

MULTIPLE CHANGES TO ILLINOIS HUMAN RIGHTS ACT¹

To: ICRMT Members
From: Jane May
Date: August 19, 2024
Re: Amendments to Illinois Human Rights Act

Governor Pritzker has signed several bills into law which make significant changes to the Illinois Human Rights Act (IHRA). Members should take note of the changes and update their policies against discrimination and harassment to reflect the changes.

[Public Act 103-0797](#), prohibits employers from engaging in discrimination against or harassment of employees on the basis of actual or perceived family responsibilities. The amendment defines “family responsibilities” to include activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met. It also includes providing transportation to medical appointments or being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care. Covered family members include an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. While the amendment protects against discrimination and harassment, it does not create any new obligation for employers to make modifications to workplace rules or policies to accommodate employees with family responsibilities so long as existing workplace policies are not applied in a discriminatory manner. This law takes effect on January 1, 2025.

[Public Act 103-0785](#), also effective January 1, 2025, prohibits employers from discriminating against employees on the basis of actual or perceived reproductive health decisions which are defined to include decisions regarding contraception, fertilization or sterilization care, assisted reproductive technologies, miscarriage management care, healthcare related to pregnancy or pregnancy termination, or prenatal, intranatal or postnatal care.

[Public Act 103-0804](#) makes it a civil rights violation for an employer to use artificial intelligence (AI) when making employment-related decisions with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment, if the use of AI has the effect of subjecting employees to discrimination on the basis of a protected class. Employers are also prohibited from using a zip code as a proxy for a protected class. The amendment also requires employers who use AI for one

¹ This memo has been prepared by IFMK Law for ICRMT member entities for general informational purposes only. It is not to be considered as legal advice. Member entities should consult their State’s Attorney, Corporation Counsel, or other legal adviser to address compliance issues and before making any policy changes.

of the aforementioned reasons to provide advance notice to employees. The requirements of this law are effective as of January 1, 2026.

[Public Act 103-0973](#) extends the length of time that an employee has to file a charge of discrimination under the IHRA from 300 days to two years. This change takes effect on January 1, 2025.

In light of the amendments to the IHRA, employers should ensure that their policies and training practices are updated to reflect the prohibition against discrimination and harassment on the basis of actual or perceived family responsibilities and reproductive decisions. Employers, who are considering using AI technology to assist with employment-related decisions, should ensure that they provide advance notice to employees and fully consider the risk of liability before using the assistive technology.