

Illinois Bans Discrimination Based on Sexual Orientation

February 8, 2005

On January 21, 2005, Illinois Governor Rod Blagojevich signed an amendment to the Illinois Human Rights Act that will prohibit discrimination on the basis of an individual's sexual orientation. Effective January 1, 2006, the amended Act specifically prohibits sexual orientation discrimination in employment, housing, public accommodation and certain financial transactions. Sexual orientation is defined as an individual's "actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth." The Illinois Department of Human Rights is vested with enforcement authority under the amended Act.

The new law means employers will be prohibited from refusing to hire, fire or otherwise discriminate against lesbian, gay, bisexual or transgendered individuals in any terms or conditions of employment. It also prohibits sexual orientation discrimination in the sale of real estate, the rental of owner-occupied buildings with more than five units, financial credit, and public accommodation.

Although Cook County and several Illinois cities including Bloomington, Carbondale, Champaign, Chicago, Decatur, DeKalb, Evanston, LaGrange, Moline, Naperville, Normal, Oak Park, Peoria, Springfield, and Urbana have laws prohibiting discrimination based on sexual orientation, the amended Act applies to all cities and counties statewide. Local laws providing more comprehensive protections than the state law will still apply after January 1, 2006.

The Illinois amendment is part of the growth of a trend in extending protection against discrimination based on an individual's sexual orientation, including gender identity. Fourteen other states and the District of Columbia also prohibit discrimination based on sexual orientation. Neighboring states Minnesota and Wisconsin also prohibit discrimination based on sexual orientation.

While all employers periodically should review and update employee handbooks and policies to ensure compliance with federal, state, and municipal anti-discrimination laws, employers doing business in Illinois must do so before January 1, 2006 to insure compliance with the newly amended Act.

For the [full text of the Illinois Human Rights Act, as recently amended](http://ilga.gov/legislation/publicacts/fulltext.asp?Name=093-1078), please visit: <http://ilga.gov/legislation/publicacts/fulltext.asp?Name=093-1078>.

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