

# Illinois Expands Employee Protections Under Victims' Economic Security and Safety Act

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Amendments to the Illinois Victims' Economic Security and Safety Act ("VESSA") that expand protections for employees are poised to go into effect on January 1, 2022, and Illinois employers should review their leave policies now to ensure they are in compliance by the new year.

VESSA, as enacted in 2003, applies to all Illinois employers and requires them to provide prescribed periods of leave to employees who are survivors of domestic, sexual or gender violence, and employees who have family or household members who are survivors. Employers are further required to accommodate employees pursuant to VESSA, and may not discriminate or retaliate against VESSA-qualifying employees for exercising their rights under the law.

On August 20, 2021, Governor J.B. Pritzker signed [H.B. 3582](#) expanding these protections in four key areas: covered employees and reasons for leave; documentation for leave; confidentiality; and non-discrimination.

## Covered Employees and Reasons for Leave

Effective January 1, 2022, VESSA allows employees to take leave if they or a covered family or household member are a victim of domestic, sexual or gender violence or "any other crime of violence." The amended law also expands the definition of "family or household member" to include a spouse, party to a civil union, parent, grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee and persons jointly residing in the same household. An employee's right to take leave for a "crime of violence" will also now permit leave for conduct covered by certain sections of Illinois' Criminal Code.

## Documentation for Leave

Under the current law, employers are permitted to require employees to certify their right to VESSA leave by submitting a sworn statement and specific documentation. Pursuant to amended VESSA, such documentation may be required only if the employee possesses it. In addition, the amendments provide that employees can choose which document to submit, and that an employer can request or require more than one document only in limited and specific circumstances.

## Confidentiality

Under amended VESSA, employers will be required to retain all information provided to them pursuant to VESSA in the "strictest confidence," except to the extent the disclosure is required or consented to in writing by the employee or otherwise required by applicable federal or state law.

## Non-Discrimination

VESSA's non-discrimination provision has also been expanded to apply to job applicants and employees who are or are perceived as victims of any criminal violence, domestic violence, sexual violence or gender violence.

Employers should be mindful of these upcoming changes to VESSA, and are encouraged to seek legal counsel as they update their policies and training to achieve compliance with the new requirements.

If you have any questions concerning VESSA, please contact **Elizabeth N. Hall** at (312) 609 7795, **Grace U. Brankin** at (312) 609 7619 or any other Vedder Price attorney with whom you have previously worked.

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