e-Alert

06.29.22

Chicago Updates Sexual Harassment Law

Background

Effective July 1, 2022, Chicago has passed amendments to their **Chicago Human Rights Ordinance**, significantly increasing the employer's responsibility and accountability for sexual harassment claims in the workplace. The amendments include a requirement of updating and/or creating a sexual harassment policy, which will need to include the updated definition of sexual harassment, notice requirements to employees of their rights, and annual sexual harassment prevention training for all employees. The amendments also include steeper monetary penalties for non-compliance.

Summary

All employers with at least one employee working in the city of Chicago will need to comply with Chicago's Human Rights Ordinance. We have outlined below summaries of the amendments to the ordinance:

Policy Requirements:
Employers operating within Chicago's city limits must provide a written policy to employees within one calendar week from their date of hire. The policy must include:

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- Statement that sexual harassment is illegal in Chicago;
- Statement that retaliation for reporting sexual harassment is illegal in Chicago;
- Amended definition of sexual harassment;
- Examples of prohibited conduct that indicate sexual harassment;
- How to report sexual harassment, including how to make a confidential report using the company's internal reporting process;
- Legal services that are available to employees who may be victims of sexual harassment; and
- Requirement for all employees to participate in annual sexual harassment prevention training.

Notice/Reporting Requirements:

- Employers are required to post the **Sexual Harassment Poster** notice in a conspicuous location within the workplace notifying employees of their rights and ability to report sexual harassment claims.
- The amendments extend the original 10-day notification requirement to now up to 30 days to notify the person alleged of harassment.
- In addition, sexual harassment claims may be reported up to 365 days after the incident occurred, which is an additional 65 days from the original timeline.

Training Requirements:

All employees must receive their first round of required annual training by June 30, 2023, then repeated on an annual basis. The training must meet or exceed the training requirements of the **Illinois Human Rights Act**.

- Employees must complete:
  - At least one hour of sexual harassment prevention training; and
  - One hour of bystander training.
- Managers and supervisors must complete:
  - At least one hour of sexual harassment prevention training;
  - One hour of bystander training; and
  - One additional hour of managerial training.
- Employers must retain proof of employee training as well as records of compliant policies for the longer of five years or the duration of any investigation or dispute. Failure to maintain records may result in a fine of up to $1,000 per day.

Any violation of these amendments now has a steeper monetary penalty of $5,000-$10,000 per violation.

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Employer Next Steps

- Employers should post the **Sexual Harassment Poster** notice in a conspicuous location within the workplace.
- Employers should review their current harassment policy to ensure compliance with the amendments. If a harassment policy is not in place, one should be created as soon as possible. If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please **email us**.
- Employers should organize sexual harassment prevention trainings for their workforce based on Chicago's guidelines. If you would like HRK's assistance in implementing these trainings, please **email us**.

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