

New Illinois Sexual Harassment Law Enacted; Most Provisions Slated to Take Effect in January 2020

In June of this year, we alerted our readers to new Illinois sexual harassment legislation awaiting Gov. Pritzker's signature. Our post can be found [here](#). On Aug. 9, 2019, Gov. Pritzker signed that legislation into law, with most parts of the new law to become effective on Jan. 1, 2020.

Nearly all Illinois employers will be impacted by the sweeping changes to the sexual harassment laws of this state. Below are a few important takeaways from the new legislation:

- **Limitation on Confidentiality Clauses in Settlement Agreements:** Beginning on Jan. 1, 2020, confidentiality clauses may be a term of a newly formed settlement or severance agreement only if: (1) it is documented in the agreement that the employee desires the agreement to be confidential and confidentiality is mutually beneficial to both the employee and employer; (2) the employer notifies the employee of his or her right to have an attorney review the agreement before it is executed; (3) there is consideration given in exchange for the confidentiality agreement (which suggests that additional consideration beyond the settlement amount must be exchanged); (4) any release or waiver applies only to unlawful employment practices that accrued before the date the agreement is executed; and (5) the employee is given 21 days to review the agreement and seven days to revoke his or her signature after signing it.

- **Mandatory Annual Sexual Harassment Training:** Starting on Jan. 1, 2020, Illinois employers must provide annual sexual harassment training for all employees. Employers may use the Illinois Department of Human Right's complimentary model sexual harassment training program (which has yet to be released) or provide one of its own as long as the program meets the minimum standards provided by the law.
- **Employers Are Required to Disclose Judgments and Settlements:** Beginning on July 1, 2020, Illinois employers that are the subject of a pending charge of discrimination or harassment will be required to disclose to the Illinois Department of Human Rights any adverse judgment or administrative ruling entered against it in the preceding year and possibly the total number of settlements resolving such claims in the previous five years.

Please note that this alert is not meant to contain an exhaustive list or discussion of all aspects of the new Illinois sexual harassment law. If you have questions about the new law or how to implement it in your workplace, please contact the authors listed below or the Aronberg Goldgehn attorney with whom you work.

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