

Staying compliant with employment laws, and avoiding disputes and litigation, is a constant challenge to business owners and managers.

No matter is too small to discuss with a lawyer. The phrase an “ounce of prevention is worth a pound of cure” applies directly to employment legal issues.

If you have questions about employment law matters, call **Bret Rappaport, John Eggert, or Arika Osacky-Siegel**, each who have worked with scores of clients on employment law matters.

847-597-2150



## NEW LAWS ON THE HORIZON

Typically, we send a single “new laws” newsletter in December. For 2025, however, there will be several newsletters because there are so many changes to existing statutes like the Illinois Human Rights Act (“IHRA”), the Personnel Records Review Act (“PRRA”), and the Right to Privacy in the Workplace Act (“RPWA”), as well as entirely new laws. All these laws impact Illinois employers. This newsletter will address the IHRA. The other laws will be addressed in subsequent newsletters.

**IHRA.** This law prohibits discrimination and harassment against employees based on their membership in one or more protected categories (e.g., sex, race, disability). The new law adds additional protected categories, restricts the use of artificial intelligence in employment decisions, and gives employees 2 years to file a claim.

**New Protected Categories.** Starting 2025, employers are prohibited from discriminating against or harassing an employee based on **family responsibilities** or **reproductive health decisions**. Employers are not obligated to *accommodate* family responsibilities. And while there is no obligation to accommodate Reproductive Health Decisions either, in many cases, those decisions will be covered by another statute protecting employees.

**AI.** While not effective until January 1, 2026, employers should start complying now. Under this amendment to the HRA, AI can be used in employment decisions but subject strict limits:

- (1) Applicants and employees must be notified that AI or generative AI is being used for employment purposes; and
- (2) Employers may **not use** AI or generative artificial intelligence in making employment decisions if such use has the “effect of subjecting employees to discrimination on the basis of protected classes”. For example, employers are prohibited from using AI to screen zip codes with a higher percentage of minority residents.

This technology is in its infancy. It is unclear what forms of AI or generative artificial intelligence should “subject employees” to discrimination based on a protected class. Therefore, employers must proceed cautiously, or they can run afoul of this new law.

**REMINDER: Corporate Transparency Act.** The Financial Crimes Enforcement Network (FinCEN) protects against money laundering and other crimes. To do this, in 2024 most clients must file a report. You should have received an email from our FinCEN coordinator, David Pestell. If you have not received the email, or

have received it and have not followed up, please call Dave at 847-597-2140.

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