

Chicago Imposes Sexual Harassment Prevention Requirements on Employers

By Elizabeth N. Hall and Ryan Probasco

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The Chicago Commission on Human Relations recently modified Chicago's Human Rights Ordinance (the "Ordinance"). The amended Ordinance enhances sexual harassment protections and requires employers to implement annual training programs for employees.

Enhanced Definition of "Sexual Harassment"

Under the amended Ordinance, "sexual harassment" now explicitly includes "sexual misconduct," i.e., "any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position." The prior version of the Ordinance generally followed the definition of sexual harassment as found in the Illinois Human Rights Act.

Policy and Notice Requirements

Effective July 1, 2022, all Chicago employers must have a written sexual harassment policy (available in an employee's respective primary language) which includes the following:

- A statement that sexual harassment is illegal in Chicago;
- The definition of sexual harassment as defined by the Ordinance;
- Anti-sexual harassment training requirements;
- Examples of prohibited conduct that constitutes sexual harassment;
- Direction as to how to report sexual harassment;
- Legal services available to victims of sexual harassment; and
- A statement that retaliation for reporting sexual harassment is prohibited.

Employers must also, by the same date, display a poster advising employees of the prohibition against sexual harassment.

Training Requirements

Between July 1, 2022 and July 1, 2023, and annually thereafter, employers must provide one (1) hour of anti-sexual harassment training to all non-supervisory employees and two (2) hours of anti-sexual harassment training to supervisory employees. All employees, regardless of supervisory status, must also receive one (1) hour of bystander training during that period of time and on an annual basis thereafter.

Increased Statute of Limitations and Penalties

Employees now have three hundred sixty-five (365) days, up from three hundred (300) days, to report all forms of discrimination to the CCHR, including sexual harassment. The per-violation penalty for discrimination has also increased from \$500-\$1,000 to \$5,000-\$10,000 per violation.

Recordkeeping

An employer must maintain, for a period of five years or for the duration of a claim, civil action or investigation that is pending pursuant to the section of the Ordinance pertaining to sexual harassment, a record of its written policy prohibiting sexual harassment and of trainings given to each employee, as well as records needed to establish compliance with the Ordinance.

What Steps Should Employers Take Now?

Chicago employers should act promptly to prepare and implement their revised anti-sexual harassment policies by July 1, 2022, and to ensure that the notice required by the City is posted once it is available. Employers should also be mindful of the new training requirements and put a plan in place to update and prepare training materials that will satisfy the Ordinance's requirements.

If you have any questions regarding the topics discussed in this article, please contact **Elizabeth N. Hall** at ehall@vedderprice.com, **Ryan Probasco** at rprobasco@vedderprice.com or any other Vedder Price attorney with whom you have worked.

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