



Update

Mandatory Policies and Trainings for All Chicago Employers to Strengthen Protection Against Sexual Harassment

To further prevent violence and sexual harassment within Chicago workplaces, the City of Chicago Commission on Human Relations (“**Commission**”) has adopted new amendments to the Human Rights Ordinance (“**Ordinance**”), requiring all Chicago businesses to have a written sexual harassment policy, display an employment poster on sexual harassment within the workplace, and provide employees with annual training on prevention. These new changes are effective on July 1, 2022. Additionally, employers have new recordkeeping requirements, and employees working in the City of Chicago now have additional time—365 days—to report discrimination, including instances of sexual harassment, to the Commission, an increase from the 300 previously provided.

Here’s what Chicago businesses need to know before modifying policies and training procedures regarding sexual harassment.

Policy and Poster Requirements

Critically, no later than July 1, 2022, employers operating in the City of Chicago must adopt a written sexual harassment policy and display a poster designed by the Commission, which is available [here](#). Employers must post copies of the Commission’s poster in at least one location where employees typically gather and where the notice can be readily observed and reviewed by all employees.

Sample sexual harassment policies, compliant with the Ordinance, are also available on the Commission’s webpage in [English](#), [Spanish](#), [Polish](#), [Arabic](#), and [Hindi](#). The written sexual harassment policy must be made available in the employee’s primary language within their first week of employment. Ultimately, any sexual harassment policy employers adopt in the City of Chicago must include the following:

1. A statement that sexual harassment is illegal in Chicago;
2. The updated definition of sexual harassment¹;

¹ Under Section 6-010-020 of the Ordinance, the definition of “sexual harassment” is now defined as any: (i) unwelcome sexual advances or conduct of a sexual nature; (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual’s employment position.

Authors:



Angelo Spinola

Home Health, Home Care and
Hospice Chair
404.253.6280
aspinola@polsinelli.com



William C. Vail

Shareholder
404.253.6282
wvail@polsinelli.com



Burton F. Peebles

Associate
404.253.6289
bpeebles@polsinelli.com



3. A requirement that all employees participate in sexual harassment prevention training annually for a minimum of one hour, with managers or supervisors attending at least two hours of training;
4. Examples of prohibited conduct that constitute sexual harassment;
5. Details on (a) the process an employee must follow to report an allegation of sexual harassment, including, as appropriate, instructions on how to make a confidential report, with an internal complaint form, to a manager, employer's corporate headquarters or human resources department, or other internal reporting mechanism; and (b) legal services, including governmental, available to employees who may be victims of sexual harassment; and
6. A statement that retaliation for reporting sexual harassment is illegal in Chicago.

Training Requirements

Between July 1, 2022, and June 30, 2023, and annually thereafter, employers must now also provide sexual harassment prevention training, which must include one hour of sexual harassment prevention training for all employees and an additional hour for managers and supervisors, and one hour of bystander training for all employees regardless of their role with the employer.

The State training template, which provides one hour of training, is sufficient for the sexual harassment prevention training for all employees. For the additional hour of training for supervisors/managers and for bystander training, the City of Chicago will make additional training materials available by July 1, 2022.

Recordkeeping Requirements

Finally, employers must maintain for at least five years, or for the duration of any pending claim, civil action, or investigation relating to sexual harassment, whichever is longer a record of all written policies prohibiting sexual harassment and trainings given to every employee, and records demonstrating compliance with the Ordinance.

Additional Time for Filing Complaints

Employees working in the City of Chicago who are subjected to unlawful discrimination, including instances of sexual harassment, now also have 365 days, instead of 300 days, to report all such cases to the Commission. This increased window for filing must be included in all business policies and communicated to employees through approved business methods and during the annual sexual harassment prevention trainings discussed further below.

Increased Enforcement Penalties

Employers who fail to timely adopt a written policy, provide the required notice, or implement training may be subject to increased penalties as a result of these amendments, ranging from \$5,000 to \$10,000 per violation.

Subscribers to the premium state content on POSH can locate a municipal compliant sexual harassment policy [here](#). Our team continues to monitor and review emerging laws in Illinois and across the nation impacting the home care industry. For further guidance, please do not hesitate to reach out to us directly.