

LAW & POLICY GROUP

GRIST**ILLINOIS EXPANDS PROTECTIONS AGAINST
WORKPLACE HARASSMENT**

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Starting Jan. 1, 2020, employees in Illinois will have expanded legal protections against harassment and victimization, under the recently enacted [Workplace Transparency Act](#) (Pub. Act 101-0221), which amends the state's [Human Rights Act](#) and [Victims' Economic Security and Safety Act](#). The law requires employers to conduct annual sexual harassment prevention training and sharply limits the use of nondisclosure agreements and mandatory arbitration for harassment and discrimination claims. Effective July 1, 2020, employers found by a court or administrative ruling to have engaged in illegal harassment or discrimination will have to file annual reports with the state [Department of Human Rights](#) (DHR).

HIGHLIGHTS OF WORKPLACE TRANSPARENCY ACT

The act will apply to all employers with at least one employee in Illinois, but exempts contracts covered by the Illinois Public Labor Relations Act or the National Labor Relations Act. The new law expands existing anti-bias provisions to include harassment occurring outside the office and protect “nonemployees” — independent contractors, consultants and others who directly perform contract services for an employer.

Prohibitions

Employers cannot:

- Prevent employees from making statements or disclosures about alleged unlawful practices or criminal activity, except in limited circumstances.
- Require employees to waive or reduce existing or future claims about unlawful employment practices.
- Require employees to sign unilateral confidentiality agreements as part of settlement or termination agreements, although mutual confidentiality agreements meeting certain criteria will be allowed.

Requirements

Employers will have to:

- Conduct annual sexual harassment prevention training for employees or face financial penalties.
 - The DHR will publish a free model training program for employers to use.

ILLINOIS EXPANDS PROTECTION AGAINST SEXUAL HARASSMENT

- Annually submit information to the DHR about adverse judgments or administrative rulings in the past year that involved harassment or discrimination charges.
- Provide, if requested during a DHR investigation, details about the number and types of discrimination or harassment claims settled over the past five years.
- Grant four to 12 weeks' unpaid leave under the [Victims' Economic Security and Safety Act](#) to employees who have suffered not only domestic violence, sexual assault or stalking, but also gender or sexual violence.

The DHR will publish an annual report aggregating employers' submitted information on adverse discrimination or harassment judgments. Subject to certain criteria, the DHR could open a preliminary investigation against an employer.

TREND TOWARD TOUGHER EQUALITY STANDARDS

The Workplace Transparency Act is the latest measure aimed at strengthening equality standards for Illinois workers. The state recently enacted an amended Equal Pay Act that will ban employers from making salary history inquiries, effective Sept. 29, 2019.

RELATED RESOURCES

Non-Mercer Resources

- [Gov. Pritzker Signs Comprehensive Legislation Protecting Victims of Sexual Harassment in the Workplace](#) (Governor's Office, Aug. 9, 2019)
- [Pub. Act 101-0221](#), the Workplace Transparency Act (Illinois General Assembly, Aug. 9, 2019)
- [775 Ill. Comp. Stat. 5](#), the Illinois Human Rights Act (Illinois General Assembly)
- [820 Ill. Comp. Stat. 180](#), the Victims' Economic Security and Safety Act (Illinois General Assembly)
- [Illinois Human Rights Department](#)

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- [Illinois Amends Equal Pay Act To Prohibit Salary History Inquiries](#) (Aug. 7, 2019)

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