

Navigating different aspects of the law and how it affects us in our daily lives can be difficult for anyone, but knowing exactly how the law affects the rights of LGBT citizens can be even more confusing. Equality Illinois presents a series of informational **KNOW *your* RIGHTS** brochures designed to educate the LGBT community about its rights and responsibilities under state and federal law. The contents of this pamphlet do not constitute legal advice. Please consult an attorney for legal advice.



Visit [www.eqil.org](http://www.eqil.org) or  
call us at (773) 477-7173  
if you have other questions that have  
not been addressed in this brochure.

# KNOW *your* RIGHTS:

LGBT  
EQUALITY  
IN  
ILLINOIS

## EMPLOYMENT



# EMPLOYMENT

## **Are there laws that protect LGBT people against employment discrimination?**

Yes. Illinois is one of fifteen states in the country that prohibits workplace discrimination on the basis of sexual orientation or gender identity [See § 775 ILCS 5/1-102 (2005)]. In addition, the U.S. Equal Employment Opportunity Commission (“EEOC”) has held that the federal ban on sex discrimination in the workplace also includes discrimination based on gender stereotyping.

## **I am in a civil union. Does my employer have to provide equal benefits for my partner?**

Employers must treat all employees in a civil union the same way they treat employees who are married.

Generally, all insurance policies issued in Illinois must provide the same benefits to partners in a civil union as those in an opposite-sex marriage. This means that if an employer’s insurance benefit allows for coverage for a married spouse of a policyholder, it must also provide for the same coverage for a civil union partner of the policyholder. On the same note, if a policy covers the dependent child(ren) of a married policyholder, it must also cover the child(ren) of a policyholder in a civil union. In addition to this requirement, employers may choose to offer other benefits such as tuition assistance, bereavement leave, relocation expenses, adoption assistance, and many other benefits. They must offer these benefits on an equal basis to employees with married spouses or those with civil union partners.

Equal access to health, welfare, and retirement benefits is vital in recruiting and retaining top employees.

## **Am I able to take family leave to care for my partner?**

Good employers offer paid or unpaid medical leave to care for same-sex partners on the same terms as they do for married spouses. The federal Family and Medical Leave Act (FMLA) does not require employers to provide leave for any “unmarried” partners – even for those partners in a state-recognized civil union. At the same time, Illinois law requires civil union partners to have the same rights and benefits as those in an opposite-sex marriage. Therefore, any employer that offers family leave benefits to married employees beyond the minimal requirement of FMLA must offer the same benefit to employees in a civil union.

In addition, in 2010, the U.S. Department of Labor ruled that employers are required under FMLA to allow gay and lesbian employees to take family and medical leave to care for sick or newborn children of same-sex partners.

## **Where should I turn if I have a discrimination complaint?**

The first place to turn is your human resources department or someone delegated to take employee complaints. If your complaints are not properly addressed, the Illinois Department of Human Rights will receive complaints and investigate allegations of violations of the Illinois Human Rights Act. You may also wish to retain an attorney or contact Lambda Legal helpline at (312) 663-4413 for additional legal support.

# RESOURCES

**Employer Best Practices:** Equality Illinois’ Corporate Responsibility Project aims to provide every business operating in Illinois with best industry practices to foster an environment of inclusion and support for all employees. Call us at (773) 477-7173 to get a copy of our *Workplace Best Practices Manual*.

## **Illinois Department of Human Rights**

The Illinois Department of Human Rights can assist you in filing a claim. For most cases, a claim must be filed within 180 days of the alleged incident.

You will need to provide current contact information for yourself, the organization/person alleged to have discriminated against you, and any witnesses. You must also provide the date of the most recent incident and any supporting documents.

To learn more about the requirements of the Illinois Human Rights Act or to file an employment discrimination complaint, visit the Illinois Department of Human Rights website at [www.state.il.us/dhr](http://www.state.il.us/dhr).

