



City of Chicago



O2017-3260

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

4/19/2017

Sponsor(s):

Harris (8)
Mitts (37)
Foulkes (16)
Pawar (47)
Laurino (39)
Sadlowski Garza (10)
Austin (34)
Burnett (27)
Dowell (3)
King (4)
Hairston (5)
Quinn (13)

Type:

Ordinance

Title:

Amendment of Municipal Code Section 4-6-180 by requiring hotel employees assigned to work in guestrooms or restrooms to be equipped with portable emergency contact devices

Committee(s) Assignment:

Committee on Workforce Development and Audit

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VI, §6(a) of the Illinois Constitution, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Promoting the health, safety and welfare of people who work within the corporate limits of the City is a matter pertaining to the government and affairs of the City of Chicago; and

WHEREAS, Chicago's hotels and motels employ thousands of hard-working women and men, all of whom deserve protection against sexual assault and sexual harassment while on the job; and

WHEREAS, A recent survey conducted by UNITE HERE Local I of 487 women employed in 13 Chicagoland hotels and casinos found that women working in the leisure and hospitality industry, many of whom are immigrants or women of color, experience rampant sexual harassment and incidences of sexual assault by male guests. Hotel housekeepers are in a particularly vulnerable position, as they often work alone in guest rooms; and

WHEREAS, 49% of the housekeepers surveyed reported guests who answered the door naked, exposed themselves or flashed them; and

WHEREAS, 58% of the female housekeepers surveyed reported being sexually harassed by guests, including being touched, cornered, or shown sexual material that they did not want to see. Some of these instances include a guest who masturbated in the housekeeper's presence, a guest who blocked the door to the room with his naked body, and a guest who approached the housekeeper from behind and grabbed her breasts; and

WHEREAS, Only one-third of the women surveyed reported that they told their supervisor or manager when a guest sexually harassed them. Some of the survey respondents indicated that when co-workers reported sexual harassment to their superiors, nothing changed, which discouraged them from reporting similar harassment; and

WHEREAS, These findings have been replicated in other surveys. In its September 2016 report titled, "Survey of Downtown Seattle Hotel Housekeepers Reveals Frequent Sexual Harassment and Pain", the *Puget Sound Sage* found that 53% of surveyed Seattle housekeepers reported incidences of sexual harassment and assault, including being flashed or exposed to nudity, touched, groped and blocked from leaving the room, and that 51% of these incidents went unreported to supervisors. 95% of surveyed Seattle housekeepers reported that they would feel safer entering occupied guest rooms if they were equipped with a panic button; and

WHEREAS, Hotel staff in larger New York City hotels have been equipped with personal panic buttons since 2012; and

WHEREAS, Hotel employers in Chicago should safeguard their employees by providing housekeepers who enter hotel rooms alone with panic buttons to summon help in the event of unwanted sexual activity, and by adopting policies and practices that encourage workers to report incidents of sexual assault and harassment so that appropriate steps can be taken to protect employees from additional harm and to hold the perpetrators of these offensive acts accountable for their illegal and unacceptable behavior; and

WHEREAS, The City of Chicago is committed to creating and fostering non-hostile work environments free from the fear of sexual assault and sexual harassment; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-180 Hotel.

(a) *Definitions.* As used in this section:

“Anti-sexual harassment policy” means the written policy required under subsection (f)(2) of this section.

“Employee” means any natural person who works at a hotel.

“Guest” means any invitee to a hotel, including registered guests, persons occupying guest rooms with registered guests, visitors invited to guest rooms by a registered guest or other occupant of a guest room, persons patronizing food or beverage facilities provided by the hotel, or any other person whose presence at the hotel is permitted by the licensee, but specifically excludes employees.

“Guest room” means any room made available by a hotel for occupancy by guests.

(Omitted text is unaffected by this ordinance)

“Panic button” means a portable emergency contact device that an employee can quickly and easily activate to effectively summon to the employee’s location prompt assistance by a hotel security officer, manager or other appropriate hotel staff member designated by the licensee.

“Restroom” means any room equipped with toilets.

“Sexual harassment” means any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature.

(Omitted text is unaffected by this ordinance)

(f) Legal duties. Each license engaged in the business of hotel shall a duty to:

(1) equip employees who are assigned to work in a guest room or rest room, under circumstances where no other employee is present in such room, with a panic button. The employee may use the panic button to summon help if the employee reasonably believes that an ongoing crime, sexual harassment, sexual assault or other emergency is occurring in the employee’s presence. Panic buttons shall be provided by the licensee at no cost to the employee;

(2) develop, maintain and comply with a written anti-sexual harassment policy to protect employees against sexual assault and sexual harassment by guests. Such policy shall:
(a) encourage employees (“complaining employee”) to immediately report to the licensee instances of alleged sexual assault and sexual harassment by guests (“offending guest”);
(b) describe the procedures that the complaining employee and licensee shall follow in such cases;
(c) afford the complaining employee the right to cease work and leave the immediate area where danger is perceived until such time that hotel security personnel or members of the Police Department arrive to provide assistance;
(d) afford the complaining employee the right, during the duration of the offending guest’s stay at the hotel, to be assigned to work on a different floor or at a different station or work area away from the offending guest;
(e) provide the complaining employee with sufficient paid time to: (i) sign a complaint with the Police Department against the offending guest, and (ii) testify as a witness at any legal proceeding that may ensue as a result of such complaint, if the complaining employee is still in the licensee’s employ at the time such legal proceeding occurs;
(f) inform the employee that the Illinois Human Rights Act and Chicago Human Rights Ordinance provide additional protections against sexual harassment in the workplace; and (g) inform the employee that subsection (g)(1) of this section makes it illegal for an employer to retaliate against any employee who reasonably uses a panic button or exercises any right under this subsection (f)(2) or discloses, reports or testifies about any violation of this section or rules promulgated thereunder. Nothing in this subsection (f)(2) shall be construed to relieve the licensee from compliance with Section 4-4-306; and

(3) provide all employees with a current copy of the hotel’s anti-sexual harassment policy, and post the policy in conspicuous places in areas of the hotel, such as supply rooms or employee lunch rooms, where employees can reasonably be expected to see it.

(g) Prohibited acts. It shall be unlawful for any licensee engaged in the business of hotel to:

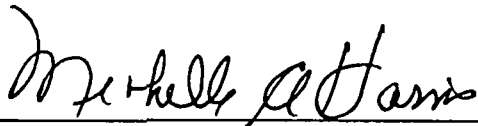
(1) discriminate against or take any adverse action against any employee in retaliation for such employee: (i) reasonably using a panic button, or (ii) exercising any right under subsection (f)(2) of this section, or (iii) disclosing, reporting, or testifying about any violation of this section or rules promulgated thereunder. For purposes of this subsection (g)(1), prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to any activity set forth in items (i) through (iii), inclusive, of this subsection (g)(1).

(fh) *Penalty – License revocation – One year wait for new license – Exceptions.*

(1) In addition to any other penalty provided by law, any person who violates ~~any requirement of~~ this section or any rule ~~or regulation~~ promulgated thereunder shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

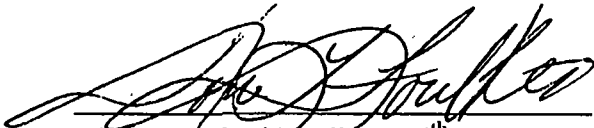
SECTION 2. This ordinance shall take full force and effect 90 days after its passage and publication.



Alderman Michelle Harris, 8th Ward



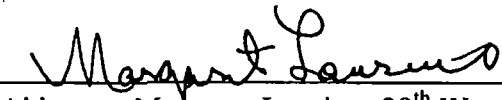
Alderman Emma Mitts, 37th Ward



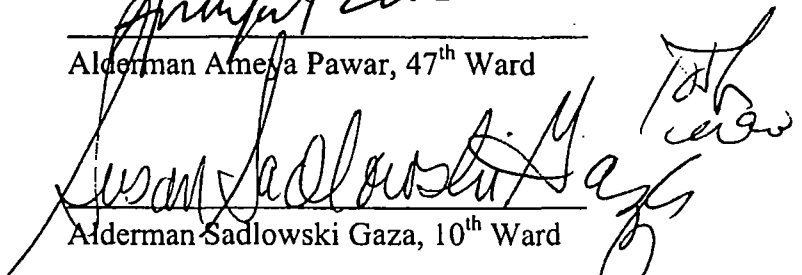
Alderman Toni Foulkes, 16th Ward



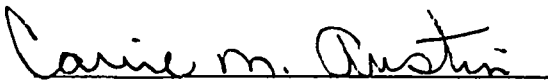
Alderman Ameya Pawar, 47th Ward



Alderman Margaret Laurino, 39th Ward



Alderman Sadloski Gaza, 10th Ward



Alderman Carrie M. Austin, 34th Ward



Alderman Walter Burnett, Jr., 27th Ward

Pat Dowell 3rd
Alderman Pat Dowell, 3rd Ward

Leslie A. Hairston
Alderman Leslie A. Hairston, 5th Ward

Sophia D. King
Alderman Sophia D. King, 4th Ward

Marty Quinn
Alderman Marty Quinn, 13th Ward
