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Three to See in 2027: New Illinois Employment Laws

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by Susan Lorenc and Zoe Spector

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- Susan Lorenc
- Zoe Spector

Illinois employers should prepare for a trio of employment-law changes that may require updates to workplace policies and practices in the new year ahead:

1. **The Illinois Human Rights Act is Amended to Protect Employees with Menopause-Related Conditions.**

Effective January 1, 2027, the Illinois Human Rights Act's ("IHRA") definition of "pregnancy" is amended to include "menopause-related conditions." As a result, "menopause-related conditions" now receive the same employment law protections as a pregnancy in Illinois.[1]

In a nutshell, this means that employers are prohibited from discriminating against employees who have menopause-related conditions. This also means that employers must accommodate menopause-related conditions in the same way they already accommodate pregnancy. With an eye toward accommodations that may support menopause-related conditions, the Illinois legislature also amended the IHRA to expressly list flexible scheduling, modified work hours, and temperature or climate-adjusted workspaces as examples of "reasonable accommodations" for pregnancies.

The IHRA's existing exceptions to granting accommodation requests still apply, though. For example, employers do not have to provide an accommodation if they can show that doing so would impose an undue hardship on their business operations.

The newly amended IHRA requires employers to post, in a conspicuous location, information about employees' rights to seek accommodation for menopause-related conditions and to include that information in their employee handbooks.

2. **Employers With 26 or More Employees Must Compensate Their Employees for Time Spent Fulfilling Jury Duty.**

Starting on January 1, 2027, employers with 26 or more employees must compensate

employees at their regular rate of pay for time on jury duty. This does not change Illinois employers' existing obligation to not discharge, threaten to discharge, intimidate or coerce employees who are summoned to serve on a jury, nor does it remove employers' obligation to return the employee to his or her position of employment upon the conclusion of the jury duty service.

3. **The Minimum Compensation Thresholds for Employee Non-Compete and Non-Solicitation Agreements Have Increased.**

Amendments to the Illinois Freedom to Work Act, which became effective on January 1, 2022, codified certain limitations on the enforceability of restrictive covenants for Illinois employees. The statute set a minimum annualized earnings threshold to be subject to non-compete agreements and non-solicitation agreements under Illinois law. It designated January 1, 2027, as a threshold increase year, so those minimum thresholds change, effective January 1, 2027. The new thresholds are as follows:

- $80,000 for non-compete agreements; and
- $47,500 for non-solicitation agreements.

With 2027 fast approaching, Illinois employers should review and update their policies as necessary to comply with these new requirements.

[1] The newly amended IHRA defines "menopause-related condition" as "perimenopause, menopause, and associated medical or symptomatic conditions that include, but are not limited to, vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes."