

Illinois Human Rights Act Now Protects Employees With “Family Responsibilities”

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As of January 1, 2025, Illinois became the latest in a minority of [states](#) and [municipalities](#) to expand employment protections for employees who act as family caregivers. House Bill 2161, which passed in August 2024, amends the Illinois Human Rights Act (the IHRA or “the Act”) to additionally prohibit discrimination against employees based on their “family responsibilities.”

The phrase “family responsibilities” is defined broadly, including an employee’s “actual or perceived provision of personal care to a family member.” “Personal care” includes activities that ensure a covered family member’s basic medical, hygiene, nutritional, or safety needs are met as well as transporting family members to medical appointments, if the family member is unable to meet such need(s) for themselves.

As amended, the Act makes it unlawful for any employer to “refuse to hire, to segregate, to engage in harassment . . . or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of . . . family responsibilities.” In addition, employment agencies are prohibited from failing or refusing to properly classify, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of family responsibilities.

Although the IHRA amendments increase protections for employees serving as caregivers, they also make clear that employers, employment agencies, or labor organizations are not required to make accommodations or modifications to workplace rules or policies for an employee based on family responsibilities, including accommodations or modifications related to leave, scheduling, productivity, attendance, absenteeism, timeliness, work performance, referrals from a labor union hiring hall, and benefits, so long as the employer’s rules or policies do not otherwise violate the Act.

Illinois employers should review their current handbooks and anti-discrimination/harassment policies — and consult their regular employment counsel — to ensure that these new protections are incorporated.

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