

## Illinois Extends Legal Protection from Discrimination Based on Sexual Orientation

On January 21, 2005, Illinois Governor Rod Blagojevich signed into law amendments to the Illinois Human Rights Act that prohibit discrimination on the basis of sexual orientation in employment, housing, credit and public accommodations. The amendments take effect January 1, 2006.

### Definition of Sexual Orientation

The amendments define sexual orientation broadly to include actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's sex at birth. Sexual orientation does not include a physical or sexual attraction to a minor by an adult. The amendments specifically do not require preferential treatment or affirmative action based on sexual orientation.

### Who Is Covered

The City of Chicago, Cook County, and the other Illinois cities of Evanston, Champaign, Urbana, DeKalb, and Decatur already have ordinances prohibiting discrimination based on sexual orientation and/or gender identity. Several other states have such laws.

The Illinois Human Rights Act generally covers all employers who employ 15 or more employees in Illinois. The local human rights ordinances typically cover employers with fewer than 15 employees. The Illinois Human Rights Act covers all businesses that contract with the state regardless of the number of their employees. That Act contains limited exceptions for certain real estate transactions.

### Remedies and Compliance

Potential monetary liability under the Human Rights Act includes back pay in employment cases, other "make whole" relief, damages and awards of attorneys' fees to a successful complainant.

Businesses in Illinois localities which already have ordinances that prohibit discrimination on the basis of sexual orientation and/or gender identity should be in compliance with those ordinances. All businesses who

are subject to the Human Rights Act may want to update their discrimination policies to prohibit discrimination on the basis of sexual orientation and to implement appropriate staff training.

### For Further Information

If you have any questions about these new amendments, including how they may affect you or your company or firm, please contact Cheryl Blackwell Bryson (312.499.6708), Howard L. Mocerf (312.499.0141), or Jon Zimring (312.499.6753) or the lawyer in the firm with whom you are regularly in contact.

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