

Amendments To The Illinois Human Rights Act May Increase State Court Discrimination Litigation In 2019

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On August 24, 2018, Illinois Public Act 100-1066 made two significant changes to the Illinois Human Rights Act (IHRA) expanding employees' rights.

First, the amendments expanded the time within which employees may file a charge of discrimination with the Illinois Department of Human Rights (IDHR) from 180 calendar days to 300 calendar days, which coincides with the timeframe set by the Equal Employment Opportunity Commission (EEOC).

Second, the amendments allow employees to opt-out of the IDHR's administrative investigation and immediately file a lawsuit in state court. While the coming year will provide a proving ground for these amendments, Illinois employers should expect a likely increase in charges of discrimination first filed with the IDHR and an attendant increase in state court discrimination litigation.

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