On January 1, 2006, “sexual orientation” has become a protected class under Illinois’ Human Rights Act. More precisely, in Illinois it is now unlawful to discriminate against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, disability, military status and sexual orientation. Sexual orientation refers to either the actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity of a person.

The Human Rights Act generally applies in instances of housing, public accommodations, higher education, access to financial credit, and employment. (Exemptions to the Act’s application can be found under 775 ILCS 5/2-104.) For the Human Rights Act to apply in employment, the Illinois employer must have at least 15 workers employed for at least 20 weeks in the applicable year or the year before. Employers effected by the change in the law should take positive steps to make sure his or her employees are provided with the organization’s policy against discrimination against persons based on any of the protected classes including sexual orientation, and what employees should do that are faced with such discrimination. On the other hand, even an employer that falls within the auspices of the expanded Human Rights Act is not required to give preferential treatment based on a person sexual orientation or perceived sexual orientation.
Under 775 ILCS 5/7-101 et al and 56 Ill Adm Code, any employee that feels that they were discriminated against because they belong to a protected class, including sexual orientation, can seek relief through the Illinois Department of Human Rights. There is no “right” to bring a private civil action. The complaint must be filed within 180 days of the alleged civil rights violation, and be made in writing and under oath by the aggrieved party. The complaint or charge should include enough detail to sufficiently admonish all parties of the time, place and facts surrounding the violation (775 ILCS 5/7A-102).

For further information regarding the filing a human rights complaint see 775 ILCS 5/7A-102, or contact us at the Southern Illinois University School of Law Self Help Legal Center if you would like to see a packet made regarding the material.

* Much of this information is gathered from Bryan P. Cavanaugh’s article “How Illinois' New Gay Rights Law Affects Employers and Workers”; found in the April 2006, Illinois Bar Journal.