrimination, including sexual harassment or
3 another violation of the law, to the Department of Human Rights
4 or any other federal, State, or local agency, and any right
5 that person would otherwise have had to bring an action in a
6 court of this State or of the United States.

7 Section 1-30. Enforcement. A violation of this Act
8 constitutes a civil rights violation under the Illinois Human
9 Rights Act.

10 Section 1-35. Application. If there is a conflict between
11 any collective bargaining agreement and this Act, the
12 collective bargaining agreement controls.

13 Section 1-40. Limitations. This Act shall not be construed
14 to limit an employer's ability to require confidentiality of:

15 (1) An employee who receives complaints of workplace
16 harassment, including sexual harassment, or other employment
17 discrimination as a part of his or her assigned job duties; or

18 (2) An individual who is notified and requested to
19 participate in an open and ongoing investigation into alleged
20 workplace harassment, including sexual harassment, or other
21 employment discrimination and requested to maintain reasonable
22 confidentiality during the pendency of that investigation.

1 Section 1-45. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Article 2.

4 Section 2-5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (1) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record ~~Records~~ Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Portability and
20 Accountability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day and
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) ~~(ll)~~ Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) ~~(ll)~~ Information that is exempt from disclosure
11 under Section 70 of the Higher Education Student Assistance
12 Act.

13 (oo) Data reported by an employer to the Department of
14 Human Rights pursuant to Section 2-108 of the Illinois
15 Human Rights Act.

16 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
17 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
18 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
19 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
20 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
21 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
22 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
23 10-12-18.)

24 Section 2-10. The Uniform Arbitration Act is amended by
25 changing Section 1 as follows:

1 (710 ILCS 5/1) (from Ch. 10, par. 101)

2 Sec. 1. Validity of arbitration agreement. A written
3 agreement to submit any existing controversy to arbitration or
4 a provision in a written contract to submit to arbitration any
5 controversy thereafter arising between the parties is valid,
6 enforceable and irrevocable save upon such grounds as exist for
7 the revocation of any contract, except: (1) as provided in the
8 Workplace Transparency Act; and (2) ~~that~~ any agreement between
9 a patient and a hospital or health care provider to submit to
10 binding arbitration a claim for damages arising out of (i) ~~(1)~~
11 injuries alleged to have been received by a patient, or (ii)
12 ~~(2)~~ death of a patient, due to hospital or health care provider
13 negligence or other wrongful act, but not including intentional
14 torts, is also subject to the Health Care Arbitration Act.

15 (Source: P.A. 80-1012; 80-1031.)

16 Section 2-15. The Illinois Human Rights Act is amended by
17 changing Sections 1-103, 2-101, 2-102, and 6-102 and by adding
18 Sections 2-108, 7-114, and 8-109.1 as follows:

19 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

20 Sec. 1-103. General definitions. When used in this Act,
21 unless the context requires otherwise, the term:

22 (A) Age. "Age" means the chronological age of a person who
23 is at least 40 years old, except with regard to any practice

1 described in Section 2-102, insofar as that practice concerns
2 training or apprenticeship programs. In the case of training or
3 apprenticeship programs, for the purposes of Section 2-102,
4 "age" means the chronological age of a person who is 18 but not
5 yet 40 years old.

6 (B) Aggrieved party. "Aggrieved party" means a person who
7 is alleged or proved to have been injured by a civil rights
8 violation or believes he or she will be injured by a civil
9 rights violation under Article 3 that is about to occur.

10 (C) Charge. "Charge" means an allegation filed with the
11 Department by an aggrieved party or initiated by the Department
12 under its authority.

13 (D) Civil rights violation. "Civil rights violation"
14 includes and shall be limited to only those specific acts set
15 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
16 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
17 6-101, and 6-102 of this Act.

18 (E) Commission. "Commission" means the Human Rights
19 Commission created by this Act.

20 (F) Complaint. "Complaint" means the formal pleading filed
21 by the Department with the Commission following an
22 investigation and finding of substantial evidence of a civil
23 rights violation.

24 (G) Complainant. "Complainant" means a person including
25 the Department who files a charge of civil rights violation
26 with the Department or the Commission.

1 (H) Department. "Department" means the Department of Human
2 Rights created by this Act.

3 (I) Disability. "Disability" means a determinable physical
4 or mental characteristic of a person, including, but not
5 limited to, a determinable physical characteristic which
6 necessitates the person's use of a guide, hearing or support
7 dog, the history of such characteristic, or the perception of
8 such characteristic by the person complained against, which may
9 result from disease, injury, congenital condition of birth or
10 functional disorder and which characteristic:

11 (1) For purposes of Article 2, is unrelated to the
12 person's ability to perform the duties of a particular job
13 or position and, pursuant to Section 2-104 of this Act, a
14 person's illegal use of drugs or alcohol is not a
15 disability;

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

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

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

24 (5) For purposes of Article 5, also includes any
25 mental, psychological, or developmental disability,
26 including autism spectrum disorders.

1 (J) Marital status. "Marital status" means the legal status
2 of being married, single, separated, divorced, or widowed.

3 (J-1) Military status. "Military status" means a person's
4 status on active duty in or status as a veteran of the armed
5 forces of the United States, status as a current member or
6 veteran of any reserve component of the armed forces of the
7 United States, including the United States Army Reserve, United
8 States Marine Corps Reserve, United States Navy Reserve, United
9 States Air Force Reserve, and United States Coast Guard
10 Reserve, or status as a current member or veteran of the
11 Illinois Army National Guard or Illinois Air National Guard.

12 (K) National origin. "National origin" means the place in
13 which a person or one of his or her ancestors was born.

14 (K-5) "Order of protection status" means a person's status
15 as being a person protected under an order of protection issued
16 pursuant to the Illinois Domestic Violence Act of 1986, Article
17 112A of the Code of Criminal Procedure of 1963, the Stalking No
18 Contact Order Act, or the Civil No Contact Order Act, or an
19 order of protection issued by a court of another state.

20 (L) Person. "Person" includes one or more individuals,
21 partnerships, associations or organizations, labor
22 organizations, labor unions, joint apprenticeship committees,
23 or union labor associations, corporations, the State of
24 Illinois and its instrumentalities, political subdivisions,
25 units of local government, legal representatives, trustees in
26 bankruptcy or receivers.

1 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
2 or medical or common conditions related to pregnancy or
3 childbirth.

4 (M) Public contract. "Public contract" includes every
5 contract to which the State, any of its political subdivisions,
6 or any municipal corporation is a party.

7 (N) Religion. "Religion" includes all aspects of religious
8 observance and practice, as well as belief, except that with
9 respect to employers, for the purposes of Article 2, "religion"
10 has the meaning ascribed to it in paragraph (F) of Section
11 2-101.

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

13 (O-1) Sexual orientation. "Sexual orientation" means
14 actual or perceived heterosexuality, homosexuality,
15 bisexuality, or gender-related identity, whether or not
16 traditionally associated with the person's designated sex at
17 birth. "Sexual orientation" does not include a physical or
18 sexual attraction to a minor by an adult.

19 (P) Unfavorable military discharge. "Unfavorable military
20 discharge" includes discharges from the Armed Forces of the
21 United States, their Reserve components, or any National Guard
22 or Naval Militia which are classified as RE-3 or the equivalent
23 thereof, but does not include those characterized as RE-4 or
24 "Dishonorable".

25 (Q) Unlawful discrimination. "Unlawful discrimination"
26 means discrimination against a person because of his or her

1 actual or perceived: race, color, religion, national origin,
2 ancestry, age, sex, marital status, order of protection status,
3 disability, military status, sexual orientation, pregnancy, or
4 unfavorable discharge from military service as those terms are
5 defined in this Section.

6 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

7 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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 this
17 Act, "employee" also includes an unpaid intern. An unpaid
18 intern is a person who performs work for an employer under
19 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
24 work agree that the person is not entitled to wages for
25 the work performed; and

1 (iii) the work performed:

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

5 (II) provides experience for the benefit of
6 the person performing the work;

7 (III) does not displace regular employees;

8 (IV) is performed under the close supervision
9 of existing staff; and

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

14 (2) "Employee" does not include:

15 (a) (Blank);

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

18 (c) Elected public officials or the members of
19 their immediate personal staffs;

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

23 (e) A person in a vocational rehabilitation
24 facility certified under federal law who has been
25 designated an evaluatee, trainee, or work activity
26 client.

1 (B) Employer.

2 (1) "Employer" includes:

3 (a) Any person employing 15 or more employees
4 within Illinois during 20 or more calendar weeks within
5 the calendar year of or preceding the alleged
6 violation;

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

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

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

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

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

1 corporation, association, educational institution, society
2 or non-profit nursing institution of its activities.

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

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

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

1 with an individual's work performance or creating an
2 intimidating, hostile or offensive working environment.

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

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

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43,
24 eff. 8-9-17.)

25 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

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

3 (A) Employers. For any employer to refuse to hire, to
4 segregate, to engage in harassment, or to act with respect
5 to recruitment, hiring, promotion, renewal of employment,
6 selection for training or apprenticeship, discharge,
7 discipline, tenure or terms, privileges or conditions of
8 employment on the basis of unlawful discrimination or
9 citizenship status. However, an employer is responsible
10 for harassment by the employer's nonmanagerial and
11 nonsupervisory employees only if the employer becomes
12 aware of the conduct and fails to take corrective measures.
13 For the purpose of this subdivision (A), the phrase "to
14 engage in harassment" includes verbal or physical conduct
15 and any other conduct that has the purpose or effect of
16 substantially interfering with an individual's work
17 performance or creating an intimidating, hostile or
18 offensive working environment on the basis of unlawful
19 discrimination or citizenship status.

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

24 For the purposes of this subdivision (A-5), "language"
25 means a person's native tongue, such as Polish, Spanish, or
26 Chinese. "Language" does not include such things as slang,

1 jargon, profanity, or vulgarity.

2 (A-10) Harassment of nonemployees. For any employer,
3 employment agency, or labor organization to engage in
4 harassment of nonemployees in the workplace, including
5 verbal or physical conduct or any other conduct that has
6 the purpose or effect of substantially interfering with an
7 individual's work performance or creating an intimidating,
8 hostile, or offensive working environment on the basis of
9 unlawful discrimination or citizenship status. However, an
10 employer is responsible for harassment of nonemployees by
11 the employer's nonmanagerial and nonsupervisory employees
12 only if the employer becomes aware of the conduct and fails
13 to take reasonable corrective measures. For purposes of
14 this subdivision (A-10), "nonemployees" include
15 contractors, subcontractors, vendors, consultants, or
16 other persons performing work pursuant to a contract.

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

1 (C) Labor organization. For any labor organization to
2 limit, segregate or classify its membership, or to limit
3 employment opportunities, selection and training for
4 apprenticeship in any trade or craft, or otherwise to take,
5 or fail to take, any action which affects adversely any
6 person's status as an employee or as an applicant for
7 employment or as an apprentice, or as an applicant for
8 apprenticeships, or wages, tenure, hours of employment or
9 apprenticeship conditions on the basis of unlawful
10 discrimination or citizenship status.

11 (D) Sexual harassment. For any employer, employee,
12 agent of any employer, employment agency or labor
13 organization to engage in sexual harassment; provided,
14 that an employer shall be responsible for sexual harassment
15 of the employer's employees by nonemployees or
16 nonmanagerial and nonsupervisory employees only if the
17 employer becomes aware of the conduct and fails to take
18 reasonable corrective measures.

19 (D-5) Sexual harassment of nonemployees. For any
20 employer, employee, agent of any employer, employment
21 agency, or labor organization to engage in sexual
22 harassment of nonemployees in the workplace. However, an
23 employer is responsible for sexual harassment of
24 nonemployees by the employer's nonmanagerial and
25 nonsupervisory employees only if the employer becomes
26 aware of the conduct and fails to take reasonable

1 corrective measures. For purposes of this subdivision
2 (D-5), "nonemployees" include contractors, subcontractors,
3 vendors, consultants, or other persons performing work
4 pursuant to a contract.

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

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

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

9 (H) (Blank).

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

24 (J) Pregnancy; reasonable accommodations.

25 (1) If after a job applicant or employee, including
26 a part-time, full-time, or probationary employee,

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

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

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

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

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

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

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

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

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

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

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

18 (K) Notice.

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

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

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

15 (Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18.)

16 (775 ILCS 5/2-108 new)

17 Sec. 2-108. Employer disclosure requirements.

18 (A) Definitions. The following definitions are applicable
19 strictly to this Section:

20 (1) "Employer" includes:

21 (a) any party to a public contract without regard
22 to the number of employees who, during the year
23 preceding the reporting period required under
24 subsection (B), has entered into a settlement as
25 defined by paragraph (2) or who has had an adverse

1 judgment or administrative ruling entered against the
2 party as defined by paragraph (3);

3 (b) any person employing one or more employees
4 within this State during the 20 or more calendar weeks
5 within the preceding calendar year who, during the year
6 preceding the reporting period required under
7 subsection (B), has entered into a settlement as
8 defined by subsection paragraph (2) or who has had an
9 adverse judgment or administrative ruling entered
10 against him or her as defined by paragraph (3);

11 (c) a labor organization, as defined in Section
12 2-101, that, during the year preceding the reporting
13 period required under subsection (B), has entered into
14 a settlement as defined by paragraph (2) or that has
15 had an adverse judgment or administrative ruling
16 entered against it as defined by paragraph (3); and

17 (d) the State and any political subdivision,
18 municipal corporation, or other governmental unit or
19 agency, without regard to the number of employees that,
20 during the year preceding the reporting period
21 required under subsection (B), has entered into a
22 settlement as defined by paragraph (2) or that has had
23 an adverse judgment or administrative ruling entered
24 against it as defined by paragraph (3).

25 (2) "Settlement" means any written commitment or
26 agreement, including any agreed judgment, stipulation,

1 decree, agreement to settle, assurance of discontinuance,
2 or otherwise between an employee, as defined by subsection
3 (A), and an employer under which the employer directly or
4 indirectly provides to an individual compensation or other
5 consideration due to an allegation that the individual has
6 been a victim of sexual harassment or unlawful
7 discrimination under this Act.

8 (3) "Adverse judgment or administrative ruling" means
9 any final adverse judgment or final administrative ruling
10 entered in favor of an employee as defined by subsection
11 (A) and against the employer during the preceding year
12 based on claims of sexual harassment or unlawful
13 discrimination brought under this Act, Title VII of the
14 Civil Rights Act of 1964, or any other federal, State, or
15 local law prohibiting sexual harassment or unlawful
16 discrimination.

17 (B) Required disclosures. Beginning July 1, 2020, each
18 employer under this Section shall disclose annually to the
19 Department of Human Rights the following information:

20 (1) the total number of settlements entered into during
21 the preceding year by the employer or a corporate executive
22 of the employer that relate to any alleged act of sexual
23 harassment or unlawful discrimination that:

24 (a) occurred in the workplace of the employer; or

25 (b) involved the behavior of an employee of the
26 employer or a corporate executive of the employer,

1 without regard to whether that behavior occurred in the
2 workplace of the employer;

3 (2) how many settlements described in paragraph (1) are
4 in each of the following categories:

5 (a) sexual harassment or discrimination on the
6 basis of sex;

7 (b) discrimination or harassment on the basis of
8 race, color, or national origin;

9 (c) discrimination or harassment on the basis of
10 religion;

11 (d) discrimination or harassment on the basis of
12 age;

13 (e) discrimination or harassment on the basis of
14 disability;

15 (f) discrimination or harassment on the basis of
16 military status or unfavorable discharge from military
17 status;

18 (g) discrimination or harassment on the basis of
19 sexual orientation or gender identity; and

20 (h) discrimination or harassment on the basis of
21 any other characteristic protected under this Act;

22 (3) the total number of adverse judgments or
23 administrative rulings during the preceding year;

24 (4) whether any equitable relief was ordered against
25 the employer in any adverse judgment or administrative
26 ruling described in paragraph (3);

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

4 (a) sexual harassment or discrimination on the
5 basis of sex;

6 (b) discrimination or harassment on the basis of
7 race, color, or national origin;

8 (c) discrimination or harassment on the basis of
9 religion;

10 (d) discrimination or harassment on the basis of
11 age;

12 (e) discrimination or harassment on the basis of
13 disability;

14 (f) discrimination or harassment on the basis of
15 military status or unfavorable discharge from military
16 status;

17 (g) discrimination or harassment on the basis of
18 sexual orientation or gender identity; and

19 (h) discrimination or harassment on the basis of
20 any other characteristic protected under this Act;

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

25 (D) Annual report. The Department shall publish an annual
26 report aggregating the information reported by employers under

1 this Section such that no individual employer data is available
2 to the public. The report shall include:

3 (1) the number of settlements entered into during the
4 preceding calendar year based on each of the protected
5 classes identified by this Act; and

6 (2) the number of adverse judgments or administrative
7 rulings filed during the preceding calendar year based on
8 each of the protected classes identified by this Act.

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

13 (E) Pattern and practice violations. The Department may
14 open a preliminary investigation if the information disclosed
15 under this Section identifies an employer or a corporate
16 executive of the employer who may have engaged in a pattern and
17 practice of unlawful discrimination under this Act. If a
18 pattern and practice of unlawful discrimination is found, the
19 Department shall initiate a charge of a civil rights violation.

20 (F) Failure to report and penalties. If an employer fails
21 to make any disclosures required under this Section, the
22 Department shall issue a notice to show cause giving the
23 employer 30 days to disclose the required information. If the
24 employer does not make the required disclosures within 30 days,
25 the Department shall the petition the Illinois Human Rights
26 Commission for entry of an order imposing a civil penalty

1 against the employer pursuant to Section 8-109.1. The civil
2 penalty shall be paid into the Department of Human Rights'
3 Training and Development Fund.

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

6 (775 ILCS 5/6-102)

7 Sec. 6-102. Violations of other Acts. A person who violates
8 the Section 11-117-12.2 of the Illinois Municipal Code, Section
9 224.05 of the Illinois Insurance Code, Section 8-201.5 of the
10 Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11,
11 and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of
12 the Interest Act, the Military Personnel Cellular Phone
13 Contract Termination Act, Section 405-272 of the Civil
14 Administrative Code of Illinois, Section 10-63 of the Illinois
15 Administrative Procedure Act, Sections 30.25 and 30.30 of the
16 Military Code of Illinois, Section 16 of the Landlord and
17 Tenant Act, Section 26.5 of the Retail Installment Sales Act,
18 or Section 37 of the Motor Vehicle Leasing Act, or the
19 Workplace Transparency Act commits a civil rights violation
20 within the meaning of this Act.

21 (Source: P.A. 100-1101, eff. 1-1-19.)

22 (775 ILCS 5/7-114 new)

23 Sec. 7-114. Sexual harassment prevention training.

24 (A) The General Assembly finds that the Equal Employment

1 Opportunity Commission estimates that 25% to 85% of working
2 women have experienced sexual harassment on the job.
3 Organizational tolerance of sexual harassment has a
4 detrimental influence in workplaces by creating a hostile
5 environment for women, reducing productivity, and increasing
6 legal liability. It is the General Assembly's intent to
7 encourage employers to adopt and actively implement policies to
8 ensure their workplaces are safe for women to report concerns
9 about sexual harassment without fear of retaliation, loss of
10 status, or loss of promotional opportunities.

11 (B) The Department shall produce a model sexual harassment
12 prevention training program aimed at the prevention of sexual
13 harassment in the workplace. The model program shall be made
14 available to employers at no cost. This model program shall be
15 interactive and, at a minimum, include the following:

16 (1) an explanation of sexual harassment consistent
17 with this Act;

18 (2) examples of conduct that constitutes unlawful
19 sexual harassment;

20 (3) an explanation of harassment based on sex
21 consistent with this Act;

22 (4) examples of conduct that constitute unlawful
23 harassment based on sex;

24 (5) a summary of federal and State statutory provisions
25 concerning harassment based on sex, sexual harassment, and
26 all remedies available to victims of sexual harassment or

1 harassment based on sex;

2 (6) a summary of employees' rights and available
3 remedies and forums to adjudicate complaints;

4 (7) examples of appropriate and inappropriate conduct
5 by supervisors; and

6 (8) a summary of responsibilities of employers in the
7 prevention, investigation, and adjudication of sexual
8 harassment.

9 (C) Every employer shall use the model sexual harassment
10 prevention training program under this Section or establish a
11 training program for employees and supervisors to prevent
12 sexual harassment that equals or exceeds the minimum standards
13 provided by the model training. The sexual harassment
14 prevention training shall be provided to all employees on an
15 annual basis.

16 (D) Failure to train and penalties. If an employer violates
17 this Section, the Department shall issue a notice to show cause
18 giving the employer 30 days to comply. If the employer does not
19 comply within 30 days, the Department shall petition the Human
20 Rights Commission for entry of an order imposing a civil
21 penalty against the employer pursuant to Section 8-109.1. The
22 civil penalty shall be paid into the Department of Human
23 Rights' Training and Development Fund.

24 (775 ILCS 5/8-109.1 new)

25 Sec. 8-109.1. Civil penalties; failure to report; failure

1 to train.

2 (A) A hearing officer may recommend the Commission or any
3 3-member panel thereof may:

4 (1) Failure to Report. In the case of an employer who
5 fails to make any disclosures required under Section 2-108,
6 order that a civil penalty be imposed pursuant to
7 subsection (B).

8 (2) Failure to Train. In the case of an employer who
9 fails to comply with the sexual harassment prevention
10 training requirements under Section 2-114, order that a
11 civil penalty be imposed pursuant to subsection (B).

12 (B) Civil Penalty. An employer who violates Section 2-108
13 or 2-114 is subjected to a civil penalty as follows:

14 (1) For an employer with fewer than 4 employees: a
15 penalty not to exceed \$500 for a first offense; a penalty
16 not to exceed \$1,000 for a second offense; a penalty not to
17 exceed \$3,000 for a third or subsequent offense.

18 (2) For an employer with 4 or more employees: a penalty
19 not to exceed \$1,000 for a first offense; a penalty not to
20 exceed \$3,000 for a second offense; a penalty not to exceed
21 \$5,000 for a third or subsequent offense.

22 (C) The appropriateness of the penalty to the size of the
23 employer charged, the good faith efforts made by the employer
24 to comply, and the gravity of the violation shall be considered
25 in determining the amount of the civil penalty.

1 Section 2-20. The Victims' Economic Security and Safety Act
2 is amended by changing Sections 10, 15, 20, 25, 30, and 45 as
3 follows:

4 (820 ILCS 180/10)

5 Sec. 10. Definitions. In this Act, except as otherwise
6 expressly provided:

7 (1) "Commerce" includes trade, traffic, commerce,
8 transportation, or communication; and "industry or
9 activity affecting commerce" means any activity, business,
10 or industry in commerce or in which a labor dispute would
11 hinder or obstruct commerce or the free flow of commerce,
12 and includes "commerce" and any "industry affecting
13 commerce".

14 (2) "Course of conduct" means a course of repeatedly
15 maintaining a visual or physical proximity to a person or
16 conveying oral or written threats, including threats
17 conveyed through electronic communications, or threats
18 implied by conduct.

19 (3) "Department" means the Department of Labor.

20 (4) "Director" means the Director of Labor.

21 (5) "Domestic or sexual violence" means domestic
22 violence, sexual assault, or stalking.

23 (6) "Domestic violence" means abuse, as defined in
24 Section 103 of the Illinois Domestic Violence Act of 1986,
25 by a family or household member, as defined in Section 103

1 of the Illinois Domestic Violence Act of 1986.

2 (7) "Electronic communications" includes
3 communications via telephone, mobile phone, computer,
4 e-mail, video recorder, fax machine, telex, ~~or~~ pager,
5 online platform (including, but not limited to, any
6 public-facing website, web application, digital
7 application, or social network), or any other electronic
8 communication, as defined in Section 12-7.5 of the Criminal
9 Code of 2012.

10 (8) "Employ" includes to suffer or permit to work.

11 (9) Employee.

12 (A) In general. "Employee" means any person
13 employed by an employer.

14 (B) Basis. "Employee" includes a person employed
15 as described in subparagraph (A) on a full or part-time
16 basis, or as a participant in a work assignment as a
17 condition of receipt of federal or State income-based
18 public assistance.

19 (10) "Employer" means any of the following: (A) the
20 State or any agency of the State; (B) any unit of local
21 government or school district; or (C) any person that
22 employs at least one employee.

23 (11) "Employment benefits" means all benefits provided
24 or made available to employees by an employer, including
25 group life insurance, health insurance, disability
26 insurance, sick leave, annual leave, educational benefits,

1 pensions, and profit-sharing, regardless of whether such
2 benefits are provided by a practice or written policy of an
3 employer or through an "employee benefit plan". "Employee
4 benefit plan" or "plan" means an employee welfare benefit
5 plan or an employee pension benefit plan or a plan which is
6 both an employee welfare benefit plan and an employee
7 pension benefit plan.

8 (12) "Family or household member", for employees with a
9 family or household member who is a victim of domestic
10 violence, sexual violence, or sexual harassment ~~or sexual~~
11 ~~violence,~~ means a spouse, parent, son, daughter, other
12 person related by blood or by present or prior marriage,
13 other person who shares a relationship through a son or
14 daughter, and persons jointly residing in the same
15 household.

16 (13) "Parent" means the biological parent of an
17 employee or an individual who stood in loco parentis to an
18 employee when the employee was a son or daughter. "Son or
19 daughter" means a biological, adopted, or foster child, a
20 stepchild, a legal ward, or a child of a person standing in
21 loco parentis, who is under 18 years of age, or is 18 years
22 of age or older and incapable of self-care because of a
23 mental or physical disability.

24 (14) "Perpetrator" means an individual who commits or
25 is alleged to have committed any act or threat of domestic
26 violence, sexual violence, or sexual harassment ~~or sexual~~

1 ~~violence.~~

2 (15) "Person" means an individual, partnership,
3 association, corporation, business trust, legal
4 representative, or any organized group of persons.

5 (16) "Public agency" means the Government of the State
6 or political subdivision thereof; any agency of the State,
7 or of a political subdivision of the State; or any
8 governmental agency.

9 (17) "Public assistance" includes cash, food stamps,
10 medical assistance, housing assistance, and other benefits
11 provided on the basis of income by a public agency or
12 public employer.

13 (18) "Reduced work schedule" means a work schedule that
14 reduces the usual number of hours per workweek, or hours
15 per workday, of an employee.

16 (19) "Repeatedly" means on 2 or more occasions.

17 (20) "Sexual assault" means any conduct proscribed by:
18 (i) Article 11 of the Criminal Code of 2012 except Sections
19 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1,
20 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a
21 similar provision of the Criminal Code of 1961 ~~the Criminal~~
22 ~~Code of 1961 or the Criminal Code of 2012 in Sections~~
23 ~~11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,~~
24 ~~12-14.1, 12-15, and 12-16.~~

25 (21) "Stalking" means any conduct proscribed by the
26 Criminal Code of 1961 or the Criminal Code of 2012 in

1 Sections 12-7.3, 12-7.4, and 12-7.5.

2 (22) "Victim" or "survivor" means an individual who has
3 been subjected to domestic violence, sexual violence, or
4 sexual harassment ~~or sexual violence~~.

5 (23) "Victim services organization" means a nonprofit,
6 nongovernmental organization that provides assistance to
7 victims of domestic violence, sexual violence, or sexual
8 harassment ~~or sexual violence~~ or to advocates for such
9 victims, including a rape crisis center, an organization
10 carrying out a domestic violence program, an organization
11 operating a shelter or providing counseling services, or a
12 legal services organization or other organization
13 providing assistance through the legal process.

14 (24) "Emotional distress" means significant mental
15 suffering, anxiety, or alarm.

16 (25) "Sexual harassment" means any harassment or
17 discrimination on the basis of an individual's actual or
18 perceived sex or gender, including unwelcome sexual
19 advances, requests for sexual favors, other verbal or
20 physical conduct of a sexual nature, or any other conduct
21 of a sexual nature directed at a specific person that would
22 cause the victim or survivor emotional distress.

23 (Source: P.A. 99-765, eff. 1-1-17.)

24 (820 ILCS 180/15)

25 Sec. 15. Purposes. The purposes of this Act are:

1 (1) to promote the State's interest in reducing
2 domestic violence, dating violence, sexual assault, sexual
3 harassment, and stalking by enabling victims of domestic
4 violence, sexual violence, or sexual harassment ~~or sexual~~
5 ~~violence~~ to maintain the financial independence necessary
6 to leave abusive situations, achieve safety, and minimize
7 the physical and emotional injuries from domestic
8 violence, sexual violence, or sexual harassment ~~or sexual~~
9 ~~violence~~, and to reduce the devastating economic
10 consequences of domestic violence, sexual violence, or
11 sexual harassment ~~or sexual violence~~ to employers and
12 employees;

13 (2) to address the failure of existing laws to protect
14 the employment rights of employees who are victims of
15 domestic violence, sexual violence, or sexual harassment
16 ~~or sexual violence~~ and employees with a family or household
17 member who is a victim of domestic violence, sexual
18 violence, or sexual harassment ~~or sexual violence~~, by
19 protecting the civil and economic rights of those
20 employees, and by furthering the equal opportunity of women
21 for economic self-sufficiency and employment free from
22 discrimination;

23 (3) to accomplish the purposes described in paragraphs
24 (1) and (2) by (A) entitling employed victims of domestic
25 violence, sexual violence, or sexual harassment ~~or sexual~~
26 ~~violence~~ and employees with a family or household member

1 who is a victim of domestic violence, sexual violence, or
2 sexual harassment ~~or sexual violence~~ to take unpaid leave
3 to seek medical help, legal assistance, counseling, safety
4 planning, and other assistance without penalty from their
5 employers for the employee or the family or household
6 member who is a victim; and (B) prohibiting employers from
7 discriminating against any employee who is a victim of
8 domestic violence, sexual violence, or sexual harassment
9 ~~or sexual violence~~ or any employee who has a family or
10 household member who is a victim of domestic violence,
11 sexual violence, or sexual harassment ~~or sexual violence,~~
12 in a manner that accommodates the legitimate interests of
13 employers and protects the safety of all persons in the
14 workplace.

15 (Source: P.A. 96-635, eff. 8-24-09.)

16 (820 ILCS 180/20)

17 Sec. 20. Entitlement to leave due to domestic violence,
18 sexual violence, or sexual harassment ~~or sexual violence.~~

19 (a) Leave requirement.

20 (1) Basis. An employee who is a victim of domestic
21 violence, sexual violence, or sexual harassment ~~or sexual~~
22 ~~violence~~ or an employee who has a family or household
23 member who is a victim of domestic violence, sexual
24 violence, or sexual harassment ~~or sexual violence~~ whose
25 interests are not adverse to the employee as it relates to

1 the domestic violence, sexual violence, or sexual
2 harassment ~~or sexual violence~~ may take unpaid leave from
3 work if the employee or employee's family or household
4 member is experiencing an incident of domestic violence,
5 sexual violence, or sexual harassment ~~or sexual violence~~ or
6 to address domestic violence, sexual violence, or sexual
7 harassment ~~or sexual violence~~ by:

8 (A) seeking medical attention for, or recovering
9 from, physical or psychological injuries caused by
10 domestic violence, sexual violence, or sexual
11 harassment ~~or sexual violence~~ to the employee or the
12 employee's family or household member;

13 (B) obtaining services from a victim services
14 organization for the employee or the employee's family
15 or household member;

16 (C) obtaining psychological or other counseling
17 for the employee or the employee's family or household
18 member;

19 (D) participating in safety planning, temporarily
20 or permanently relocating, or taking other actions to
21 increase the safety of the employee or the employee's
22 family or household member from future domestic
23 violence, sexual violence, or sexual harassment ~~or~~
24 ~~sexual violence~~ or ensure economic security; or

25 (E) seeking legal assistance or remedies to ensure
26 the health and safety of the employee or the employee's

1 family or household member, including preparing for or
2 participating in any civil or criminal legal
3 proceeding related to or derived from domestic
4 violence, sexual violence, or sexual harassment ~~or~~
5 ~~sexual violence~~.

6 (2) Period. Subject to subsection (c), an employee
7 working for an employer that employs at least 50 employees
8 shall be entitled to a total of 12 workweeks of leave
9 during any 12-month period. Subject to subsection (c), an
10 employee working for an employer that employs at least 15
11 but not more than 49 employees shall be entitled to a total
12 of 8 workweeks of leave during any 12-month period. Subject
13 to subsection (c), an employee working for an employer that
14 employs at least one but not more than 14 employees shall
15 be entitled to a total of 4 workweeks of leave during any
16 12-month period. The total number of workweeks to which an
17 employee is entitled shall not decrease during the relevant
18 12-month period. This Act does not create a right for an
19 employee to take unpaid leave that exceeds the unpaid leave
20 time allowed under, or is in addition to the unpaid leave
21 time permitted by, the federal Family and Medical Leave Act
22 of 1993 (29 U.S.C. 2601 et seq.).

23 (3) Schedule. Leave described in paragraph (1) may be
24 taken consecutively, intermittently, or on a reduced work
25 schedule.

26 (b) Notice. The employee shall provide the employer with at

1 least 48 hours' advance notice of the employee's intention to
2 take the leave, unless providing such notice is not
3 practicable. When an unscheduled absence occurs, the employer
4 may not take any action against the employee if the employee,
5 upon request of the employer and within a reasonable period
6 after the absence, provides certification under subsection
7 (c).

8 (c) Certification.

9 (1) In general. The employer may require the employee
10 to provide certification to the employer that:

11 (A) the employee or the employee's family or
12 household member is a victim of domestic violence,
13 sexual violence, or sexual harassment ~~or sexual~~
14 ~~violence~~; and

15 (B) the leave is for one of the purposes enumerated
16 in paragraph (a) (1).

17 The employee shall provide such certification to the
18 employer within a reasonable period after the employer
19 requests certification.

20 (2) Contents. An employee may satisfy the
21 certification requirement of paragraph (1) by providing to
22 the employer a sworn statement of the employee, and upon
23 obtaining such documents the employee shall provide:

24 (A) documentation from an employee, agent, or
25 volunteer of a victim services organization, an
26 attorney, a member of the clergy, or a medical or other

1 professional from whom the employee or the employee's
2 family or household member has sought assistance in
3 addressing domestic violence, sexual violence, or
4 sexual harassment ~~or sexual violence~~ and the effects of
5 the violence or harassment;

6 (B) a police or court record; or

7 (C) other corroborating evidence.

8 The employee may choose which document to submit if
9 that document demonstrates the basis of the leave allowed
10 under Section 20 of this Act. An employee is not required
11 to provide additional documentation if a subsequent leave
12 request is for the same reason for leave previously used
13 and for the same incident of domestic violence, sexual
14 violence, or sexual harassment or the same perpetrator of
15 the domestic violence, sexual violence, or sexual
16 harassment.

17 (d) Confidentiality. All information provided to the
18 employer pursuant to subsection (b) or (c), including a
19 statement of the employee or any other documentation, record,
20 or corroborating evidence, and the fact that the employee has
21 requested or obtained leave pursuant to this Section, shall be
22 retained in the strictest confidence by the employer, except to
23 the extent that disclosure is:

24 (1) requested or consented to in writing by the
25 employee; or

26 (2) otherwise required by applicable federal or State

1 law.

2 (e) Employment and benefits.

3 (1) Restoration to position.

4 (A) In general. Any employee who takes leave under
5 this Section for the intended purpose of the leave
6 shall be entitled, on return from such leave:

7 (i) to be restored by the employer to the
8 position of employment held by the employee when
9 the leave commenced; or

10 (ii) to be restored to an equivalent position
11 with equivalent employment benefits, pay, and
12 other terms and conditions of employment.

13 (B) Loss of benefits. The taking of leave under
14 this Section shall not result in the loss of any
15 employment benefit accrued prior to the date on which
16 the leave commenced.

17 (C) Limitations. Nothing in this subsection shall
18 be construed to entitle any restored employee to:

19 (i) the accrual of any seniority or employment
20 benefits during any period of leave; or

21 (ii) any right, benefit, or position of
22 employment other than any right, benefit, or
23 position to which the employee would have been
24 entitled had the employee not taken the leave.

25 (D) Construction. Nothing in this paragraph shall
26 be construed to prohibit an employer from requiring an

1 employee on leave under this Section to report
2 periodically to the employer on the status and
3 intention of the employee to return to work.

4 (2) Maintenance of health benefits.

5 (A) Coverage. Except as provided in subparagraph
6 (B), during any period that an employee takes leave
7 under this Section, the employer shall maintain
8 coverage for the employee and any family or household
9 member under any group health plan for the duration of
10 such leave at the level and under the conditions
11 coverage would have been provided if the employee had
12 continued in employment continuously for the duration
13 of such leave.

14 (B) Failure to return from leave. The employer may
15 recover the premium that the employer paid for
16 maintaining coverage for the employee and the
17 employee's family or household member under such group
18 health plan during any period of leave under this
19 Section if:

20 (i) the employee fails to return from leave
21 under this Section after the period of leave to
22 which the employee is entitled has expired; and

23 (ii) the employee fails to return to work for a
24 reason other than:

25 (I) the continuation, recurrence, or onset
26 of domestic violence, sexual violence, or

1 sexual harassment ~~or sexual violence~~ that
2 entitles the employee to leave pursuant to this
3 Section; or

4 (II) other circumstances beyond the
5 control of the employee.

6 (C) Certification.

7 (i) Issuance. An employer may require an
8 employee who claims that the employee is unable to
9 return to work because of a reason described in
10 subclause (I) or (II) of subparagraph (B) (ii) to
11 provide, within a reasonable period after making
12 the claim, certification to the employer that the
13 employee is unable to return to work because of
14 that reason. The employee shall choose which
15 document to submit.

16 (ii) Contents. An employee may satisfy the
17 certification requirement of clause (i) by
18 providing to the employer:

19 (I) a sworn statement of the employee;

20 (II) documentation from an employee,
21 agent, or volunteer of a victim services
22 organization, an attorney, a member of the
23 clergy, or a medical or other professional from
24 whom the employee has sought assistance in
25 addressing domestic violence, sexual violence,
26 or sexual harassment ~~or sexual violence~~ and the

1 effects of that violence or harassment;

2 (III) a police or court record; or

3 (IV) other corroborating evidence.

4 (D) Confidentiality. All information provided to
5 the employer pursuant to subparagraph (C), including a
6 statement of the employee or any other documentation,
7 record, or corroborating evidence, and the fact that
8 the employee is not returning to work because of a
9 reason described in subclause (I) or (II) of
10 subparagraph (B) (ii) shall be retained in the
11 strictest confidence by the employer, except to the
12 extent that disclosure is:

13 (i) requested or consented to in writing by the
14 employee; or

15 (ii) otherwise required by applicable federal
16 or State law.

17 (f) Prohibited acts.

18 (1) Interference with rights.

19 (A) Exercise of rights. It shall be unlawful for
20 any employer to interfere with, restrain, or deny the
21 exercise of or the attempt to exercise any right
22 provided under this Section.

23 (B) Employer discrimination. It shall be unlawful
24 for any employer to discharge or harass any individual,
25 or otherwise discriminate against any individual with
26 respect to compensation, terms, conditions, or

1 privileges of employment of the individual (including
2 retaliation in any form or manner) because the
3 individual:

4 (i) exercised any right provided under this
5 Section; or

6 (ii) opposed any practice made unlawful by
7 this Section.

8 (C) Public agency sanctions. It shall be unlawful
9 for any public agency to deny, reduce, or terminate the
10 benefits of, otherwise sanction, or harass any
11 individual, or otherwise discriminate against any
12 individual with respect to the amount, terms, or
13 conditions of public assistance of the individual
14 (including retaliation in any form or manner) because
15 the individual:

16 (i) exercised any right provided under this
17 Section; or

18 (ii) opposed any practice made unlawful by
19 this Section.

20 (2) Interference with proceedings or inquiries. It
21 shall be unlawful for any person to discharge or in any
22 other manner discriminate (as described in subparagraph
23 (B) or (C) of paragraph (1)) against any individual because
24 such individual:

25 (A) has filed any charge, or has instituted or
26 caused to be instituted any proceeding, under or

1 related to this Section;

2 (B) has given, or is about to give, any information
3 in connection with any inquiry or proceeding relating
4 to any right provided under this Section; or

5 (C) has testified, or is about to testify, in any
6 inquiry or proceeding relating to any right provided
7 under this Section.

8 (g) Disciplinary action. Nothing in this Section shall be
9 construed to prohibit an employer from taking disciplinary
10 action, up to and including termination, against an employee
11 who uses leave provided pursuant to this Act for purposes other
12 than those described in this Section.

13 (Source: P.A. 99-765, eff. 1-1-17.)

14 (820 ILCS 180/25)

15 Sec. 25. Existing leave usable for addressing domestic
16 violence, sexual violence, or sexual harassment ~~or sexual~~
17 ~~violence~~. An employee who is entitled to take paid or unpaid
18 leave (including family, medical, sick, annual, personal, or
19 similar leave) from employment, pursuant to federal, State, or
20 local law, a collective bargaining agreement, or an employment
21 benefits program or plan, may elect to substitute any period of
22 such leave for an equivalent period of leave provided under
23 Section 20. The employer may not require the employee to
24 substitute available paid or unpaid leave for leave provided
25 under Section 20.

1 (Source: P.A. 96-635, eff. 8-24-09.)

2 (820 ILCS 180/30)

3 Sec. 30. Victims' employment sustainability; prohibited
4 discriminatory acts.

5 (a) An employer shall not fail to hire, refuse to hire,
6 discharge, constructively discharge, or harass any individual,
7 otherwise discriminate against any individual with respect to
8 the compensation, terms, conditions, or privileges of
9 employment of the individual, or retaliate against an
10 individual in any form or manner, and a public agency shall not
11 deny, reduce, or terminate the benefits of, otherwise sanction,
12 or harass any individual, otherwise discriminate against any
13 individual with respect to the amount, terms, or conditions of
14 public assistance of the individual, or retaliate against an
15 individual in any form or manner, because:

16 (1) the individual involved:

17 (A) is or is perceived to be a victim of domestic
18 violence, sexual violence, or sexual harassment ~~or~~
19 ~~sexual violence~~;

20 (B) attended, participated in, prepared for, or
21 requested leave to attend, participate in, or prepare
22 for a criminal or civil court proceeding relating to an
23 incident of domestic violence, sexual violence, or
24 sexual harassment ~~or sexual violence~~ of which the
25 individual or a family or household member of the

1 individual was a victim, or requested or took leave for
2 any other reason provided under Section 20;

3 (C) requested an adjustment to a job structure,
4 workplace facility, or work requirement, including a
5 transfer, reassignment, or modified schedule, leave, a
6 changed telephone number or seating assignment,
7 installation of a lock, or implementation of a safety
8 procedure or any other reasonable accommodation in
9 response to actual or threatened domestic violence,
10 sexual violence, or sexual harassment ~~or sexual~~
11 ~~violence~~, regardless of whether the request was
12 granted; or

13 (D) is an employee whose employer is subject to
14 Section 21 of the Workplace Violence Prevention Act; or

15 (2) the workplace is disrupted or threatened by the
16 action of a person whom the individual states has committed
17 or threatened to commit domestic violence, sexual
18 violence, or sexual harassment ~~or sexual violence~~ against
19 the individual or the individual's family or household
20 member.

21 (b) In this Section:

22 (1) "Discriminate", used with respect to the terms,
23 conditions, or privileges of employment or with respect to
24 the terms or conditions of public assistance, includes not
25 making a reasonable accommodation to the known limitations
26 resulting from circumstances relating to being a victim of

1 domestic violence, sexual violence, or sexual harassment
2 ~~or sexual violence~~ or a family or household member being a
3 victim of domestic violence, sexual violence, or sexual
4 harassment ~~or sexual violence~~ of an otherwise qualified
5 individual:

6 (A) who is:

7 (i) an applicant or employee of the employer
8 (including a public agency); or

9 (ii) an applicant for or recipient of public
10 assistance from a public agency; and

11 (B) who is:

12 (i) or is perceived to be a victim of domestic
13 violence, sexual violence, or sexual harassment ~~a~~
14 ~~victim of domestic or sexual violence;~~ or

15 (ii) with a family or household member who is a
16 victim of domestic violence, sexual violence, or
17 sexual harassment ~~or sexual violence~~ whose
18 interests are not adverse to the individual in
19 subparagraph (A) as it relates to the domestic
20 violence, sexual violence, or sexual harassment ~~or~~
21 ~~sexual violence;~~

22 unless the employer or public agency can demonstrate that
23 the accommodation would impose an undue hardship on the
24 operation of the employer or public agency.

25 A reasonable accommodation must be made in a timely
26 fashion. Any exigent circumstances or danger facing the

1 employee or his or her family or household member shall be
2 considered in determining whether the accommodation is
3 reasonable.

4 (2) "Qualified individual" means:

5 (A) in the case of an applicant or employee
6 described in paragraph (1) (A) (i), an individual who,
7 but for being a victim of domestic violence, sexual
8 violence, or sexual harassment ~~or sexual violence~~ or
9 with a family or household member who is a victim of
10 domestic violence, sexual violence, or sexual
11 harassment ~~or sexual violence~~, can perform the
12 essential functions of the employment position that
13 such individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1) (A) (ii), an individual who,
16 but for being a victim of domestic violence, sexual
17 violence, or sexual harassment ~~or sexual violence~~ or
18 with a family or household member who is a victim of
19 domestic violence, sexual violence, or sexual
20 harassment ~~or sexual violence~~, can satisfy the
21 essential requirements of the program providing the
22 public assistance that the individual receives or
23 desires.

24 (3) "Reasonable accommodation" may include, but is not
25 limited to, an adjustment to a job structure, workplace
26 facility, or work requirement, including a transfer,

1 reassignment, or modified schedule, leave, a changed
2 telephone number or seating assignment, installation of a
3 lock, or implementation of a safety procedure, or
4 assistance in documenting domestic violence, sexual
5 violence, or sexual harassment ~~or sexual violence~~ that
6 occurs at the workplace or in work-related settings, in
7 response to actual or threatened domestic violence, sexual
8 violence, or sexual harassment ~~or sexual violence~~.

9 (4) Undue hardship.

10 (A) In general. "Undue hardship" means an action
11 requiring significant difficulty or expense, when
12 considered in light of the factors set forth in
13 subparagraph (B).

14 (B) Factors to be considered. In determining
15 whether a reasonable accommodation would impose an
16 undue hardship on the operation of an employer or
17 public agency, factors to be considered include:

18 (i) the nature and cost of the reasonable
19 accommodation needed under this Section;

20 (ii) the overall financial resources of the
21 facility involved in the provision of the
22 reasonable accommodation, the number of persons
23 employed at such facility, the effect on expenses
24 and resources, or the impact otherwise of such
25 accommodation on the operation of the facility;

26 (iii) the overall financial resources of the

1 employer or public agency, the overall size of the
2 business of an employer or public agency with
3 respect to the number of employees of the employer
4 or public agency, and the number, type, and
5 location of the facilities of an employer or public
6 agency; and

7 (iv) the type of operation of the employer or
8 public agency, including the composition,
9 structure, and functions of the workforce of the
10 employer or public agency, the geographic
11 separateness of the facility from the employer or
12 public agency, and the administrative or fiscal
13 relationship of the facility to the employer or
14 public agency.

15 (c) An employer subject to Section 21 of the Workplace
16 Violence Prevention Act shall not violate any provisions of the
17 Workplace Violence Prevention Act.

18 (d) All information provided to the employer pursuant to
19 subsection (b) or (c), including a statement of the employee
20 and any other documentation, record, or corroborating
21 evidence, and the fact that the employee has requested or
22 obtained leave pursuant to this Section, shall be retained in
23 the strictest confidence by the employer, except to the extent
24 that disclosure is:

25 (1) requested or consented to in writing by the
26 employee; or

1 (2) otherwise required by applicable federal or State
2 law.

3 (Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)

4 (820 ILCS 180/45)

5 Sec. 45. Effect on other laws and employment benefits.

6 (a) More protective laws, agreements, programs, and plans.
7 Nothing in this Act shall be construed to supersede any
8 provision of any federal, State, or local law, collective
9 bargaining agreement, or employment benefits program or plan
10 that provides:

11 (1) greater leave benefits for victims of domestic
12 violence, sexual violence, or sexual harassment ~~or sexual~~
13 ~~violence~~ than the rights established under this Act; or

14 (2) leave benefits for a larger population of victims
15 of domestic violence, sexual violence, or sexual
16 harassment ~~or sexual violence~~ (as defined in such law,
17 agreement, program, or plan) than the victims of domestic
18 violence, sexual violence, or sexual harassment ~~or sexual~~
19 ~~violence~~ covered under this Act.

20 (b) Less protective laws, agreements, programs, and plans.
21 The rights established for employees who are victims of
22 domestic violence, sexual violence, or sexual harassment ~~or~~
23 ~~sexual violence~~ and employees with a family or household member
24 who is a victim of domestic violence, sexual violence, or
25 sexual harassment ~~or sexual violence~~ under this Act shall not

1 be diminished by any federal, State or local law, collective
2 bargaining agreement, or employment benefits program or plan.

3 (Source: P.A. 93-591, eff. 8-25-03.)

4 Article 3.

5 Section 3-1. Short title. This Article may be cited as the
6 Stopping Predators from Evading Allegations of Abuse of Kids
7 Act. References in this Article to "this Act" mean this
8 Article.

9 Section 3-5. Definitions. As used in this Act:

10 "Minor" means any person under the age of 18 years.

11 "Youth recreational athletic entity" means a team,
12 program, or event, including practice and competition, not
13 associated with a school, during which youth athletes
14 participate or practice to participate in an organized athletic
15 game or competition against another team, club, entity, or
16 individual.

17 "Youth recreational athletic entity" includes, but is not
18 limited to, athletic activity sponsored by a recreation center,
19 community center, or private sports club.

20 Section 3-10. Prohibition on sexual abuse of children in
21 youth sports. A person who owns, is employed by, or volunteers
22 with a youth recreational athletic entity shall not, in that

1 capacity, employ, use, persuade, induce, entice, or coerce a
2 minor to engage in, or assist another person to engage in,
3 sexually explicit conduct or the rape, molestation,
4 prostitution, or other form of sexual exploitation of a minor,
5 including actual or simulated:

6 (1) sexual contact in the manner of genital-genital,
7 oral-genital, anal-genital, or oral-anal contact. For purposes
8 of this Act, "sexual contact" means the intentional touching,
9 either directly or through clothing, of the genitalia, anus,
10 groin, breast, inner thigh, or buttocks of any person with an
11 intent to abuse, humiliate, harass, degrade, or arouse or
12 gratify the sexual desire of any person;

13 (2) bestiality;

14 (3) masturbation;

15 (4) lascivious exhibition of the genitals or pubic area;

16 (5) sadistic or masochistic abuse; or

17 (6) any other sexual conduct or sexual penetration, as
18 defined in Section 11-0.1 of the Criminal Code of 2012.

19 Section 3-15. Required reporting of child and sexual abuse
20 in youth sports.

21 (a) Any person who owns, is employed by, or volunteers with
22 a youth recreational athletic entity and is subject to the
23 mandatory reporting requirements of the Abused and Neglected
24 Child Reporting Act shall also make a confidential report of
25 the suspected abuse to the relevant governing organization or

1 league that regulates or oversees the youth recreational
2 athletic entity as soon as practicable, but in no event later
3 than 10 days after learning of the incident.

4 (b) Nothing in this Act shall be construed to require a
5 victim of abuse to self-report the abuse.

6 Section 3-20. Posting of rights by youth recreational
7 athletic entity. Each youth recreational athletic entity shall
8 post in a clear and conspicuous place in its athletic
9 facilities and on its website a notice stating a minor's rights
10 under this Act as well as the toll-free number to the 24-hour
11 child abuse hotline of the Department of Children and Family
12 Services and contact information for all governing
13 organizations or leagues that regulate or oversee the youth
14 recreational athletic entity.

15 Section 3-25. Enforcement.

16 (a) Any person who, as a result of a violation of Section
17 3-10, suffers personal injury, regardless of whether the injury
18 occurred when the person was a minor, has a right of action in
19 State circuit court. A prevailing plaintiff may recover for
20 each violation actual and compensatory damages, including, but
21 not limited to, damages for emotional distress, punitive
22 damages, reasonable attorney's fees and costs, including
23 expert witness fees and other litigation expenses, and such
24 equitable relief as may be appropriate.

1 (b) Any person who knowingly and willfully fails to notify
2 the relevant governing organization or league that regulates or
3 oversees the youth recreational athletic entity pursuant to
4 Section 3-15 may be subject to a civil penalty as follows: for
5 a first offense, a penalty not to exceed \$250; for a second
6 offense, a penalty not to exceed \$500; for a third or
7 subsequent offense, a penalty not to exceed \$1,000. In
8 determining the amount of the penalty, the appropriateness of
9 the penalty and the gravity of the violation shall be
10 considered. The penalty may be recovered in a civil action
11 brought by the Director of the Department of Children and
12 Family Services in any circuit court.

13 Article 4.

14 Section 4-1. Short title. This Act may be cited as the
15 Sexual Harassment Victim Representation Act. References in
16 this Article to "this Act" mean this Article.

17 Section 4-5. Definitions. In this Act:

18 "Perpetrator" means an individual who commits or is alleged
19 to have committed an act or threat of sexual harassment.

20 "Sexual harassment" means any unwelcome sexual advances or
21 requests for sexual favors or any conduct of a sexual nature
22 when: (i) submission to such conduct is made either explicitly
23 or implicitly a term or condition of an individual's

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

7 "Union" means any organization defined as a "labor
8 organization" under Section 2 of the National Labor Relations
9 Act (29 U.S.C. 152).

10 "Union representative" means a person designated by a union
11 to represent a member of the union in any disciplinary
12 proceeding.

13 "Victim" means a victim of sexual harassment.

14 Section 4-10. Dual representation prohibited.

15 (a) In any proceeding in which a victim who is a member of
16 a union has accused a perpetrator who is a member of the same
17 union, the victim and the perpetrator may not be represented in
18 the proceeding by the same union representative.

19 (b) The union must designate separate union
20 representatives to represent the parties to the proceeding.