



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4179

Introduced 10/19/2021, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Provides that it is the public policy of the State to secure from all individuals within the State the freedom from discrimination against any individual because of the individual's family responsibilities. Defines "family responsibilities" as an employee's actual or perceived provision of care to a family member, whether in the past, present, or future. Makes a corresponding change in the definition of "unlawful discrimination".

LRB102 20996 LNS 29906 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102 and 1-103 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public
8 policy of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for
10 all individuals within Illinois the freedom from
11 discrimination against any individual because of the
12 individual's ~~his or her~~ race, color, religion, sex, national
13 origin, ancestry, age, order of protection status, marital
14 status, physical or mental disability, military status, sexual
15 orientation, pregnancy, family responsibilities, or
16 unfavorable discharge from military service in connection with
17 employment, real estate transactions, access to financial
18 credit, and the availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and
20 Elementary, Secondary, and Higher Education. To prevent sexual
21 harassment in employment and sexual harassment in elementary,
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work
4 Authorization Status-Employment. To prevent discrimination
5 based on the specific status or term of status that
6 accompanies a legal work authorization.

7 (D) Freedom from Discrimination Based on Familial
8 Status-Real Estate Transactions. To prevent discrimination
9 based on familial status in real estate transactions.

10 (E) Public Health, Welfare and Safety. To promote the
11 public health, welfare and safety by protecting the interest
12 of all people in Illinois in maintaining personal dignity, in
13 realizing their full productive capacities, and in furthering
14 their interests, rights and privileges as citizens of this
15 State.

16 (F) Implementation of Constitutional Guarantees. To secure
17 and guarantee the rights established by Sections 17, 18 and 19
18 of Article I of the Illinois Constitution of 1970.

19 (G) Equal Opportunity, Affirmative Action. To establish
20 Equal Opportunity and Affirmative Action as the policies of
21 this State in all of its decisions, programs and activities,
22 and to assure that all State departments, boards, commissions
23 and instrumentalities rigorously take affirmative action to
24 provide equality of opportunity and eliminate the effects of
25 past discrimination in the internal affairs of State
26 government and in their relations with the public.

1 (H) Unfounded Charges. To protect citizens of this State
2 against unfounded charges of unlawful discrimination, sexual
3 harassment in employment and sexual harassment in elementary,
4 secondary, and higher education, and discrimination based on
5 citizenship status or work authorization status in employment.
6 (Source: P.A. 102-233, eff. 8-2-21.)

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General definitions. When used in this Act,
9 unless the context requires otherwise, the term:

10 (A) Age. "Age" means the chronological age of a person who
11 is at least 40 years old, except with regard to any practice
12 described in Section 2-102, insofar as that practice concerns
13 training or apprenticeship programs. In the case of training
14 or apprenticeship programs, for the purposes of Section 2-102,
15 "age" means the chronological age of a person who is 18 but not
16 yet 40 years old.

17 (B) Aggrieved party. "Aggrieved party" means a person who
18 is alleged or proved to have been injured by a civil rights
19 violation or believes the person ~~he or she~~ will be injured by a
20 civil rights violation under Article 3 that is about to occur.

21 (B-5) Arrest record. "Arrest record" means:

22 (1) an arrest not leading to a conviction;

23 (2) a juvenile record; or

24 (3) criminal history record information ordered
25 expunged, sealed, or impounded under Section 5.2 of the

1 Criminal Identification Act.

2 (C) Charge. "Charge" means an allegation filed with the
3 Department by an aggrieved party or initiated by the
4 Department under its authority.

5 (D) Civil rights violation. "Civil rights violation"
6 includes and shall be limited to only those specific acts set
7 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
8 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
9 6-101, and 6-102 of this Act.

10 (E) Commission. "Commission" means the Human Rights
11 Commission created by this Act.

12 (F) Complaint. "Complaint" means the formal pleading filed
13 by the Department with the Commission following an
14 investigation and finding of substantial evidence of a civil
15 rights violation.

16 (G) Complainant. "Complainant" means a person including
17 the Department who files a charge of civil rights violation
18 with the Department or the Commission.

19 (G-5) Conviction record. "Conviction record" means
20 information indicating that a person has been convicted of a
21 felony, misdemeanor or other criminal offense, placed on
22 probation, fined, imprisoned, or paroled pursuant to any law
23 enforcement or military authority.

24 (H) Department. "Department" means the Department of Human
25 Rights created by this Act.

26 (I) Disability. "Disability" means a determinable physical

1 or mental characteristic of a person, including, but not
2 limited to, a determinable physical characteristic which
3 necessitates the person's use of a guide, hearing or support
4 dog, the history of such characteristic, or the perception of
5 such characteristic by the person complained against, which
6 may result from disease, injury, congenital condition of birth
7 or functional disorder and which characteristic:

8 (1) For purposes of Article 2, is unrelated to the
9 person's ability to perform the duties of a particular job
10 or position and, pursuant to Section 2-104 of this Act, a
11 person's illegal use of drugs or alcohol is not a
12 disability;

13 (2) For purposes of Article 3, is unrelated to the
14 person's ability to acquire, rent, or maintain a housing
15 accommodation;

16 (3) For purposes of Article 4, is unrelated to a
17 person's ability to repay;

18 (4) For purposes of Article 5, is unrelated to a
19 person's ability to utilize and benefit from a place of
20 public accommodation;

21 (5) For purposes of Article 5, also includes any
22 mental, psychological, or developmental disability,
23 including autism spectrum disorders.

24 (I-5) Family responsibilities. "Family responsibilities"
25 means an employee's actual or perceived provision of care to a
26 family member, whether in the past, present, or future. As

1 used in this definition:

2 "Care" means medical care, psychological comfort,
3 supervision, activities of daily living, transportation,
4 grocery or pharmacy shopping, meal preparation, financial
5 management, financial support, communication with health
6 care professionals, management of changes in care or
7 living arrangement, and other responsibilities of similar
8 importance to daily living.

9 "Family member" means:

10 (1) an individual related to the employee by
11 blood, marriage, adoption, foster care, or legal
12 custody, including an individual related to the
13 employee's spouse;

14 (2) an individual whose close association with the
15 employee is the equivalent of a family relationship;

16 or

17 (3) an individual who relies on the employee for
18 care.

19 (J) Marital status. "Marital status" means the legal
20 status of being married, single, separated, divorced, or
21 widowed.

22 (J-1) Military status. "Military status" means a person's
23 status on active duty in or status as a veteran of the armed
24 forces of the United States, status as a current member or
25 veteran of any reserve component of the armed forces of the
26 United States, including the United States Army Reserve,

1 United States Marine Corps Reserve, United States Navy
2 Reserve, United States Air Force Reserve, and United States
3 Coast Guard Reserve, or status as a current member or veteran
4 of the Illinois Army National Guard or Illinois Air National
5 Guard.

6 (K) National origin. "National origin" means the place in
7 which a person or one of the person's ~~his or her~~ ancestors was
8 born.

9 (K-5) "Order of protection status" means a person's status
10 as being a person protected under an order of protection
11 issued pursuant to the Illinois Domestic Violence Act of 1986,
12 Article 112A of the Code of Criminal Procedure of 1963, the
13 Stalking No Contact Order Act, or the Civil No Contact Order
14 Act, or an order of protection issued by a court of another
15 state.

16 (L) Person. "Person" includes one or more individuals,
17 partnerships, associations or organizations, labor
18 organizations, labor unions, joint apprenticeship committees,
19 or union labor associations, corporations, the State of
20 Illinois and its instrumentalities, political subdivisions,
21 units of local government, legal representatives, trustees in
22 bankruptcy or receivers.

23 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
24 or medical or common conditions related to pregnancy or
25 childbirth.

26 (M) Public contract. "Public contract" includes every

1 contract to which the State, any of its political
2 subdivisions, or any municipal corporation is a party.

3 (N) Religion. "Religion" includes all aspects of religious
4 observance and practice, as well as belief, except that with
5 respect to employers, for the purposes of Article 2,
6 "religion" has the meaning ascribed to it in paragraph (F) of
7 Section 2-101.

8 (O) Sex. "Sex" means the status of being male or female.

9 (O-1) Sexual orientation. "Sexual orientation" means
10 actual or perceived heterosexuality, homosexuality,
11 bisexuality, or gender-related identity, whether or not
12 traditionally associated with the person's designated sex at
13 birth. "Sexual orientation" does not include a physical or
14 sexual attraction to a minor by an adult.

15 (P) Unfavorable military discharge. "Unfavorable military
16 discharge" includes discharges from the Armed Forces of the
17 United States, their Reserve components, or any National Guard
18 or Naval Militia which are classified as RE-3 or the
19 equivalent thereof, but does not include those characterized
20 as RE-4 or "Dishonorable".

21 (Q) Unlawful discrimination. "Unlawful discrimination"
22 means discrimination against a person because of the person's
23 ~~his or her~~ actual or perceived: race, color, religion,
24 national origin, ancestry, age, sex, marital status, order of
25 protection status, disability, military status, sexual
26 orientation, pregnancy, family responsibilities, or

1 unfavorable discharge from military service as those terms are
2 defined in this Section.

3 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
4 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; 101-656, eff.
5 3-23-21.)