



NON-REGULATORY GUIDANCE

Protections for Transgender, Nonbinary, and Gender Nonconforming Persons Under the Illinois Human Rights Act

March 2025

All individuals in Illinois have a right to be free from discrimination on the basis of their gender identity.¹ Contrary to recent federal attempts to roll back civil and human rights,² the Illinois Human Rights Act (Act) continues to provide broad civil rights protections for transgender, nonbinary, and gender nonconforming people in the areas of employment, real estate transactions (housing), financial credit, and places of public accommodation (including healthcare and schools).³

The Illinois Department of Human Rights (IDHR) enforces the Act to protect persons of all gender identities from discrimination, harassment, and retaliation. Violations of the Act are investigated by IDHR and may be adjudicated by the Illinois Human Rights Commission (IHRC) or by the courts. A person may file a charge (complaint) with IDHR if they believe they have been discriminated against or harassed based on their gender identity. Under the Act, a person is also protected from retaliation for activities such as reporting discrimination or filing a charge.⁴

The information in this document is intended for Illinois residents and visitors, employers, housing providers, school officials, and the business and healthcare communities to better understand their rights and responsibilities regarding discrimination protections based on gender identity. The following sections describe the contexts in which the Act prohibits discrimination based on gender identity and provide examples of potentially discriminatory conduct.

¹ The Illinois Human Rights Act prohibits discrimination on the basis of “sexual orientation” which is defined as “actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth.” See 775 ILCS 5/1-103(O-1). Gender identity encompasses transgender, nonbinary, and gender nonconforming persons.

² See Trump Executive Orders: [Defending Women From Gender Ideology Extremism and Re-storing Biological Truth to the Federal Government](#) (Executive Order 14168 of January 20, 2025); [Prioritizing Military Excellence and Readiness](#) (Executive Order 14183 of January 27, 2025); [Protecting Children From Chemical and Surgical Mutilation](#) (Executive Order 14187 of January 28, 2025); [Ending Radical Indoctrination in K-12 Schooling](#) (Executive Order 14190 of January 29, 2025); [Keeping Men Out of Women's Sports](#) (Executive Order 14201 of February 2, 2025).

³ 775 ILCS 5/1-102(A) (providing that it is the public policy of the State to “secure for all individuals within Illinois the freedom from discrimination against any individual, because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.”).

⁴ 775 ILCS 5/6, *et seq.* (prohibiting retaliation).

Protection from Discrimination in Employment

The Act prohibits discrimination in all aspects of employment on the basis of gender identity.⁵ Employees in Illinois – including job applicants, current employees, unpaid interns and contract workers – are protected from discrimination in the workplace based on their gender identity. The Act prohibits discrimination by any employer with one or more employees, and covers actions such as recruitment, hiring, firing, wages and benefits, job assignments, promotions, and other terms and conditions of employment.

Under the Act, employees also have the right to a workplace free from harassment because of their gender identity. Harassment consists of unwelcome behavior that is so severe or pervasive that it creates a hostile environment, negatively impacting an employee’s ability to work.⁶

Examples of discrimination or harassment based on gender identity in the workplace may include, but are not limited to:

- Prohibiting an employee from using a restroom or locker room that corresponds to the employee’s gender identity;
- Intentionally and repeatedly failing to refer to a gender-nonconforming employee by their chosen name and pronouns;
- Excluding transgender employees from accessing health insurance coverage for care or services that are covered for cisgender employees;
- Referring to an employee using a slur based on their gender identity or expression; or
- Refusing to investigate or permitting harassment of a nonbinary employee by co-workers or supervisors.

An employer’s responsibility is not only to prevent harassment in the workplace based on an employee’s gender identity, but to take corrective action once it has knowledge or should have knowledge the harassment is occurring. When an employer becomes aware that an employee is being harassed based on gender identity, and fails to take corrective action, it may be a violation of the Act.⁷

Protection from Discrimination in Housing

The Act prohibits discrimination based on gender identity in housing.⁸ An owner, lessor, agent or other person who lists, sells, leases or rents property may not discriminate against a person based on their gender identity. Conduct such as refusing to rent or sell housing, posting discriminatory

⁵ 775 ILCS 5/2, *et seq.* (prohibiting discrimination in employment).

⁶ 775 ILCS 5/2-101(E-1).

⁷ 775 ILCS 5/2-102(A), (A-10).

⁸ 775 ILCS 5/3 *et seq.* (prohibiting discrimination in real estate transactions).

advertisements, or offering unequal terms and conditions of rental or sale to persons because of their gender identity is a violation of the Act.

The Act also protects against harassment based on gender identity in housing and housing-related transactions.⁹ Harassment occurs when a housing provider or its agent or employee engages in conduct of such severity or pervasiveness that it alters the terms or conditions of tenancy for a tenant and results in an environment that is intimidating, hostile, offensive, or otherwise significantly less desirable. A housing provider may also be liable if it has knowledge that one of its tenants harassed another tenant based on their gender identity and the housing provider failed to take corrective measures or does not attempt to stop the harassment.

Examples of discrimination based on gender identity in housing may include, but are not limited to:

- Declining a person's request for a rental application because of their gender expression;
- Imposing different terms or conditions on a mortgage loan because a person does not conform to gender stereotypes;
- Refusing to make repairs to a nonbinary tenant's unit in hopes they will vacate the premises; or
- Evicting a tenant who filed a previous charge of discrimination against the landlord for subjecting them to discrimination based on their gender identity.

Protection from Discrimination in Financial Credit

The Act prohibits discrimination in lending and credit.¹⁰ Banks and other lending institutions are prohibited from discriminating against applicants for credit and borrowers on the basis of their gender identity. Examples of discrimination based on gender identity in credit and lending may include but are not limited to:

- Refusing to issue a credit card to a transgender woman because her application documents show that her gender identity does not match the sex she was assigned at birth;
- Steering a borrower to a specific loan product or services because their gender expression does not conform to stereotypes; or
- Charging a transgender person more for a loan than a cisgender borrower with the same credit profile.

Protection from Discrimination in Public Accommodations

In addition to protections in the contexts of employment, housing, and financial credit, the Act prohibits discrimination on the basis of gender identity in public accommodations.¹¹ Under the Act, a

⁹ 775 ILCS 5/3-102(B).

¹⁰ 775 ILCS 5/4 et seq. (prohibiting discrimination in access to financial credit).

¹¹ 775 ILCS 5/5 et seq. (prohibiting discrimination in places of public accommodation).

place of public accommodation includes a variety of private and public spaces such as hotels, restaurants, retail stores, theaters, gymnasiums, healthcare facilities, schools, libraries and public parks. It is a civil rights violation for any person, including public officials, to deny or refuse the full and equal enjoyment of the facilities, goods and services of any place of public accommodation on the basis of gender identity.

Protection from Discrimination in Healthcare Services

People in Illinois may not be discriminated against because of their gender identity in their access to healthcare, including in the receipt of medical treatment, access to healthcare programs, and in obtaining health insurance. Places of public accommodation include healthcare facilities, including insurance offices, professional offices of healthcare providers, hospitals and other services establishments.¹² Under the Act, it is illegal for medical providers in Illinois to refuse to treat or to provide unequal treatment on the basis of a person's gender identity.¹³

In the context of full and equal access to healthcare, examples of discriminatory treatment prohibited by the Act may include, but are not limited to:

- Refusing to admit or treat an individual because of the individual's gender identity;
- Prohibiting hormone treatment for transition-related care when the same treatment is provided to individuals for other conditions;
- Refusing to respect an individual's gender identity in making room assignments or in providing access to restrooms; and
- Harassing an individual or refusing to respond to harassment by staff or other patients because of an individual's gender identity.

Protection from Discrimination in Educational Institutions

The Act prohibits discrimination on the basis of gender identity in education. Places of public accommodation include non-sectarian (non-religious) schools.¹⁴ In Illinois, schools may not discriminate against a student because of their gender identity, including treating them differently because their gender identity does not align with their designated sex at birth.¹⁵

In the education context, transgender, nonbinary, and gender nonconforming students have the right to be treated in a manner equal to and consistent with other students whose gender identity conforms to their sex assigned at birth. That right extends to participation in school programs and activities – including extracurricular activities and sports teams.

¹² 775 ILCS 5/5-101(6)(place of public accommodation includes an "insurance office, professional office of a health care provider, hospital, or other service establishment.").

¹³ See [Guidance Relating to Nondiscrimination in Healthcare Services in Illinois](#) (issued June 26, 2020).

¹⁴ 775 ILCS 5/5-101(11)(place of public accommodation includes "a non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school, or other place of education.").

¹⁵ See [Non-Regulatory Guidance Relating to Protection of Transgender, Nonbinary, and Gender Nonconforming Students Under the Illinois Human Rights Act](#) (issued December 2021).



In the school environment, examples of discriminatory treatment or harassment prohibited by the Act may include, but is not limited to:

- Prohibiting a student from using a facility (restroom, locker room, changing room) that corresponds to the student's gender identity;
- Enacting a policy that prohibits all transgender girls from participating on female sports teams;
- Refusing to address a student by their chosen name or pronouns because of the student's gender identity; and
- Permitting name-calling, inappropriate touching, violence or any behavior that is intentionally meant to intimidate or offend a student based on their gender identity.

Filing a Complaint

The IDHR enforces the Act and investigates complaints of civil rights violations. The mission of IDHR is to secure for all individuals within the State of Illinois freedom from unlawful discrimination, harassment, and retaliation. Anyone who believes they have experienced discrimination or harassment based on their gender identity can contact IDHR to file a charge of discrimination or harassment by [completing the IDHR Complaint Information Sheet](#) and emailing it to IDHR.Intake@illinois.gov or mailing it IDHR, Attn: Intake Unit, 555 W. Monroe, 7th Floor, Chicago, IL 60661. For more information, visit dhr.illinois.gov.