

Illinois Bans Disparate Impact Discrimination

On July 31, 2026, Illinois passed the [Civil Rights Safeguard Act \(Act\)](#). The Act amends the Illinois Human Rights Act (IHRA) to prohibit policies and practices that have a disparate impact on protected groups (i.e., policies that are facially neutral, but result in discriminatory effects). The Act takes effect on **Jan. 1, 2027**.

Background

The IHRA prohibits employers with one or more employees in 20 or more calendar weeks during the current or preceding calendar year from discriminating against individuals because of their protected trait (including but not limited to race, color, religion, national origin, ancestry, age, sex, marital status, disability, citizenship status, arrest or conviction record, work authorization status and family responsibilities).

Overview of the Act

Under the Act, it is a civil rights violation for any employer, employment agency or labor organization to use criteria or methods that have the effect of discriminating against individuals on the basis of their protected trait (even if such criteria or methods are neutral on their face and regardless of whether they intended to discriminate).

Such criteria or methods are unlawful unless the employer can demonstrate that they are job-related and consistent with business necessity, and that the business necessity could not be served by another employment practice that has a less discriminatory effect.

Employer Takeaways

In light of the Act, Illinois employers may consider reviewing their existing employment practices and policies to ensure they do not inadvertently discriminate against individuals on the basis of their protected trait. Employers may also note that the Act represents a break from recent federal efforts to abandon disparate impact liability under federal antidiscrimination laws. Therefore, employers should ensure that their employment practices comply with both federal and state antidiscrimination laws.

Highlights

July 31, 2026

Illinois passes the Act to prohibit facially neutral practices that result in unlawful discrimination.

Jan. 1, 2027

The Act takes effect.