

# ILLINOIS NO LONGER MANDATES FACT-FINDING CONFERENCES FOR AGENCY CHARGES – BUT EXPANDS PENALTY OPTIONS AGAINST EMPLOYERS

Insights  
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Illinois lawmakers just made two critical changes to the way the state's civil rights agency administers its key anti-bias law – no longer requiring parties to participate in a fact-finding conference in every case and creating a new category of penalties that can be levied on employers. These changes affect any charges pending or filed before the Illinois Department of Human Rights (IDHR) on or after the effective date of January 1, 2026. What do employers need to know about these two amendments to the Illinois Human Rights Act (IHRA) – and what should you do to adjust to the changes?

## 1. Fact-Finding Conferences No Longer Mandatory Under the IHRA

Prior to the 2025 amendments, state law required the IDHR to conduct a fact-finding conference for every charge, regardless of merit. This is no longer the case.

- The IHRA now provides that the IDHR may conduct fact finding conferences in its discretion.
- Fact-finding conferences will proceed, however, if both parties submit a written request within 90 days of the date on which the charge was filed, unless the IDHR issues its report prior to receiving the requests.
- A written request for a fact-finding conference is also contingent on the party's simultaneous, written agreement to grant a 120-day extension of time for the IDHR to issue its findings report.

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- If the IDHR conducts a fact-finding conference, a party's failure to attend without good cause will still result in dismissal or default.

## **2. Employers Subject to New Civil Penalties to Vindicate Public Interest**

The 2025 Amendments also provide a new form of relief under the IHRA. The new provision provides that the IDHR can now require a party to pay a civil penalty "to vindicate the public interest" upon a finding of a civil rights violation. This language has been used by other states and cities (such as New York City and Montana) in an effort to eliminate unlawful discriminatory practices. The IHRA allows the agency to impose a separate civil penalty for each specific act that constitutes a civil rights violation.

The cap on the penalty under this provision is dependent on an entity's prior history with civil rights violations.

- For respondents with no prior violations under the IHRA, the maximum penalty is \$16,000.
- If the respondent has one civil rights violation under the IHRA in the prior five-year period from the date of the filing of the charge, the maximum penalty is \$42,500.
- If the respondent has two or more civil rights violations under the IHRA in the seven-year period from the date of the filing of the charge, the maximum penalty is \$70,000.

Additionally, the IHRA provides an exception in the event the same individual commits multiple violations. If the acts constituting the civil rights violation that is the subject of the charge are committed by the same natural person who was previously adjudged to have committed acts constituting a civil rights violation, then the civil penalties may be imposed without regard to the period of time within which any subsequent civil rights violation under the IHRA occurred.

## **What These Amendments Mean for Employers**

The 2025 Amendments to the IHRA result in both procedural and substantive changes to the way IDHR processes claims.

Because fact-finding conferences are no longer mandatory, it is important for employers to immediately discuss strategy with counsel and determine early on whether a conference would be beneficial. The full impact of this change is unclear

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at this time because it is unclear how often the IDHR will utilize its discretion to require a fact-finding conference. However, fact-finding conferences may remain an effective tool for employers to obtain information about the case and determine strategy in the charge stage.

Further, the new civil penalties expose employers to larger financial penalties in situations where the IDHR applies this new remedy. As with the changes to fact-finding conferences, it is currently unclear how often, and in which factual situations, the IDHR will apply these penalties. However, these new penalties incentivize employers to ensure they continue to implement training, policies, and procedures related to anti-harassment and discrimination to avoid any violations of the IHRA.

## **Conclusion**

If you have questions regarding the 2025 Amendments to the IHRA, please contact your Fisher Phillips attorney, the authors of this insight, or any attorney in [our Chicago office](#). We will continue to monitor all labor and employment issues affecting employers, so make sure you are subscribed to the [Fisher Phillips' Insight System](#) to gather the most up-to-date information.