



Legal Alert – Updates to Chicago’s Sexual Harassment Laws

The City of Chicago has updated its sexual harassment laws as it pertains to employers and employees. The changes include an enhanced definition of sexual harassment, expansive written policy and written notice requirements, increased employee protections, new training requirements, and increased penalties for violations.

Definition Update

The definition of sexual harassment now explicitly includes sexual misconduct. The updated definition takes effect on **June 4, 2022**.

*“Sexual harassment” means any (i) unwelcome sexual advances or unwelcome 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.***

Written Policy, Written Notice, and Training Requirement Updates

Beginning on July 1, 2022, it is required that all employers in the city of Chicago must have a written policy on sexual harassment. The policy must be available in the employee’s primary language within the first calendar week of starting employment. Employers are also required to display a poster advising of the prohibition on sexual harassment where employees can see it. The employer must display at least one poster in English and one poster in Spanish. The written policy on sexual harassment must include the following.

1. A statement that sexual harassment is illegal in Chicago.
2. The definition of sexual harassment as noted above.
3. Examples of conduct that is considered sexual harassment.

4. Details on how an individual can report an assertion of sexual harassment, such as making a confidential report, using an internal complaint process, or directly informing a manager, the employer's corporate headquarters, or human resources.
5. Details on legal services, including governmental, available to employees who may be victims of sexual harassment.
6. A statement that retaliation for reporting sexual harassment is illegal in Chicago.
7. A requirement that all employees participate in sexual harassment training annually.
 - a. All employees must participate in a minimum of one hour of sexual harassment prevention training annually. Anyone who supervises or manages another employee must participate in a minimum of two hours of sexual harassment training annually.
 - b. All employees must participate in one hour of bystander training annually.
 - c. All employers must conduct the training on an annual basis beginning July 1, 2022 (The first round of training must be completed between July 1, 2022 and June 30, 2023, and then repeat annually within the same time frame).
 - d. The State training template (which provides one hour of training), would be sufficient for the sexual harassment prevention training for general employees. Training modules required for all types of employees are available on the City of Chicago's website.¹

If an employer is found to have violated any of the above requirements shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense. Note that every day that a violation shall continue shall constitute a separate and distinct offense.

Added Safety Measures for Employees

As of June 4, 2022, the Commission on Human Relations ("CCHR") has expanded the notification to the respondent (i.e., the person alleged to have caused the harm) timeline from 10 days to up to 30 days. The intention behind this change is to help mitigate any retaliation such as denial of a reasonable accommodation request under the Illinois Victim's Economic and Security Act (VESSA)

¹ https://www.chicago.gov/city/en/depts/cchr/supp_info/SexualHarassmentTrainingMaterials.html

Learn more about VESSA at <https://www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/vessa.aspx> .

Increased Statute of Limitations (Reporting Time)

As of June 4, 2022, victims will now have 365 days (instead of the previous 300 days) to report all forms of discrimination, including sexual harassment.

Penalty Changes

As of June 4, 2022, there are increased penalties for all forms of discrimination. The new penalties per violation are between \$5,000-\$10,000, a substantial increase from the previous penalties of \$500-\$1000 per violation.

Chicago Employers – What’s next?

1. All Chicago employers should make plans to comply with the new training requirements between July 1, 2022, and June 30, 2023.
2. Check the city of Chicago website for updated training modules, model sexual harassment policies, and written notice for downloadable materials that will be available on or before July 1, 2022.
3. Make plans to review and revise the organization’s sexual harassment prevention policies to be compliant with enhanced Chicago requirements by July 1, 2022.
4. Employers should update the employee handbook to comply with the new Chicago sexual harassment ordinance.

Attorneys from the law firm of Seyfarth Shaw LLP are available for free 30-minute phone consultations with eligible nonprofit and small business employers on employment law issues. If your organization requires legal assistance in modifying your employment policies to be compliant with updated employment policies, consider filling out a [legal inquiry form](#) to determine eligibility and request an appointment with our employer hotline.

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