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Legislation Text

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Committee on Workforce Development and Audit

ORDINANCE

SECTION 1. Chapter 2-160 of the Municipal Code of Chicago is hereby amended by adding the following section:

2-160-045 Sexual Harassment Sign Posting and Training Requirements.

A. Definitions.

"Commission" means the Chicago Commission on Human Rights. "Employee" as defined in 2-160-020 (d).

"Employer" means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that provides employment for fifty (50) or more employees in the current or preceding calendar year, and any agent of such an entity or person.

"Sexual Harassment" as defined in 2-160-020 (m).

"Supervisory Employee" means any individual who has the authority, by using her or his independent judgment, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, adjust their grievances or to recommend effectively such actions.

B. Sign Posting Requirement.

1. All Employers must post notices to employees concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.
2. Such information shall include, but is not limited to:
 - i. the statutory definition of sexual harassment and examples of different types of sexual harassment;
 - ii. notice that sexual harassment is prohibited by the Illinois Human Rights Act, 775 ILCS 5/2 et seq.;
 - iii. notice that sexual harassment is prohibited by Title VII of the 1964 Civil Rights Act, as amended, 42 United States Code section 2000 et seq.;
 - iv. the remedies available, including but not limited to:
 - a. cease and desist orders,

- b. back pay,
 - c. compensatory damages,
 - d. hiring, promotion or reinstatement;
- v. language to the effect that persons who commit sexual harassment may be subject to civil or criminal penalties;
- vi. the address and telephone number of the Illinois Department of Human Rights;
- vii. a statement that Illinois law requires that a formal written complaint be filed with the Commission within one hundred and eighty (180) days of the date when the alleged sexual harassment occurred; and
- viii. any and all notices so posted with have the heading, "SEXUAL HARASSMENT IS ILLEGAL," in large bold-faced type.

C. Where to Post.

1. All employers must post, and keep posted, notices in prominent and accessible locations on its premises where notices to employees are customarily posted. Notices must be posted at each employer facility in such a manner that all employees and applicants at that facility will have the opportunity to see the notices on a daily basis.

D. When to Post.

1. All employers shall post notices as soon as practicable after the effective date of this ordinance, but no later than thirty (30) days after the effective date of this ordinance.
2. All employers shall promptly replace notices that are removed, destroyed or defaced.

E. Training Requirements.

1. All employers must provide a training and education to all supervisory employees and employees within ninety (90) days of the effective date of these regulations. Such training and education shall be conducted in a classroom-like setting, using clear and understandable language and in a format that allows participants to ask questions and receive answers. Audio, video and other teaching aides may be utilized to increase comprehension or to otherwise enhance the training process, i. The content of the training shall include the following:
 - a. describing the federal and state statutory provisions prohibiting sexual harassment in the work place with which the employer is required to comply, including, but not limited to, the Illinois discriminatory employment practices statute (775 ILCS 5/2-101 et seq.,) and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e, and following sections);
 - b. defining sexual harassment as explicitly set forth in the State of Illinois Compiled Statutes (775 ILCS 5/2-101(E)) and the Municipal Code of Chicago (§2-160-020 (m));
 - c. discussing the types of conduct that may constitute sexual harassment under the law, including that the harasser or the victim of harassment may be either a man or a woman and that harassment can occur involving persons of the same or opposite sex;
 - d. describing the remedies available in sexual harassment cases, including, but not

limited to, cease and desist orders, hiring, promotion or reinstatement, compensatory damages and back pay;

- e. advising employees that individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties; and
 - f. discussing strategies to prevent sexual harassment in the work place.
- 2. All employers must provide additional training for to supervisory employees to include the employer's policy against sexual harassment, including a description of the procedures available for reporting instances of sexual harassment and the types of disciplinary actions which can and will be taken against persons who have been found to have engaged in sexual harassment.
- 3. All employers must provide a training and education every two (2) years. New employees must participate in a training and education within ninety (90) days from their start date.

F. Recordkeeping.

- 1. All employers required to conduct training pursuant to this section must maintain records of all training provided.
- 2. Such records must include:
 - i. sufficient document to show the content of the training given, such as the curriculum;
 - ii. the names, addresses and qualifications of the personnel conducting the training;
 - iii. the names and titles of the personnel trained and the date or dates that each individual was trained.
- 3. All employers required to conduct training pursuant to this section must maintain any such records for a minimum of five (5) years, or if a discriminatory practice complaint is filed involving personnel trained, until such time as such complaint is resolved.

SECTION 2. This ordinance shall be in full force and effect within ninety (90) days upon passage and publication.