

EMPLOYER LAW BLOG

General Assembly Strikes Again

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The Illinois General Assembly has struck again. On August 11, 2017, Governor Rauner signed into law an amendment to the Illinois Human Rights Act providing that discrimination includes a practice by an employer imposing upon a person as a condition of obtaining or retaining employment, including promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion, including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion.

The Amendment does contain some limiting language which states that if, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business, then the condition may be imposed.

The Amendment further states that the Act does not prohibit an employer from enacting a dress code or grooming policy that may include restrictions on attire, clothing, or facial hair to maintain workplace safety or food sanitation.

Careful legal advice will be required by Illinois employers to try to comply with this Amendment to the Human Rights Act. This Amendment is rife with ambiguity and invites even more litigation than already is pursued under the Illinois Human Rights Act, which, again, makes legal advice all the more important for Illinois businesses which are covered by the Illinois Human Rights Act (15 or more employees in most cases).

Sandberg Phoenix & von Gontard P.C.'s Labor and Employment Law Industry Team which is available to assist clients with all labor and employment issues, including compliance with the Illinois Human Rights Act and related state and federal statutes.