

1 AN ACT concerning civil law.

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

4 Section 5. The Gender Violence Act is amended by changing
5 Sections 5 and 20 and by adding Section 11 as follows:

6 (740 ILCS 82/5)

7 Sec. 5. Definitions ~~Definition~~. In this Act:⁷

8 "Employee" has the meaning provided in Section 2-101 of
9 the Illinois Human Rights Act.

10 "Employer" has the meaning provided in Section 2-101 of
11 the Illinois Human Rights Act.

12 "Gender-related ~~gender-related~~ violence", which is a form
13 of sex discrimination, means the following:

14 (1) One or more acts of violence or physical
15 aggression satisfying the elements of battery under the
16 laws of Illinois that are committed, at least in part, on
17 the basis of a person's sex, whether or not those acts have
18 resulted in criminal charges, prosecution, or conviction.

19 (2) A physical intrusion or physical invasion of a
20 sexual nature under coercive conditions satisfying the
21 elements of battery under the laws of Illinois, whether or
22 not the act or acts resulted in criminal charges,
23 prosecution, or conviction.

1 (2.5) Domestic violence, as defined in the Victims'
2 Economic Security and Safety Act.

3 (3) A threat of an act described in item (1), ~~or~~ (2),
4 or (2.5) causing a realistic apprehension that the
5 originator of the threat will commit the act.

6 "Workplace" means the employer's premises, including any
7 building, real property, and parking area under the control of
8 the employer, or any location used by an employee while in the
9 performance of the employee's job duties. "Workplace" includes
10 activities occurring off-premises at employer-sponsored events
11 where an employee is not performing the employee's job duties.

12 (Source: P.A. 93-416, eff. 1-1-04.)

13 (740 ILCS 82/11 new)

14 Sec. 11. Employer liability for an employee or agent.

15 (a) An employer is only liable for gender-related violence
16 committed in the workplace by an employee or agent of the
17 employer when the interaction giving rise to the
18 gender-related violence arises out of and in the course of
19 employment with the employer. Liability only extends to
20 gender-related violence that occurs: (i) while the employee
21 was directly performing the employee's job duties and the
22 gender-related violence was the proximate cause of the injury;
23 or (ii) while the agent of the employer was directly involved
24 in the gender-related violence and the performance of the
25 contracted work was the proximate cause of the injury.

1 Proximate cause exists when the actions of the employee or the
2 agent of the employer were a substantial factor in causing the
3 injury.

4 An employer is liable if the employer has acted in a manner
5 inconsistent with how a reasonable person would act under
6 similar circumstances.

7 (b) Notwithstanding subsection (a), an employer is only
8 liable for gender-related violence if the employer:

9 (1) failed to supervise, train, or monitor the
10 employee who engaged in the gender-related violence. An
11 employer providing training pursuant to Section 2-109 of
12 the Illinois Human Rights Act shall have an affirmative
13 defense that adequate training was provided to the
14 employee; or

15 (2) failed to investigate complaints or reports
16 directly provided to a supervisor, manager, owner, or
17 another person designated by the employer of similar
18 conduct by an employee or agent of the employer and the
19 employer failed to take remedial measures in response to
20 the complaints or reports.

21 (c) Nothing in this Act precludes a person who has been the
22 victim of gender-related violence from pursuing any other
23 right or cause of action created by statute or common law.

24 (740 ILCS 82/20)

25 Sec. 20. Limitation. An action by an individual based on

1 gender-related violence as defined in paragraph (1), ~~or~~ (2),
2 or (2.5) of Section 5 must be commenced within 7 years after
3 the cause of action accrued, except that if the person
4 entitled to bring the action was a minor at the time the cause
5 of action accrued, the action must be commenced within 7 years
6 after the person reaches the age of 18. An action based on
7 gender-related violence as defined in paragraph (3) of Section
8 5 must be commenced within 2 years after the cause of action
9 accrued, except that if the person entitled to bring the
10 action was a minor at the time the cause of action accrued, the
11 action must be commenced within 2 years after the person
12 reaches the age of 18. An action against an employer pursuant
13 to Section 11 must be commenced within 4 years after the cause
14 of action accrued, except that if the person entitled to bring
15 the action was a minor at the time the cause of action accrued,
16 the action must be commenced within 4 years after the person
17 reaches the age of 18.

18 (Source: P.A. 93-416, eff. 1-1-04.)