

● ILLINOIS HUMAN RIGHTS ACT

STATUTORY CITATION: 775 Ill. Comp. Stat. §§ 5/1-101 – 5/10-104

GENERAL SUMMARY: Among numerous other protections, the Illinois Human Rights Act forbids employment discrimination on the basis of race, color, religion, national origin, ancestry, age, sex, marital status, order-of-protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. The Act establishes procedures under which aggrieved individuals may file charges and procedures to process such charges.

PROVISIONS APPLICABLE TO AGRICULTURE: To the same extent as their counterparts in non-agricultural sectors, agricultural employers who have 15 or more employees in Illinois during 20 or more calendar weeks within the current or preceding calendar year are subject to the employment provisions of the Human Rights Act. With respect to an alleged violation based on a worker's physical or mental disability, the Act applies to any employer with one or more employees for any length of time.

CIVIL RIGHTS VIOLATIONS — It is a civil rights violation for any covered employer to refuse to hire a job applicant, to segregate an employee, or to otherwise discriminate with respect to terms and conditions of employment on the basis of an applicant's or employee's race, color, religion, national origin, ancestry, age, sex, marital status, order-of-protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. Comparable acts committed by employment agencies and labor organizations are also unlawful.

LANGUAGE — It is also considered a civil rights violation for an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

SEXUAL HARASSMENT — It is a civil rights violation for any covered employer (1) to engage in sexual harassment against an employee, or (2) to permit sexual harassment of an employee by any non-employee or by a non-managerial or non-supervisory employee without taking reasonable corrective measures.

APPLICANT'S ARREST RECORD — In general, it is a civil rights violation for an employer to inquire on a written job application whether an applicant has ever been arrested.

EXCEPTIONS — Among other exceptions, the Act does not prohibit employers from hiring or selecting between persons on the basis of bona fide occupational qualifications, or from applying different standards of compensation or different employment conditions pursuant to a merit or retirement system, provided the system is not used to evade the anti-discrimination purposes of the law.

COMPLAINTS — An individual who has been subjected to employment discrimination under the Act has 180 days to file charges with the Department. After the party alleged to have committed the violation has been notified, the Department must conduct a full investigation of the charges. If the report of findings reveals substantial evidence of a violation, the Department must attempt to resolve the charges through conciliation. If the Department does not act within 365 days from the time charges are filed by a complainant, the complainant has 90 days thereafter to file a complaint with the Illinois Human Rights Commission or commence civil action in circuit court.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is a civil rights violation for an employer or anyone else to retaliate against a person because the person has opposed unlawful discrimination or sexual harassment, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Illinois Department of Human Rights, Chicago, Illinois 60601 (312-814-6200).* The Department has exclusive jurisdiction to investigate complaints under the Illinois Human Rights Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Illinois Human Rights Commission, Chicago, Illinois 60601 (312-814-6269).* In addition to other functions under the Act, the Commission is responsible for hearing all complaints formally filed by the Department of Human Rights. The Commission is empowered to grant such relief and impose such penalties as are authorized in the Act, including back pay, reinstatement, attorney's fees, actual damages and other measures. Decisions by the Commission are enforceable in the state courts.