



AMENDMENTS TO ILLINOIS HUMAN RIGHTS ACT SIGNED INTO LAW

In early August 2024, Illinois Governor JB Pritzker approved four amendments to the Illinois Human Rights Act (“IHRA”) which will expand protections against discrimination for Illinois workers. Most importantly, effective January 1, 2025, employees will have three years, instead of only 300 days, to file claims with the Illinois Department of Human Rights after experiencing a discriminatory employment action. In addition, the amendments will expand the categories of protected classes under the IHRA to include protections against discrimination based on family responsibilities and reproductive health choices. Finally, the Amendments prescribe guardrails around the use of artificial intelligence (“AI”) in recruiting and hiring tools to help prevent bias and discriminatory hiring practices. The four amendments are:

- **Public Act 103-0973** goes into effect on January 1, 2025, and extends the date to file a charge of discrimination from 300 calendar days to 3 years after an alleged violation under the act (except for real estate transactions). Additionally, this amendment expands the scope of possible damages available for employees by authorizing the Human Rights Commission to award damages under the Act that are recognized under Illinois tort law and punitive damages if the allegations of the violation under the Act meet the evidentiary requirements under Illinois law for an award of punitive damages.
- **Public Act 103-0797** goes into effect on January 1, 2025, and prohibits discrimination or harassment based on “family responsibilities,” which is defined as “an employee’s actual or perceived provision of personal care to a family member.”
- **Public Act 103-0785** goes into effect on January 1, 2025, and prohibits discrimination based on “reproductive health decisions.” The amendment defines “reproductive health decisions” as any decision by a person affecting the use or intended use of health care, goods, or services related to reproductive process, functions, and systems.
- **Public Act 103-0804** goes into effect on January 1, 2026, and prohibits employers from using AI tools to reject an applicant based on their membership in a protected class (or to use zip code as a proxy for the protected class) in the context of recruiting, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment. It will also be a civil rights violation for an employer to fail to notify employees and applicants that AI was used in this manner.

These amendments to the IHRA will provide greater protections for Illinois workers and more opportunities for workers to seek redress for unlawful treatment from their employers, and represent a significant step towards modernization of the IHRA.

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