



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5211

Introduced 2/10/2026, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-102

Amends the Illinois Human Rights Act. Makes it a civil rights violation, unless required by applicable security regulations established by the federal government or the State, for an employer to include a statement in a job advertisement, posting, application, or other material that an applicant must have a driver's license unless both of the following conditions are satisfied: (1) the employer reasonably expects driving to be one of the bona fide job functions for the position; and (2) the employer reasonably believes that using an alternative form of transportation is not comparable in travel time or cost to the employer. Provides that an alternative form of transportation includes, but is not limited to, any of the following: using a taxi or ride hailing service, carpooling, bicycling, walking, or public transportation

LRB104 19025 JRC 32470 b

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 Illinois Human Rights Act is amended by
5 changing Section 2-102 as follows:

6 (775 ILCS 5/2-102)

7 Sec. 2-102. Civil rights violations; employment. It is a
8 civil rights violation:

9 (A) Employers. For any employer to refuse to hire, to
10 segregate, to engage in harassment as defined in
11 subsection (E-1) of Section 2-101, or to act with respect
12 to recruitment, hiring, promotion, renewal of employment,
13 selection for training or apprenticeship, discharge,
14 discipline, tenure or terms, privileges or conditions of
15 employment on the basis of unlawful discrimination,
16 citizenship status, work authorization status, or family
17 responsibilities. An employer is responsible for
18 harassment by the employer's nonmanagerial and
19 nonsupervisory employees only if the employer becomes
20 aware of the conduct and fails to take reasonable
21 corrective measures.

22 (A-5) Language. For an employer to impose a
23 restriction that has the effect of prohibiting a language

1 from being spoken by an employee in communications that
2 are unrelated to the employee's duties.

3 For the purposes of this subdivision (A-5), "language"
4 means a person's native tongue, such as Polish, Spanish,
5 or Chinese. "Language" does not include such things as
6 slang, jargon, profanity, or vulgarity.

7 (A-10) Harassment of nonemployees. For any employer,
8 employment agency, or labor organization to engage in
9 harassment of nonemployees in the workplace. An employer
10 is responsible for harassment of nonemployees by the
11 employer's nonmanagerial and nonsupervisory employees only
12 if the employer becomes aware of the conduct and fails to
13 take reasonable corrective measures. For the purposes of
14 this subdivision (A-10), "nonemployee" means a person who
15 is not otherwise an employee of the employer and is
16 directly performing services for the employer pursuant to
17 a contract with that employer. "Nonemployee" includes
18 contractors and consultants. This subdivision applies to
19 harassment occurring on or after January 1, 2020 (the
20 effective date of Public Act 101-221).

21 (B) Employment agency. For any employment agency to
22 fail or refuse to classify properly, accept applications
23 and register for employment referral or apprenticeship
24 referral, refer for employment, or refer for
25 apprenticeship on the basis of unlawful discrimination,
26 citizenship status, work authorization status, or family

1 responsibilities or to accept from any person any job
2 order, requisition or request for referral of applicants
3 for employment or apprenticeship which makes or has the
4 effect of making unlawful discrimination or discrimination
5 on the basis of citizenship status, work authorization
6 status, or family responsibilities a condition of
7 referral.

8 (C) Labor organization. For any labor organization to
9 limit, segregate or classify its membership, or to limit
10 employment opportunities, selection and training for
11 apprenticeship in any trade or craft, or otherwise to
12 take, or fail to take, any action which affects adversely
13 any person's status as an employee or as an applicant for
14 employment or as an apprentice, or as an applicant for
15 apprenticeships, or wages, tenure, hours of employment or
16 apprenticeship conditions on the basis of unlawful
17 discrimination, citizenship status, work authorization
18 status, or family responsibilities.

19 (D) Sexual harassment. For any employer, employee,
20 agent of any employer, employment agency or labor
21 organization to engage in sexual harassment; provided,
22 that an employer shall be responsible for sexual
23 harassment of the employer's employees by nonemployees or
24 nonmanagerial and nonsupervisory employees only if the
25 employer becomes aware of the conduct and fails to take
26 reasonable corrective measures.

1 (D-5) Sexual harassment of nonemployees. For any
2 employer, employee, agent of any employer, employment
3 agency, or labor organization to engage in sexual
4 harassment of nonemployees in the workplace. An employer
5 is responsible for sexual harassment of nonemployees by
6 the employer's nonmanagerial and nonsupervisory employees
7 only if the employer becomes aware of the conduct and
8 fails to take reasonable corrective measures. For the
9 purposes of this subdivision (D-5), "nonemployee" means a
10 person who is not otherwise an employee of the employer
11 and is directly performing services for the employer
12 pursuant to a contract with that employer. "Nonemployee"
13 includes contractors and consultants. This subdivision
14 applies to sexual harassment occurring on or after January
15 1, 2020 (the effective date of Public Act 101-221).

16 (E) Public employers. For any public employer to
17 refuse to permit a public employee under its jurisdiction
18 who takes time off from work in order to practice his or
19 her religious beliefs to engage in work, during hours
20 other than such employee's regular working hours,
21 consistent with the operational needs of the employer and
22 in order to compensate for work time lost for such
23 religious reasons. Any employee who elects such deferred
24 work shall be compensated at the wage rate which he or she
25 would have earned during the originally scheduled work
26 period. The employer may require that an employee who

1 plans to take time off from work in order to practice his
2 or her religious beliefs provide the employer with a
3 notice of his or her intention to be absent from work not
4 exceeding 5 days prior to the date of absence.

5 (E-5) Religious discrimination. For any employer to
6 impose upon a person as a condition of obtaining or
7 retaining employment, including opportunities for
8 promotion, advancement, or transfer, any terms or
9 conditions that would require such person to violate or
10 forgo a sincerely held practice of his or her religion
11 including, but not limited to, the wearing of any attire,
12 clothing, or facial hair in accordance with the
13 requirements of his or her religion, unless, after
14 engaging in a bona fide effort, the employer demonstrates
15 that it is unable to reasonably accommodate the employee's
16 or prospective employee's sincerely held religious belief,
17 practice, or observance without undue hardship on the
18 conduct of the employer's business.

19 Nothing in this Section prohibits an employer from
20 enacting a dress code or grooming policy that may include
21 restrictions on attire, clothing, or facial hair to
22 maintain workplace safety or food sanitation.

23 (F) Training and apprenticeship programs. For any
24 employer, employment agency or labor organization to
25 discriminate against a person on the basis of age in the
26 selection, referral for or conduct of apprenticeship or

1 training programs.

2 (G) Immigration-related practices.

3 (1) for an employer to request for purposes of
4 satisfying the requirements of Section 1324a(b) of
5 Title 8 of the United States Code, as now or hereafter
6 amended, more or different documents than are required
7 under such Section or to refuse to honor documents
8 tendered that on their face reasonably appear to be
9 genuine or to refuse to honor work authorization based
10 upon the specific status or term of status that
11 accompanies the authorization to work; or

12 (2) for an employer participating in the E-Verify
13 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
14 Programs for Employment Eligibility Confirmation
15 (enacted by PL 104-208, div. C title IV, subtitle A) to
16 refuse to hire, to segregate, or to act with respect to
17 recruitment, hiring, promotion, renewal of employment,
18 selection for training or apprenticeship, discharge,
19 discipline, tenure or terms, privileges or conditions
20 of employment without following the procedures under
21 the E-Verify Program.

22 (H) (Blank).

23 (I) Pregnancy. For an employer to refuse to hire, to
24 segregate, or to act with respect to recruitment, hiring,
25 promotion, renewal of employment, selection for training
26 or apprenticeship, discharge, discipline, tenure or terms,

1 privileges or conditions of employment on the basis of
2 pregnancy, childbirth, or medical or common conditions
3 related to pregnancy or childbirth. Women affected by
4 pregnancy, childbirth, or medical or common conditions
5 related to pregnancy or childbirth shall be treated the
6 same for all employment-related purposes, including
7 receipt of benefits under fringe benefit programs, as
8 other persons not so affected but similar in their ability
9 or inability to work, regardless of the source of the
10 inability to work or employment classification or status.

11 (J) Pregnancy; reasonable accommodations.

12 (1) If after a job applicant or employee,
13 including a part-time, full-time, or probationary
14 employee, requests a reasonable accommodation, for an
15 employer to not make reasonable accommodations for any
16 medical or common condition of a job applicant or
17 employee related to pregnancy or childbirth, unless
18 the employer can demonstrate that the accommodation
19 would impose an undue hardship on the ordinary
20 operation of the business of the employer. The
21 employer may request documentation from the employee's
22 health care provider concerning the need for the
23 requested reasonable accommodation or accommodations
24 to the same extent documentation is requested for
25 conditions related to disability if the employer's
26 request for documentation is job-related and

1 consistent with business necessity. The employer may
2 require only the medical justification for the
3 requested accommodation or accommodations, a
4 description of the reasonable accommodation or
5 accommodations medically advisable, the date the
6 reasonable accommodation or accommodations became
7 medically advisable, and the probable duration of the
8 reasonable accommodation or accommodations. It is the
9 duty of the individual seeking a reasonable
10 accommodation or accommodations to submit to the
11 employer any documentation that is requested in
12 accordance with this paragraph. Notwithstanding the
13 provisions of this paragraph, the employer may require
14 documentation by the employee's health care provider
15 to determine compliance with other laws. The employee
16 and employer shall engage in a timely, good faith, and
17 meaningful exchange to determine effective reasonable
18 accommodations.

19 (2) For an employer to deny employment
20 opportunities or benefits to or take adverse action
21 against an otherwise qualified job applicant or
22 employee, including a part-time, full-time, or
23 probationary employee, if the denial or adverse action
24 is based on the need of the employer to make reasonable
25 accommodations to the known medical or common
26 conditions related to the pregnancy or childbirth of

1 the applicant or employee.

2 (3) For an employer to require a job applicant or
3 employee, including a part-time, full-time, or
4 probationary employee, affected by pregnancy,
5 childbirth, or medical or common conditions related to
6 pregnancy or childbirth to accept an accommodation
7 when the applicant or employee did not request an
8 accommodation and the applicant or employee chooses
9 not to accept the employer's accommodation.

10 (4) For an employer to require an employee,
11 including a part-time, full-time, or probationary
12 employee, to take leave under any leave law or policy
13 of the employer if another reasonable accommodation
14 can be provided to the known medical or common
15 conditions related to the pregnancy or childbirth of
16 an employee. No employer shall fail or refuse to
17 reinstate the employee affected by pregnancy,
18 childbirth, or medical or common conditions related to
19 pregnancy or childbirth to her original job or to an
20 equivalent position with equivalent pay and
21 accumulated seniority, retirement, fringe benefits,
22 and other applicable service credits upon her
23 signifying her intent to return or when her need for
24 reasonable accommodation ceases, unless the employer
25 can demonstrate that the accommodation would impose an
26 undue hardship on the ordinary operation of the

1 business of the employer.

2 For the purposes of this subdivision (J), "reasonable
3 accommodations" means reasonable modifications or
4 adjustments to the job application process or work
5 environment, or to the manner or circumstances under which
6 the position desired or held is customarily performed,
7 that enable an applicant or employee affected by
8 pregnancy, childbirth, or medical or common conditions
9 related to pregnancy or childbirth to be considered for
10 the position the applicant desires or to perform the
11 essential functions of that position, and may include, but
12 is not limited to: more frequent or longer bathroom
13 breaks, breaks for increased water intake, and breaks for
14 periodic rest; private non-bathroom space for expressing
15 breast milk and breastfeeding; seating; assistance with
16 manual labor; light duty; temporary transfer to a less
17 strenuous or hazardous position; the provision of an
18 accessible worksite; acquisition or modification of
19 equipment; job restructuring; a part-time or modified work
20 schedule; appropriate adjustment or modifications of
21 examinations, training materials, or policies;
22 reassignment to a vacant position; time off to recover
23 from conditions related to childbirth; and leave
24 necessitated by pregnancy, childbirth, or medical or
25 common conditions resulting from pregnancy or childbirth.

26 For the purposes of this subdivision (J), "undue

1 hardship" means an action that is prohibitively expensive
2 or disruptive when considered in light of the following
3 factors: (i) the nature and cost of the accommodation
4 needed; (ii) the overall financial resources of the
5 facility or facilities involved in the provision of the
6 reasonable accommodation, the number of persons employed
7 at the facility, the effect on expenses and resources, or
8 the impact otherwise of the accommodation upon the
9 operation of the facility; (iii) the overall financial
10 resources of the employer, the overall size of the
11 business of the employer with respect to the number of its
12 employees, and the number, type, and location of its
13 facilities; and (iv) the type of operation or operations
14 of the employer, including the composition, structure, and
15 functions of the workforce of the employer, the geographic
16 separateness, administrative, or fiscal relationship of
17 the facility or facilities in question to the employer.
18 The employer has the burden of proving undue hardship. The
19 fact that the employer provides or would be required to
20 provide a similar accommodation to similarly situated
21 employees creates a rebuttable presumption that the
22 accommodation does not impose an undue hardship on the
23 employer.

24 No employer is required by this subdivision (J) to
25 create additional employment that the employer would not
26 otherwise have created, unless the employer does so or

1 would do so for other classes of employees who need
2 accommodation. The employer is not required to discharge
3 any employee, transfer any employee with more seniority,
4 or promote any employee who is not qualified to perform
5 the job, unless the employer does so or would do so to
6 accommodate other classes of employees who need it.

7 (K) Notice.

8 (1) For an employer to fail to post or keep posted
9 in a conspicuous location on the premises of the
10 employer where notices to employees are customarily
11 posted, or fail to include in any employee handbook
12 information concerning an employee's rights under this
13 Article, a notice, to be prepared or approved by the
14 Department, summarizing the requirements of this
15 Article and information pertaining to the filing of a
16 charge, including the right to be free from unlawful
17 discrimination, the right to be free from sexual
18 harassment, and the right to certain reasonable
19 accommodations. The Department shall make the
20 documents required under this paragraph available for
21 retrieval from the Department's website.

22 (2) Upon notification of a violation of paragraph
23 (1) of this subdivision (K), the Department may launch
24 a preliminary investigation. If the Department finds a
25 violation, the Department may issue a notice to show
26 cause giving the employer 30 days to correct the

1 violation. If the violation is not corrected, the
2 Department may initiate a charge of a civil rights
3 violation.

4 (L) Use of artificial intelligence.

5 (1) With respect to recruitment, hiring,
6 promotion, renewal of employment, selection for
7 training or apprenticeship, discharge, discipline,
8 tenure, or the terms, privileges, or conditions of
9 employment, for an employer to use artificial
10 intelligence that has the effect of subjecting
11 employees to discrimination on the basis of protected
12 classes under this Article or to use zip codes as a
13 proxy for protected classes under this Article.

14 (2) For an employer to fail to provide notice to an
15 employee that the employer is using artificial
16 intelligence for the purposes described in paragraph
17 (1).

18 The Department shall adopt any rules necessary for the
19 implementation and enforcement of this subdivision,
20 including, but not limited to, rules on the circumstances
21 and conditions that require notice, the time period for
22 providing notice, and the means for providing notice.

23 (M) It is a civil rights violation, unless required by
24 applicable security regulations established by the federal
25 government or the State, for an employer to include a
26 statement in a job advertisement, posting, application, or

1 other material that an applicant must have a driver's
2 license unless both of the following conditions are
3 satisfied:

4 (1) the employer reasonably expects driving to be
5 one of the bona fide job functions for the position;
6 and

7 (2) the employer reasonably believes that using an
8 alternative form of transportation is not comparable
9 in travel time or cost to the employer.

10 For purposes of this subsection, an alternative form of
11 transportation includes, but is not limited to, any of the
12 following:

13 (A) A taxi or ride hailing service.

14 (B) Carpooling.

15 (C) Bicycling.

16 (D) Walking.

17 (E) Public transportation.

18 (Source: P.A. 103-797, eff. 1-1-25; 103-804, eff. 1-1-26;
19 104-417, eff. 8-15-25.)