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New Illinois Amendments Strengthen Employee Rights in the Workplace

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Executive Summary

- In early August 2024, Illinois Governor J.B. Pritzker signed four bills into law that substantially expand the scope of employee rights under the Illinois Human Rights Act (IHRA). Most notably, the statute of limitations for filing an administrative charge with the Illinois Department of Human Rights (IDHR) for employment discrimination, harassment, or retaliation has been extended from 300 days to two years.
- Two additional amendments expand the already lengthy list of protected groups under the IHRA by adding new categories prohibiting discrimination based on "reproductive health decisions" and "family responsibilities."
- The final amendment prohibits employment discrimination by an employer using artificial intelligence (AI) tools in its hiring and employment decisions.

EXTENDED DEADLINE FOR FILING CHARGES

Beginning January 1, 2025, employees will have two years, instead of 300 days, to file charges of workplace discrimination, harassment, or retaliation with the IDHR under the IHRA. All Illinois employers are covered under the IHRA as it applies to employers with as few as one employee. As a result of the amendment, Illinois now joins a small group of states with some of the longest statutes of limitations within which current or former employees may bring state employment discrimination claims.

In contrast, federal claims under Title VII of the Civil Rights Act, which applies only to employers with 15 or more employees, must be filed with the Equal Employment Opportunity Commission within 300 days. Under the new IHRA amendments, employees whose claims are time-barred under Title VII, or who work for employers with less than 15 employees, still have the option to pursue claims under the IHRA.

NEW PROTECTED CLASSES

1. Family Responsibilities

Effective January 1, 2025, Illinois employers cannot take adverse action against employees or applicants based on their "family responsibilities." This is defined as the actual or perceived care of a family member, including meeting medical, hygiene, nutritional, safety, or emotional support needs for a child, spouse, domestic partner, parent, or other close relatives. However, employers are not required to modify existing

company policies and may enforce reasonable policies on leave, attendance, and performance against employees with family responsibilities, so long as they comply with the IHRA.

2. Reproductive Health Decisions

Effective January 1, 2025, Illinois employers are prohibited from discriminating against employees based on their actual or perceived reproductive health decisions, which include choices related to fertility treatments, contraception, pregnancy, abortion, and related healthcare decisions. This provision expands on existing IHRA protections, covering both pro-choice and anti-abortion decisions.

RESTRAINTS ON EMPLOYERS' USE OF AI

Effective January 1, 2026, the IHRA will ban employment discrimination related to the use of artificial intelligence (AI) in hiring and employment decisions. Under this amendment, employers must inform employees and job applicants if AI is being used in processes like recruitment, hiring, promotions, job renewals, training selection, terminations, discipline, tenure, or other employment-related decisions. Employers are also prohibited from using zip codes as a proxy for protected characteristics. This requirement is aimed at preventing AI algorithms from excluding candidates from geographic areas with predominantly minority populations.

If you have any questions about this article, please contact Naureen Amjad, Patrick M. Kelly or any other member of Masuda Funai's Employment, Labor and Benefits Group.

Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.