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Coming January 1, 2025: Longer Statute of Limitations and New Protected Classes Under Illinois Human Rights Act

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Illinois Governor J.B. Pritzker recently signed into law three amendments to the Illinois Human Rights Act (IHRA) that will take effect on January 1, 2025, all of which expand protections for Illinois employees.

Longer Statute of Limitations for Filing Discrimination Claims

The statute of limitations to bring a charge under the IHRA had been 300 days from the date of the alleged violation, the same limitations period for filing a charge with the Equal Employment Opportunity Commission under federal law. Effective January 1, 2025, the statute of limitations for an Illinois claim will increase to two years from the date of the alleged violation.

Therefore, starting in 2025, allegedly aggrieved individuals will have more than twice as much time as they previously had to file an IHRA charge. Individuals who may no longer have a timely federal discrimination charge still may have a timely claim under the IHRA.

New Protected Classes

Family Responsibilities

Also effective January 1, 2025, the IHRA will prohibit discrimination or harassment based on "family responsibilities," which is defined as "an employee's actual or perceived provision of personal care to a family member."

The term "personal care," in turn, is defined as activities to ensure that a covered family member's basic medical, hygiene, nutritional, or safety needs are met or to provide transportation to medical appointments for a covered family member who is unable to meet those needs himself or herself. "Personal care" also includes being physically present to provide emotional support to a covered family member with a serious health condition who is receiving inpatient or home care.

A "family member" means an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Consequently, an employee who provides any of the above-covered activities to any covered family member is protected from discrimination and harassment to the same degree as any other class protected under the IHRA.

However, the amendments are explicit that employers are *not* required to make accommodations or modifications to reasonable workplace rules or policies based on family responsibilities, including accommodations or modifications related to leave, scheduling, attendance, and other items, nor are employers precluded from taking adverse action or enforcing reasonable workplace rules or policies relating to these issues, so long as they are applied consistently with the IHRA.

Reproductive Health Decisions

The IHRA, which already prohibits discrimination based on pregnancy, will also prohibit discrimination based on "reproductive health decisions." This means a person's decisions regarding their use of: contraception; fertility or sterilization care; assisted reproductive technologies; miscarriage management care; healthcare related to the continuation or termination of pregnancy; or prenatal, intranatal, or postnatal care.

Illinois thus joins other states (including, for example, California and New York) to recently expand discrimination protections to reproductive health decision-making.

Next Steps

Before the January 1, 2025 effective date of these amendments, employers should begin reviewing and updating their employee handbooks and other policies to account for these changes. Employers also should consider training their supervisors and managers regarding these new potential sources of discrimination. Lastly, because of the longer statute of limitations for filing an IHRA charge, employers may need to evaluate their document retention policies to ensure relevant records are preserved.

Additional Information

For more information, please contact:

- Gregory P. Abrams | 312.256.9444 | gregory.abrams@tuckerellis.com
- Connor Doughty | 312.256.9431 | connor.doughty@tuckerellis.com
- Ronald G. Polly, Jr. | 404.678.6364 | ron.polly@tuckerellis.com
- Ndubisi (Bisi) A. Ezeolu | 213.430.3239 | ndubisi.ezeolu@tuckerellis.com
- Christine M. Snyder | 216.696.5593 | christine.snyder@tuckerellis.com
- Melissa Z. Kelly | 216.696.2067 | melissa.kelly@tuckerellis.com

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