

SURVIVOR STATE EMPLOYMENT GUIDE

ILLINOIS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Illinois law (**820 Ill. Comp. Stat. 180/30**), an employer shall not fail/refuse to hire, fire, constructively discharge, harass, otherwise discriminate, or retaliate against any individual because an employee is, or is thought to be, a victim of domestic, sexual, or gender violence or is the victim of criminal violence. This also applies to an employee's household or family member who is, or is thought to be, a victim of domestic, sexual, or gender violence or a victim of a violent crime. Additionally, an employer can't discriminate against an employee for taking leave to attend or prepare for legal proceedings related to the violence they, or a household or family member, experienced or for requesting a reasonable accommodation. The employer also cannot take actions against an employee because of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

Under Illinois law (**820 Ill. Comp. Stat. 180/30**), the employer must make a reasonable accommodation related to the violence unless such accommodation would be an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions whether or not the request for the accommodation is granted. The law applies to any employer with at least one employee.

- *Examples of a reasonable accommodation?* Under Illinois law (**820 Ill. Comp. Stat. 180/30**), examples of reasonable accommodation include, but are not limited to, transfers, reassignments, modified schedule, a changed telephone number or seating assignment, installing locks, help documenting the violence experienced, or implementing a safety plan.
- *Is this process confidential?* Under Illinois law (**820 Ill. Comp. Stat. 180/30**), all information provided to the employer shall be confidential unless the employee requests or consents to the release of the information or federal or state law requires the information.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off for Victims of Domestic and Sexual Violence:** Under Illinois law ([820 Ill. Comp. Stat 180](#)), an employee who is a victim of domestic, sexual or gender violence or any other crime of violence or has a family or household member who is a victim of such violence and is employed by a private employer with 50 or more employees—or by a state or local government or school district—may take up to 12 workweeks of unpaid leave during any 12-month period to address the violence. An employee working for an employer with 15 to 49 employees is entitled to up to 8 workweeks of leave during any 12-month period. An employee working for an employer with one to 14 employees is entitled to up to four workweeks of leave during any 12-month period. This leave may be used to:
 - seek medical attention, psychological treatment, or counseling;
 - obtain services from a victim services organization;
 - participate in safety planning or relocation; or
 - seek legal assistance.

An employee may use paid leave that is otherwise available for the time taken off pursuant to this provision. The employee shall provide 48-hour notice of the leave if possible. The employer may request the employee provide certification of the violence and that the leave is for the reasons listed above. The certification requirement may be satisfied by:

- the employee's sworn statement and
- by documentation from a victim services provider, attorney, clergy member, medical or other professional staff who has assisted the employee or his or her family member in addressing the violence, by police or court records, or by other corroborating evidence.

Upon return from leave, the employee shall be entitled to restoration to the original job or to an equivalent position. Employers cannot discriminate or retaliate against persons who exercise their rights under this law.

- **Time Off for Crime Victims:** Please note that the Illinois law ([820 Ill. Comp. Stat 180](#)) listed above contains time off for employees or their household or family members who are victims of a crime of violence.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Illinois law ([820 Ill. Comp. Stat. 405/601](#)), an individual is not disqualified from unemployment benefits if the individual left work due to verified domestic violence, where the violence caused the individual to reasonably believe that continued employment would jeopardize their safety or that of their spouse, minor child, or parent. Under Illinois law ([750 Ill. Comp. Stat 60/103](#)), domestic violence is defined as "physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis." In order to qualify for this exemption, the individual must provide notice to their employer and documentation to the Illinois Department of Employment Security.

- *Do I have to show proof of domestic violence?* Under Illinois law ([820 Ill. Comp. Stat. 405/601](#)), the individual must provide the following to be eligible for unemployment benefits under the domestic violence exemption:
 - Notice to their employer with the reason they are leaving; and
 - Provide documentation to the Illinois Department of Employment Security related to the domestic violence, which can be a protective order, police report, medical records, or evidence of the domestic violence from a counselor, shelter worker, health worker, as well as a clergy member, or attorney.