

HB3834



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3834

Introduced 2/22/2021, by Rep. Margaret Croke

SYNOPSIS AS INTRODUCED:

New Act

Creates the Reproductive Health Discrimination Ban Act. Prohibits employers from discriminating or taking retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of an employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device, or medical service. Authorizes actions for damages, injunctive relief, and recovery of attorney's fees. Effective immediately.

LRB102 11748 JLS 17082 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 1. Short title. This Act may be cited as the
5 Reproductive Health Discrimination Ban Act.

6 Section 5. Definitions. In this Act:

7 "Employer" has the meaning ascribed to that term in the
8 Labor Dispute Act.

9 "Retaliatory personnel action" means discharging,
10 suspending, demoting, or otherwise penalizing an employee for:

11 (1) making or threatening to make, a complaint to an
12 employer, co-worker, or to a public body, that rights
13 guaranteed under this Act have been violated;

14 (2) causing to be instituted any proceeding under or
15 related to this Act;

16 (3) providing information to, or testifying before,
17 any public body conducting an investigation, hearing, or
18 inquiry into any such violation of a law, or rule by such
19 employer.

20 Section 10. Prohibition of discrimination based on an
21 employee's or a dependent's reproductive health decision
22 making.

1 (a) An employer may not access an employee's personal
2 information regarding the employee's or the employee's
3 dependent's reproductive health decision making, including,
4 but not limited to, the decision to use or access a particular
5 drug, device, or medical service without the employee's prior
6 informed affirmative written consent.

7 (b) An employer may not:

8 (1) discriminate or take any retaliatory personnel
9 action against an employee with respect to compensation,
10 terms, conditions, or privileges of employment because of
11 or on the basis of the employee's or dependent's
12 reproductive health decision making, including, but not
13 limited to, a decision to use or access a particular drug,
14 device, or medical service; or

15 (2) require an employee to sign a waiver or other
16 document that purports to deny an employee the right to
17 make his or her own reproductive health care decisions,
18 including use of a particular drug, device, or medical
19 service.

20 (c) An employer that provides an employee handbook to its
21 employees must include in the handbook notice of employee
22 rights and remedies under this Act.

23 (d) An employee may bring a civil action against an
24 employer alleged to have violated the provisions of this Act.
25 In any civil action alleging a violation of this Act, the court
26 may do any or all of the following:

1 (1) award damages, including, but not limited to, back
2 pay, benefits, and reasonable attorney's fees and costs
3 incurred to a prevailing plaintiff;

4 (2) afford injunctive relief against any employer that
5 commits or proposes to commit a violation of the
6 provisions of this Act;

7 (3) order reinstatement; and

8 (4) award liquidated damages equal to 100% of the
9 award for damages under paragraph (1) unless an employer
10 proves a good faith basis to believe that its actions in
11 violation of this Act were in compliance with the law.

12 (e) Nothing in this Act shall be construed to limit any
13 rights of an employee provided through any other provision of
14 law, common law, or collective bargaining unit.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.