

Illinois Employee Rights Update – Toeing the Line on IHRA and NMWA

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By Niraj Rath, Attorney

As Illinois employers look to hire new talent in the upcoming year, they should be aware of key provisions of Illinois law that have a direct impact on their employees. The first concerns the Illinois Human Rights Act (“IHRA”) and the second centers around the Nursing Mother in the Workplace Act (“NMWA”).

Under the IHRA, employers are required to post a specific notice in their workplaces issued by the Illinois Department of Human Rights (“IDHR”). The notice alerts employees of their right to be free from unlawful discrimination, sexual harassment, as well as the right to reasonable accommodations for the employee’s job if they are either pregnant or disabled (the specific link to the notice developed by IHRA can be found [here](#)). The notice also points out that retaliation is prohibited and provides instructions on how to report discrimination. All rights described in the notice must also be incorporated into the employee’s handbook. Failure to adhere to these requirements could lead to an investigation by IDHR. As a result, employers should ensure that all materials and workspaces are kept up-to-date to comply with the IHRA.

Additionally, the NMWA also entitles employees – specifically working mothers – to additional rights. Any nursing breaks taken by employees “may not reduce an employee’s compensation” (i.e., employers cannot compel workers to take unpaid nursing breaks). However, employers also have the discretion to have those breaks run concurrently with any other breaks provided to the employee. In any event, such breaks must occur for one year past the child’s birth. If the employer refuses to provide the services it should be prepared to show that the breaks cause “undue hardship” (a rather high bar set by IHRA, which compels the employer to prove a number of factors). Thus, similar to the IHRA issues above, employers should take time to integrate these new policies into their workplace programs and allow eligible employees to take advantage of these rights.

Identifying and analyzing employee and workplace rights is complex. If your company has questions on how to implement these changes, we encourage you to contact one of the listed Roetzel attorneys to discuss your responsibilities.

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