

## Impending Changes to the Illinois Human Rights Act

The #MeToo movement has prompted many state and local governments to expand protections prohibiting discrimination. Two months ago, the Illinois General Assembly passed a series of amendments to the Illinois Human Rights Act, which forbids discrimination in connection with any protected class. If signed into law, the amendments could significantly impact employers.

Currently, the Act applies to those who employ 15 or more employees within Illinois for at least 20 weeks per year. House Bill 4572 would apply to employers with one or more employee for at least 20 weeks per year. Senate Bill 20 makes several changes to the procedures of the Illinois Department of Human Rights and the Human Rights Commission, including:

[1] extending the charge-filing period from 180 days after an incident giving rise to a claim to 300 days after the incident;

[2] requiring the Department of Human Rights to notify all parties that the complainant may “opt out” of participating in the Department process within 60 days and commence a lawsuit in state court;

[3] changing the make-up of the Commission from 13 part-

time Commissioners to 7 full-time Commissioners, all of whom must either be licensed to practice law in Illinois or have relevant professional experience;

[4] creating a temporary panel of three Commissioners to manage the backlog of requests for review; and

[5] requiring the publication of Commission decisions within 180 days.

In addition to these bills currently awaiting Governor Bruce Rauner’s signature, a proposed amendment to Senate Bill 577, pending before a senate committee, would make changes to the Human Rights Act and the Victims’ Economic Security and Safety Act (VESSA), including [1] expanding the definition of “employee” in the Act to include independent contractors, vendors, consultants, and any “other person providing services pursuant to a contract,” expanding the class of individuals who can file a discrimination or harassment charge; [2] extending VESSA to include sexual harassment claims made by employees [currently, VESSA provides any employee who is the victim of domestic or sexual violence up to 12 weeks unpaid leave from work]; [3] prohibiting any employer from including a non-disclosure provision in any settlement agreements related to sexual harassment claims, and permitting such a provision only at the employee’s request.