



Coming Soon: New Illinois Employment Laws in 2026

DECEMBER 2025

By Greg Abrams

For businesses with Illinois employees, multiple new or updated employment laws will take effect in 2026. Here are the highlights:

Expansion of the Illinois Workplace Transparency Act – More Restrictions on Employment Agreements

The Illinois Workplace Transparency Act (IWTA) prohibits employment agreements, including separation agreements and severance agreements, that prevent employees (or prospective employees) from disclosing “unlawful employment practices.” [Amendments to the IWTA](#) make clear that (starting January 1, 2026) employers also may not, through such agreements, prohibit employees from “engaging in protected concerted activity to address work-related issues.” The term “unlawful employment practice” also has been expanded to include other state and federal employment laws, beyond the already-protected unlawful discrimination, harassment, and retaliation.

The IWTA also will prohibit any agreement, including an arbitration agreement, that would shorten the applicable statute of limitations; apply non-Illinois law to an Illinois employee’s claim; or require the dispute be heard in a venue outside of Illinois.

Further, among other IWTA changes, a separation or settlement agreement that requires confidentiality must be supported by consideration separate from the consideration provided for a release of claims.

New NICU-Related Leave

Effective June 1, 2026, the newly enacted [Family Neonatal Intensive Care Leave Act](#) affords employees unpaid time off while their child is in a neonatal intensive care unit. Employers with 16 to 50 employees must provide up to ten days off; employers with more than 50 employees must provide up to 20 days off. This leave may be taken intermittently, and it is in addition to leave that may be available after exhausting leave available under the federal Family and Medical Leave Act.

New Workplace Safety Protections

The Illinois legislature has taken action to try to limit the effects from a Presidential administration that may weaken workplace safety requirements. The Illinois Workers' Rights and Worker Safety Act has been [amended](#) to provide that if, after April 28, 2025, the federal Occupational Safety and Health Administration (OSHA) revokes or repeals a federal occupational health standard, or renders an interpretation that results in the standard becoming less employee-protective, the Illinois Department of Labor must take action to enforce the standard as it existed *before* it was repealed or limited by OSHA.

Employer-Issued Devices and the Victims' Economic Security and Safety Act

The Illinois Victims' Economic Security and Safety Act, which affords protections to employees if they are victims of certain violent acts, has been [amended](#) to provide that, effective January 1, 2026, an employer may not discriminate or retaliate against an employee who uses employer-issued equipment to record domestic violence, sexual violence, gender violence, "or any other crime of violence committed against the employee or a family or household member of the employee." Nor may an employer deprive an employee of such equipment if used for this reason. And an employer must allow an employee access to any photographs, voice or video recordings, sound recordings, or other information stored on an employer-issued device related to the above issues.

Leave for Funeral Honors Detail

The Illinois Military Leave Act, renamed the "Family Military Leave Act," has been [amended](#) to provide that employers with more than 50 employees must allow employees up to eight hours per month, and up to 40 hours per year, to participate in a funeral honors detail for a fallen veteran. This paid leave must be provided if the employee is trained to participate in such a funeral or is either a retired or active member of the armed forces or an authorized provider or registered member of an authorized provider (such as, for example, the Reserve Officer Training Corps). An employee taking such paid leave may do so in lieu of other leave to which the employee may be entitled, such as vacation or personal leave.

Expansion of Employee Blood and Organ Donation Leave to Part-Time Employees

The Employee Blood and Organ Donation Leave Act authorizes up to ten days per year of paid leave for a full-time employee to donate blood or an organ. Starting January 1, 2026, this law also will apply to [part-time employees](#).

Paid Breaks for Nursing Mothers

Under the Illinois Nursing Mothers in the Workplace Act, an employee must be provided reasonable break time to express breast milk. This law has been [amended](#) (effective January

1, 2026) to clarify that this time must be paid and that an employer may not require the employee to use paid leave during the break time and may not reduce the employee's compensation for taking this break.

New Procedures and Penalties for Illinois Human Rights Act Charges

Starting January 1, 2026, the Illinois Department of Human Rights (IDHR), in investigating an alleged Illinois Human Rights Act violation, will **no longer be required** to hold a fact-finding conference. Instead, a conference may be held at the IDHR's discretion or if both the complainant *and* respondent request such a conference within 90 days of the charge being filed. In addition, an employer may be subject to civil penalties to "vindicate the public interest" that range from \$16,000 to \$70,000, depending on the number of the employer's past violations.

Next steps

Companies with Illinois-based employees should evaluate whether changes to their policies or procedures may be required. That may include updating employee handbooks, revising separation and severance agreements, and training managers and other personnel to be prepared to address these issues.

Additional Information

For more information, please contact:

- [Gregory P. Abrams](mailto:gregory.abrams@tuckerellis.com) | 312.256.9444 | gregory.abrams@tuckerellis.com

This Client Alert has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.