**Section 1120.2570 Equal Employment Opportunity: Affirmative Action**

a) Every party to a public contract and every eligible bidder shall:

1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;

2) Comply with the procedures and requirements of the Department of Human Right's regulations concerning equal employment opportunities and affirmative action;

3) Provide such information with respect to its employees and applicants for employment and assistance as the Department of Human Rights may reasonably request;

4) Have written sexual harassment policies that include, at a minimum, the following information:

A) the illegality of sexual harassment;

B) the definition of sexual harassment under State law;

C) a description of sexual harassment, utilizing examples;

D) the vendor's internal complaint process, including penalties;

E) the legal recourse, investigation and complaint processes available through the Department of Human Rights and the Human Rights Commission;

F) directions on how to contact the Department of Human Rights and the Human Rights Commission;

G) protection against retaliation as provided by Section 6-102 of the Illinois Human Rights Act [775 ILCS 5/6-102].

 A copy of the policies shall be provided to the Department of Human Rights upon request.

b) Section 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-105(A)] authorizes the Department of Human Rights to promulgate policies, rules, and regulations to implement the provisions of the Illinois Human Rights Act applicable to eligible bidders and public contractors. The Department of Human Rights has promulgated rules (44 Ill. Adm. Code 750) that establish public contractor and eligible bidder duties, obligations, and reporting requirements. 44 Ill. Adm. Code 750.210 requires certain employers to register with the Department of Human Rights in order to be eligible for the award of certain public contracts.

c) Every contract entered into or awarded by the IOC shall include the following provision:

EQUAL EMPLOYMENT OPPORTUNITY

 In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the Rules and Regulations of the Illinois Department of Human Rights (Department), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization;

2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules) of minorities and women in the areas from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service;

4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Department's Rules. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder;

5) That it will submit reports as required by the Department's Rules, furnish all relevant information as may from time to time be requested by the Department or contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules;

6) That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules; and

7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and, further, it will promptly notify the Office of the Comptroller and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

(Source: Added at 25 Ill. Reg. 14380, effective November 10, 2001)