

LEGAL UPDATES

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## Services

HR Consultation &  
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ANNE M. MAYETTE

CHICAGO:

312.341.9844

ANNE.MAYETTE@

HUSCHBLACKWELL.COM

# Chicago Updates Sexual Harassment Prevention Law

Effective July 1, 2022, all Chicago employers will need to implement the new sexual harassment policy and training policies as adopted in the recent amendments to the Chicago Human Rights Ordinance. Entities that employ at least one employee who works in the City of Chicago are covered employers under the ordinance.

## Updated definition of sexual harassment

The ordinance expands the definition of sexual harassment to include sexual misconduct, which is defined as “any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual’s employment position.”

## Written policy and notice requirements

Starting July 1, 2022, all Chicago employers must have a written sexual harassment policy that includes the following:

A statement that sexual harassment is illegal in Chicago

The ordinance’s definition of sexual harassment

Examples of prohibited conduct that constitute sexual harassment

A requirement that all employees participate in sexual harassment prevention training annually

Information on how to report sexual harassment, including instructions on how to make a confidential report using the company’s internal reporting mechanism and legal services available to employees who may be victims of sexual harassment

A statement that retaliation for reporting sexual harassment is illegal in Chicago

The policy must be available in the employee's primary language within the first calendar week of employment. Employers must also display posters (in English and in Spanish) regarding the prohibitions on sexual harassment in at least one common location.

## **Annual training requirements**

Employers are now required to provide annual harassment training under the ordinance. Non-managerial employees are required to attend one hour of training annually and supervisors and managerial employees are required to attend two hours of training annually. Additionally, employers must provide one hour of bystander training for all employees each year. Although not defined, it is expected that the bystander training will focus on how onlookers can intervene if they witness harassment incidents.

While the ordinance's training requirements are largely consistent with those required under Illinois law, Chicago employers do need to develop additional managerial and bystander trainings. The City has stated they will post module trainings for the additional hour of managerial and supervisor training as well as for the bystander training by July 1, 2022. All employees must receive their first round of required annual training by June 30, 2023.

## **Expanded reporting period**

The amendments have increased the statute of limitations to report all forms of discrimination to the Commission on Human Relations from 300 to 365 days. The Chicago Commission on Human Relations also now has thirty days, increased from ten days, to provide an alleged harasser with a copy of the complaint filed against them.

## **Increased monetary penalties**

The amendments drastically increase penalties for all forms of discrimination. Previously, penalties ranged from \$500 - \$1,000 for each violation. Under the amended ordinance, employers now face penalties ranging from \$5,000 and \$10,000 per violation. The City can also award injunctive relief to eliminate discriminatory practices.

## **What this means for you**

Employers should take special notice of these new requirements that go into effect on July 1, 2022 to ensure their workplace policies and procedures are in compliance. In summary, under the new ordinance:

Employers must have a written sexual harassment policy that includes the ordinance's updated requirements and which is made available to employees in their primary language and displayed in at least one common location.

Employers are required to provide annual harassment training. Non-managerial employees are required to attend one hour of training annually and supervisors and managerial employees are required to attend two hours of training annually.

Employers must provide one hour of bystander training for all employees each year.

Noncompliance may result in penalties ranging from \$5,000 and \$10,000 per violation.

### **Contact us**

For questions related to these new sexual harassment policy and training policies, contact Anne Mayette, Jillian Molz or your Husch Blackwell attorney.

*The Labor and Employment team wishes to gratefully acknowledge summer associate Sydney Shelstad's significant contribution to this legal alert.*