

# Amendments to Illinois Human Rights Act to Take Effect in 2025

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Amendments to the Illinois Human Rights Act (“IHRA”), which will go into effect on January 1, 2025, will prohibit discrimination against employees based on their reproductive health decisions and family responsibilities, and will prohibit retaliation against employees who report or oppose discrimination based on those newly defined protected characteristics. Employees will also have two (2) years after an alleged unlawful act to file a charge of discrimination. Employers should be mindful of these changes and adjust their policies and practices as appropriate.

## ***Reproductive Health Decisions***

Effective January 1, 2025, employers will be prohibited from discriminating against employees due to their “reproductive health decisions,” meaning decisions regarding the use of contraception, fertility or sterilization care, assisted reproductive technologies, miscarriage management care, health care related to the continuation or termination of pregnancy, and prenatal, intranatal or postnatal care.

## ***Family Responsibilities***

The new amendments will also prohibit harassment and discrimination against employees based on “family responsibilities,” meaning an individual’s actual or perceived provision of personal care to a family member. The term “personal care” is defined broadly to include activities to ensure that a family member’s basic medical, hygiene, nutritional or safety needs are met, or to provide transportation to medical appointments for a family member who is unable to meet those needs himself or herself. “Personal care” also includes being physically present to provide emotional support to a family member with a serious health condition who is receiving inpatient or home care. A “family member” includes an employee’s child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Of note, the amendment will not require employers to make modifications to their reasonable workplace policies to accommodate an employee’s family responsibilities. This means, for example, that an employer does not need to provide an employee with time off, a flexible work schedule or a work-from-home arrangement to provide personal care to a sick family member; however, other laws, such as the federal Family Medical Leave Act or the Illinois Paid Leave for All Workers Act may apply. Moreover, the amendment clarifies that nothing in the IHRA prevents an employer from taking adverse action or otherwise enforcing reasonable workplace rules or policies related to leave, scheduling, productivity, absenteeism, work performance or others against an employee with family responsibilities, provided those policies are applied consistently with the law.

## ***Statute of Limitations Extended***

Significantly, the new IHRA amendments will also extend the time an employee has to file a charge with the Illinois Department of Human Rights from 300 days to two (2) years from the date the alleged violation occurred.

### ***Next Steps for Employers***

Illinois employers should prepare for these changes to the IHRA and consider updating their employee handbooks and training their front-line managers to understand the types of conduct that are protected.

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