

Illinois Releases Disclosure Form for Employers to Report Adverse Judgments and Administrative Rulings Related to Sexual Harassment and Unlawful Discrimination in Advance of October 31st Reporting Deadline

Labor & Employment Law Update

By Sara Zorich on August 18, 2020

In August 2019, SB0075 – the Workplace Transparency Act – was signed in Illinois. The Act created a number of new requirements for employers including, but not limited to, a new reporting requirement regarding adverse judgments and administrative rulings related to sexual harassment or unlawful discrimination brought under the Illinois Human Rights Act (IHRA), Title VII of the Civil Rights Act of 1964, or any other federal, state, or local law prohibiting sexual harassment or unlawful discrimination.

This new reporting obligation begins on July 1, 2020 for the period from January 1, 2019 to December 31, 2019. The filing deadline for this disclosure period is **October 31, 2020**. This reporting requirement is applicable to any employer that employs one or more employees in Illinois; however, only employers who actually had an adverse judgment or administrative ruling during the reporting period will need to file a reporting form.

An “adverse judgment or administrative ruling” is defined by the IHRA as any final and non-appealable judgment that finds sexual harassment or unlawful discrimination, where the ruling is in the employee's favor and against an employer. (775 ILCS 5/2-108). Reportable adverse judgments or administrative rulings include those in the State of Illinois and any other jurisdiction nationwide. Employers will only need to provide the number of adverse judgments or administrative rulings and the basis of each—but employers do not need to provide any further details regarding the specific matters. Further, employers do

not need to report settlements as part of this annual disclosure.

The IHRA disclosure form can be downloaded online and either physically filed or emailed to the IDHR at IDHR.Section2-108@Illinois.gov. Going forward, the disclosure deadline will be July 1st each year. The Illinois Department of Human Rights has also published a FAQ to assist businesses with the reporting requirements.

Any employer that has one or more employees in Illinois should review their litigation and administrative matters from 2019 to determine if their company needs to file the IHRA reporting form by October 31st.

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