

Insights

ILLINOIS EMPLOYMENT LAW UPDATES

Aug 21, 2026

Recent developments in Illinois employment law will require employers to update their leave, accommodation, compensation, and hiring policies and practices by January 1, 2027.

Amendments to the Illinois Human Rights Act (IHRA), eff. 1/1/27

(A) Illinois Menopause Equity and Care Act: Protections for Menopause-Related Conditions

The definition of “pregnancy” under the IHRA has been amended to include “menopause-related conditions.” As a result, employers:

1. may not discriminate on the basis of menopause-related conditions, which are defined as “medical or symptomatic conditions that include, but are not limited to, vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes”;
2. must provide reasonable accommodations for menopause-related conditions, such as flexible scheduling, modified work hours, and temporary or climate-adjusted workspaces; and
3. must post and include in any employee handbook information about the right to be free from discrimination based on, and to receive reasonable accommodation for, menopause-related conditions.

In addition, on or after January 1, 2028, a group or individual policy of accident and health insurance or a managed care plan must provide coverage for both menopausal and perimenopausal symptoms or conditions if recommended by a qualified health care provider and prescribed in accordance with current evidence-based guidelines. Coverage must include, among other things, medications for menopause-related osteoporosis, non-hormonal therapies for vasomotor symptoms, and an annual menopause or perimenopause health visit (for individuals ages 45+).

(B) Civil Rights Safeguard Act: Codifies Disparate Impact Theory

The IHRA has been amended to expressly permit discrimination claims premised on a “disparate impact” theory. The amendments prohibit employers from using criteria or methods that have the

effect of subjecting individuals to discrimination based on protected classes. As a result, despite a shift in federal enforcement priorities, the Illinois Department of Human Rights, the Illinois Human Rights Commission, and Illinois courts will continue to review claims that employer policies and practices that may appear neutral on their face have resulted in unlawful discriminatory effects, even without evidence of discriminatory intent.

Amendments to the Volunteer Emergency Worker Protection Act, eff. 1/1/27

Existing law prohibits employers from discharging or otherwise penalizing employees who serve as “volunteer emergency workers” when they are absent from or late to work because they responded to an emergency. The recent amendments: (1) provide the same protections when such employees participate in training required for their volunteer emergency work; and (2) prohibit employers from requiring such employees to use vacation time or other compensatory time to respond to emergencies or participate in required training.

Amendments to the Jury Act and Jury Commission Act, eff. 1/1/27

Employers are already required to provide employees with unpaid time off for reporting to jury selection or jury duty. Beginning in January 2027, all employers with more than 25 employees must compensate employees for such time off, at their regular rate of pay.

Amendments to the Job Opportunities for Qualified Applicants Act, eff. 1/1/27

Employers with 15 or more employees are prohibited from requiring a driver's license on job applications or postings, or discriminating against workers who do not have a driver's license, unless driving is an essential job function and a business necessity. Postings for jobs that require a valid driver's license must include a brief description explaining why a valid driver's license is required.

Transportation Network Driver Labor Relations Act, eff. 8/7/26

The new law allows transportation network drivers (rideshare drivers for companies like Uber and Lyft) to unionize and bargain collectively.

We are available to assist clients in evaluating the impact of these legal developments on their Illinois workforce, policies and practices. Please do not hesitate to contact your BCLP relationship attorney or any member of our Labor & Employment team.

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