



Your Rights on the Job

PA 104-0850 | New Law Effective January 1, 2027

Illinois has a new law to make construction jobs safer, healthier and more respectful for workers who menstruate or need to express milk

What are my rights when it comes to menstruation?

If you are a woman or menstruate while working on the same construction site for at least five working days, you have the right to:

- A dedicated bathroom designated for women and individuals who menstruate on worksites with 10 or more workers of any gender.
- Privacy and security; the bathroom must have a secure internal latch and appropriate signage.
- Free menstrual hygiene products provided by the employer and kept in stock.
- Adequate time to use the restroom, including enough time to manage multiple layers of required protective clothing.

What are my rights when it comes to expressing milk?

If you need to express milk at work, your employer must provide lactation accommodations if requested, consistent with Illinois law unless it causes undue burden. Depending on your needs, your accommodations may include:

- Breaks or flexible break time to express milk.
- A private, sanitary, lockable space to express milk that is not a restroom, with appropriate signage.
- Refrigeration for storing expressed milk.
- A nearby water source for handwashing and cleaning lactation equipment.

You need to request an accommodation. Your employer must work with you to identify accommodations within seven days of your request. If the accommodations you request would cause an undue burden, your employer should discuss with you whether alternative accommodations can meet your needs.

Am I entitled to free period products on site?

Yes. Your employer must provide a sufficient supply of menstrual hygiene products, such as tampons or pads, at no cost. They must be kept in a clean, accessible location on the jobsite.

Can I be penalized for the time I take to use the restroom?

No. Employers must allow adequate time for restroom use, explicitly factoring in the extra time it takes to remove and put back on complex layers of protective clothing and safety equipment (PPE).

Do I have to share a general porta-potty?

On job sites with 10 or more workers, employers must provide a separate, designated restroom for women and workers who menstruate. This restroom must feature a secure internal latch and clear signage.

Where am I supposed to express breast milk?

Upon request, you must be given a private, secure space (not a restroom) that is shielded from view unless your employer can show that it would create undue burdens. It must have access to a nearby water source to wash your hands and equipment, plus on-site refrigeration for milk storage.

Can I get penalized for asking for these accommodations?

Absolutely not. Retaliation, including firing, laying off, or docking pay for requesting these rights or reporting an unsanitary facility, is strictly illegal under the new law. It is also illegal under the Illinois Human Rights Act to retaliate against workers for exercising their rights to request lactation accommodations or to make complaints about discrimination or harassment.

What if multiple contractors are on site?

Your employer must ensure you have access to the required accommodations. If you work for a subcontractor, your employer can provide the facilities directly or arrange them through the project owner or prime contractor.

What if my rights aren't being respected?

Speak up and start by telling your supervisor, employer, or union representative about the issue(s). Provide employers with information about their obligations under the law, which can be found at [\(insert link\)](#). Document what happened by keeping track of dates, requests, responses, and any issues with access to accommodations.

What if I'm being denied an accommodation or experiencing discrimination or harassment?

Denial of lactation, menstruation, and restroom accommodations, as well as accommodations related to menopause, may also be considered workplace discrimination under the Illinois Human Rights Act. This Act requires all employers to provide reasonable accommodations for pregnancy, childbirth, and related conditions such as lactation and menopause. It also prohibits workplace harassment and discrimination based on sex, pregnancy and related conditions, among other protected categories. Additionally, Illinois employers must provide annual training on sexual harassment to employees and provide notice on the worksite of their employment rights under the Illinois Human Rights Act.

If you have experienced harassment or discrimination due to your gender, sex, or lactation or pregnancy-related needs, you can contact the Illinois Department of Human Rights to file a claim at dhr.illinois.gov or IDHR.Intake@illinois.gov. For immediate assistance with sexual harassment and discrimination in Illinois, Monday through Friday, 8:30 a.m. to 5:00 p.m., you may call the Illinois Sexual Harassment and Discrimination Helpline at 877.236.7703.

Questions? Contact policy@cwit.org