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AUDIT OF RELATE Djfp HARASSMte

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APRIL 14, 2021

TO THE MAYOR, CITY COUNCIL, CITY CLERK, CITY TREASURER, AND COMMUNITY MEMBERS OF THE CITY OF CHICAGO:

The City of Chicago Office of Inspector General (OIG) has completed an audit assessing the Chicago Fire Department's (CFD) policies and practices related to discrimination and sexual harassment. The Department—which is 90% male and 66% White—has been a defendant in multiple discrimination and sexual harassment lawsuits. This history raises concerns about whether its internal culture, which typically lags behind changes to laws and policies, negatively affects the experience of members who are not among its prevailing demographics. The Department is not alone in facing these issues; nationwide, fire department demographics are relatively homogenous, and departments share historical cultural challenges related to discrimination and sexual harassment.

We examined CFD's discrimination and sexual harassment policies and complaint procedures, and aspects of their implementation. We also conducted a survey of the Department, to which 285 employees, or 6% of CFD's roughly 5,000-person workforce, responded. While their responses may not represent the views of all CFD employees, high rates of respondents reported experiencing on-the-job discrimination and/or sexual harassment. Survey respondents also provided ideas for how CFD could better address these issues.

Based on the audit results, OIG concluded that while CFD's policies comply with federal, state, and local laws, the policies themselves, as well as the complaint process and training used to enforce and promote them, are insufficient to meet the environmental challenges posed by a command and control emergency service operation like CFD. Furthermore, the Department's culture and workplace environment may make some members vulnerable to discrimination and/or sexual harassment.

OIG also learned that CFD's process for scheduling interviews for members who made formal complaints about discrimination or harassment placed them at risk of retaliation and potentially discouraged them from reporting misconduct. We notified the Department and suggested revising its approach. In response, CFD implemented changes to its complaint and investigation policy.

CFD's historical struggles with allegations of on-the-job discrimination and sexual harassment demonstrate that more robust policies and enforcement are needed to protect its members. Firefighters and paramedics live together while on duty, spend 24-hour shifts with each other,

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and work in a high-risk, high-stress environment where their lives and the lives of others depend on members' cooperation and mutual trust. These conditions require a thoughtful and tailored approach that goes beyond adoption of the blanket policy that covers all City employees, most of whom perform their jobs in more typical workplace environments.

We recommend that CFD provide the Internal Affairs Division staff with written guidance and training on processes for receiving complaints of discrimination or sexual harassment in a trauma-informed manner and referring them to the Department of Human Resources - Diversity and Equal Employment Opportunity Division (EEO Division) for investigation. CFD should implement training for its members, supplemental to the training

provided by the EEO Division, that is tailored specifically to CFD's unique workplace environment and delivered by instructors with fire service experience. OIG also recommends that CFD appoint a diversity, equity, and inclusion officer to consult on issues of diversity, discrimination, and sexual harassment. Finally, OIG recommends that CFD develop a strategy to include more safeguards to protect reporting members and victims from potential retaliation.

In response, CFD stated that it will create written guidelines for referring discrimination and sexual harassment complaints to the EEO Division and will train its investigators on trauma-informed interviewing techniques. CFD will provide its members with supplemental training on discrimination and sexual harassment that is tailored to the Department's workplace. CFD will also work with the Office of Budget and Management and the Department of Human Resources to add a diversity, equity, and inclusion officer position in the 2022 budget, and will continue to seek ways to increase diversity in its hiring process. Finally, CFD expressed its dedication to fostering a culture that does not tolerate retaliation, but stated it will not commit to a strategic approach to address issues highlighted in this audit until after the appointment of a new commissioner.

We thank CFD staff and management, as well as the Department of Human Resources EEO Division, for their cooperation during this audit.

Joseph M. Ferguson Inspector General City of Chicago
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Respectfully,

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ACRONYMS

CBA	Collective Bargaining Agreement
CFD	Chicago Fire Department
ChIPPS	Chicago Integrated Personnel and Payroll Systems
EEOC	U.S. Equal Employment Opportunity Commission
EEO Division	Department of Human Resources - Diversity and Equal Employment Opportunity Division
EEO Policy	City of Chicago Diversity and Equal Employment Opportunity Policy
IAD	CFD Internal Affairs Division
OIG	Office of Inspector General

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CFD DISCRIMINATION AND SEXUAL HARASSMENT AUDIT

CITY OF CHICAGO ;
OFFICE OF THE INSPECTOR GENERAL

AUDIT OF POLICIES RELATED TO DISCRIMINATION AND SEXUAL HARASSMENT WITHIN THE CHICAGO FIRE DEPARTMENT

Firefighters and paramedics live together while on duty, spend 24-hour shifts with each other, and work in a high-risk, high-stress environment where their lives and the lives of others depend on their cooperation and mutual trust.

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policies, practices, and training are insufficient to meet the unique
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challenges of "CFD's workplace ,\environment and culture.

CFD's workplace environment and culture may make some members vulnerable to discrimination and sexual harassment.

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CFD DISCRIMINATION AND SEXUAL HARASSMENT AUDIT

I. EXECUTIVE SUMMARY

The Office of Inspector General (OIG) conducted an audit assessing the Chicago Fire Department's (CFD) policies and practices related to discrimination and sexual harassment. The objectives of the audit were to determine if CFD's discrimination and sexual harassment prevention, reporting, and training policies and

practices comply with relevant laws and regulations. The audit also sought to assess employees' views on the Department's workplace environment and culture related to discrimination and sexual harassment.

A. CONCLUSION

OIG concluded that, while CFD's policies comply with baseline federal, state, and local laws, the policies themselves, as well as the complaint process and training used to enforce and promote them, are insufficient to meet the environmental challenges posed by a command and control emergency service operation like CFD. Furthermore, the Department's culture and workplace environment may make some members vulnerable to discrimination and/or sexual harassment. The Department is not alone in facing these issues; nationwide, fire department demographics are relatively homogenous and share historical cultural challenges related to discrimination and sexual harassment.

Prior to this audit, CFD's process for scheduling interviews for members who made formal complaints about discrimination or harassment placed them at risk of retaliation and potentially discouraged them from reporting misconduct. OIG sent a notification letter prior to the publication of this audit and the Department implemented policy changes in response.

B. FINDING

Historically, CFD has been the subject of allegations and findings of discrimination and harassment against non-White and non-male members. The results of an OIG survey of CFD members indicate that concerns about discrimination and sexual harassment persist within the Department. The survey also revealed negative sentiments some CFD members hold regarding non-White, non-male members, and toward inclusive hiring practices. These attitudes may contribute to an environment that some members believe places them at significant risk of racial and gender-based discrimination and sexual harassment. Two hundred eighty-five CFD employees, or 6% of the Department's roughly 5,000-person workforce, responded to the survey. While their responses may not represent the views of all CFD employees, they do provide valuable insights into the Department's culture.

OIG also found that the mandatory training the Department of Human Resources - Diversity and Equal Employment Opportunity Division (EEO Division) provides to CFD is high-quality, but that it is not adequately tailored to serve the needs of the Department's command and control structure, unique aspects of its workplace, and the tension arising from its history of overt racial and gender discrimination. Members think that providing specific training is a step CFD management could take to discourage discrimination and sexual harassment. An expert in

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workplace anti-sexual harassment trainings suggested to OIG that CFD would benefit from providing trainings directly relevant to the Department's work environment and utilizing instructors with fire service experience.

Prior to this audit, CFD's complaint reporting and investigation initiation procedures lacked privacy and left members vulnerable to retaliation. According to the results of OIG's survey, fear of retaliation and concern that speaking up would hurt one's career were two of the most common reasons members chose not to file discrimination or harassment complaints. In response to a notification letter from OIG outlining issues with the complaint process, CFD implemented changes to its policy that will help protect complainants' privacy.

In our review of the investigation process, OIG examined closed, completed EEO Division investigations into allegations of discrimination and sexual harassment. OIG found that these investigations were high-quality, unbiased, and detailed. Some investigations took over two years to complete, but this was largely due to the Division's historical lack of resources and large Citywide caseload.

The EEO Division receives complaints directly from CFD members and supervisors, or via referrals from CFD's Internal Affairs Division (IAD). Because IAD serves as the first point of contact for some members reporting discrimination or sexual harassment, it is important for IAD to act with sensitivity and ensure that members feel safe going through the process. OIG found that CFD does not have written guidance for IAD staff on how to receive, process, and refer such complaints to the EEO Division, nor does it provide relevant staff with formal training on how to respond to complaints in a trauma-informed manner.¹

C. RECOMMENDATIONS

OIG recommends that CFD provide written guidance and training to its IAD staff on processes for receiving complaints of discrimination or sexual harassment in a trauma-informed manner and referring them to the EEO Division for investigation. CFD should implement training for its members, supplemental to the training provided by the EEO Division, that is tailored specifically to CFD's unique workplace environment and delivered by instructors with fire service experience. OIG also recommends that CFD appoint a diversity, equity, and inclusion officer to work on issues of diversity, discrimination, and sexual harassment. Finally, OIG recommends that CFD develop a strategy to include more safeguards to protect reporting members and victims from potential retaliation.

¹ Trauma-informed interviewing is a technique that seeks to build rapport and trust between the interviewer and complainant when talking about difficult or traumatic incidents. Creating a safe environment and utilizing strategically phrased questions enables the interviewer to solicit higher quality information about such incidents and avoid retraumatizing the complainants.

D. CFD RESPONSE

In response to our audit finding and recommendations, CFD stated that it will create written guidelines for

referring discrimination and sexual harassment complaints to the EEO Division and will train its IAD investigators on trauma-informed interviewing techniques. CFD will provide its members with supplemental training on discrimination and sexual harassment that is tailored to the Department's workplace. CFD will also work with the Office of Budget and Management and the Department of Human Resources to add a diversity, equity, and inclusion officer position in the 2022 budget, and will continue to seek ways to increase diversity in its hiring process. Finally, CFD expressed its dedication to fostering a culture that does not tolerate retaliation, but stated that it will not develop a strategic approach to address issues highlighted in this audit until after the appointment of a new commissioner.

The specific recommendations related to the finding, and CFD's response, are described in the "Finding and Recommendations" section of this report.

II. BACKGROUND

A. THE WIDESPREAD ISSUES OF DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE

Discrimination is defined as "unfair treatment ■■; ■■ because of your race, color, religion, sex national origin, age, disability or genetic information."

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Workplace discrimination and sexual harassment occur across professions and industries. In this context, discrimination is a broad term defined by the U.S. Equal Employment Opportunity Commission (EEOC) as "unfair treatment because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information."² Workplace sexual harassment comprises "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature [...] when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an ⁷ intimidating, hostile, or offensive work environment."³ In recent years, the #MeToo movement has brought increased attention to the issue of workplace sexual harassment, prompting intense discourse on organizations' responsibilities to protect their employees.

Research has shown that workplace discrimination may adversely affect an employee's career opportunities and personal health. For example, a 2015 study in the American Journal of Preventive Medicine found that employees who experience discrimination are more likely to put their health at risk by resorting to alcohol and tobacco as coping mechanisms. Victims of workplace discrimination often suffer from high levels of stress and mental health issues.⁴ A 2017 Pew Research Center survey found that women working in male-dominated workplaces report higher rates of gender discrimination and related negative effects on their careers.⁵ Regarding racial discrimination, even without conscious discrimination against employees by supervisors or coworkers, workplaces reflect broader societal trends, including implicit biases. Organizational culture plays a part in creating and sustaining norms and practices that can harm certain demographic groups.⁶

² "Employees & Job Applicants," U.S. Equal Employment Opportunity Commission, accessed January 22, 2021, <<https://www.eeoc.gov/employees-iob-applicants>>.

³ "Facts About Sexual Harassment," U.S. Equal Employment Opportunity Commission, accessed January 22, 2021, <<https://www.eeoc.gov/publications/facts-about-sexual-harassment>>.

⁴ Laura J. Chavez, India J. Ornelas, Courtney R. Lyles, and Emily C. Williams, "Racial/Ethnic Discrimination: Association with Tobacco and Alcohol Use," American Journal of Preventive Medicine 48, no. 1 (January 2015): 42-43, <<https://doi.org/10.1016/j.amepre.2014.08.013>>.

⁵ Kim Parker, "Women in majority-male workplaces report higher rates of gender discrimination," Pew Research Center, March 7, 2018, accessed January 22, 2021, <<https://www.pewresearch.org/fact-tank/2018/03/07/women-in->majority-male-workplaces-report-higher-rates-of-gender-discrimination/>>.

⁶ Victor Ray, "A Theory of Racialized Organizations," American Sociological Review 84, no. 1 (2019), 33-42,

<<https://doi.org/10.1177/0003122418822335>>.

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Workplace sexual harassment⁷ comprises "unwelcome sexual advances, requests for sexual favors, & other verbal or physical conduct of

a sexual nature [...] when this conduct explicitly or implicitly affects an individual's employment/ unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."

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A 2018 Pew Research Center survey found that 59% of women and 27% of men reported having experienced sexual harassment in some form. Among these respondents, 69% of women and 61% of men reported that the harassment occurred in their workplaces.⁷ Compiled survey research from a 2016 EEOC report paints a similar picture, with 60% of women reporting they had suffered workplace sexual harassment.⁸ The problem is worse in traditionally male-dominated professions, such as manufacturing, construction, policing, and firefighting.⁹

Moreover, the effects of sexual harassment extend beyond the experience itself. Victims often report negative effects to their mental health, such as depression, anger, and self-doubt. These effects can ^ adversely impact an individual's employment outcomes.¹⁰ A 2017 study found that workplace sexual harassment correlated with less income growth and career advancement, often tied to victims changing jobs to avoid harassers or out of frustration with employers' failures to adequately address the misconduct.¹¹

B. THE EMPLOYER'S RESPONSIBILITY TO PREVENT AND REMEDY WORKPLACE DISCRIMINATION AND SEXUAL HARASSMENT

From both a legal and policy perspective, employers play a principal role in addressing the issues of workplace discrimination and sexual harassment. Federal and state laws allow victims of such misconduct to file lawsuits against their employers. To prevent workplace discrimination and sexual harassment, EEOC recommends that employers invest in training and implement clear complaint reporting processes.¹² As illustrated by a 2013 Cornell College of Business study, individuals were more likely to blame employers for sexual harassment when the organization

⁷ Nikki Graf, "Sexual Harassment at Work in the Era of #MeToo," Pew Research Center, April 4, 2018, accessed January 22, 2021, <<https://www.pewsocialtrends.org/R/2018/04/04/sexual-harassment-at-work-in-the-era-of-metoo/>>.

⁸ U.S. Equal Employment Opportunity Commission, "Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic," June 2016, accessed January 22, 2021, <<https://www.eeoc.gov/eoc/publications/select-task-force-study-harassment-workplace>>.

⁹ Chicago Women in Trades, "#MeToo in Traditionally Male-Dominated Occupations: Preventing and Addressing Sexual Harassment," June 2018, accessed January 22, 2021, <<http://womensequitycenter.org/wp-content/uploads/2017/10/CWIT-MeToo-in-Male-Dominated-Jobs-003.pdf>>.

¹⁰ Jason N. Houle, Jeremy Staff, Jeylan T. Mortimer, Christopher Uggen, and Amy Blackstone "The Impact of Sexual Harassment on Depressive Symptoms During Early Occupational Career," *Society and Mental Health* 1, no. 2 (2011), 89-105, <<https://doi.org/10.1177/2156869311416827>>, cited in Heather McLaughlin, Christopher Uggen, and Amy Blackstone, "The Economic and Career Effects of Sexual Harassment on Working Women," *Gender & Society* 31, no.

3, (June 2017) 334, <<https://doi.org/10.1177%2F0891243217704631>>.

¹¹ McLaughlin et al., 342 and 351.

¹² "Facts About Sexual Harassment," U.S. Equal Employment Opportunity Commission.

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lacked specific policies to address the problem and supervisors did not receive specific training on the policies. This assignment of blame led to a higher likelihood of legal action against the employer.¹³ Similarly, a 2017 Chicago Tribune article described a growing awareness on the part of employers regarding the importance of creating specialized sexual harassment training programs and complaint and support systems for employees. Human resources experts and company leaders emphasized that such safeguards not only protect employees, but also help preserve the integrity and reputation of their employers.¹⁴

C. THE CHICAGO FIRE DEPARTMENT

CFD comprises just over 5,000 employees, including firefighters, paramedics, technicians, and administrative staff. The Department—which, as shown in Figure 1, is 90% male and 66% White—has been a defendant in multiple discrimination and sexual harassment lawsuits. This history of lawsuits raises concerns about whether CFD's internal culture negatively affects the experiences of non-white and non-male members. CFD is not alone in facing these issues; nationwide, fire department demographics are relatively homogenous and share historical cultural challenges related to discrimination and sexual harassment. Notably, the collective bargaining agreement covering most CFD employees has included, since its inception in 1980, a section (commonly referred to as "Appendix G") establishing the "goal to achieve in the shortest possible time a total force in which approximately thirty percent shall be Black and fifteen percent Hispanic."¹⁵

¹³ JeAnna L. Abbott, Teri J. Elkins, James S. Phillips, and Juan M. Madera, "Attributing Corporate Responsibility for Sexual Harassment: The Supervisory Connection," *Cornell Hospitality Quarterly* 55, no. 4, (2013): 376, <<https://doi.org/10.1177%2F1938965513511145>>.

¹⁴ Samantha Bomkamp, "#MeToo in 2018: Will the movement create real change in the workplace?" *Chicago Tribune*, December 27, 2017, accessed January 22, 2021 <<https://www.chicagotribune.com/business/ct-biz-metoo-sexual-harassment-future-20171214-story.html>>.

¹⁵ City of Chicago, "Labor Contract Between Chicago Firefighters Union, Local No. 2, and the City of Chicago, Illinois July 1, 2017-June 30, 2021" Appendix G at 112, accessed January 22, 2021, <<https://chicago.legistar.com/View.ashx?M=F&ID=8758696&GUID=3C8124DD-D90D-452C-AACI-9CIB7368463F>>. Every contract between the City and Local 2, since the first signed on March 8, 1980, included the same Appendix G language. According to U.S. Census data, in 1980, the population of Chicago was 39.8% Black and 14.0% Hispanic/Latinx; in 2019 it was 29.6% Black and 28.8% Hispanic/Latinx.

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Source: Chicago Integrated Personnel and Payroll Systems (ChIPPS) data on self-identified gender and race at time of hire for active CFD employees as of June 8, 2020.

Regarding discrimination, CFD has faced multiple federal class action lawsuits. In *Lewis v. City of Chicago*, 98-CV-5597 (N.D. Ill. 1998), a case that went to the Supreme Court of the United States, the City was found liable for racial discrimination arising from the Department's administration of its 1995 promotional exam. *Vasich v. City of Chicago*, 11-CV-4843 (N.D. Ill. 2011) and *Godfrey v. City of Chicago*, 12-CV-8601 (N.D. Ill. 2012) resulted in class action settlements arising from claims that CFD's physical capabilities hiring test discriminated on the basis of gender. In addition to payment for lost wages, the court ordered the City to hire class members and award them retroactive seniority, and to stop using the discriminatory tests and exams.

There have also been a number of recent court actions filed alleging gender-based discrimination and sexual harassment within CFD.¹⁶ In *Doe v. City of Chicago*, 18-CV-3054 (N.D. Ill. 2018), five female paramedics allege that their superiors engaged in improper conduct. In *Spriesch v. City of Chicago*, 17-CV-1952 (N.D. Ill. 2017), the plaintiff alleges she was forced to take leave because of her pregnancy and was not provided with necessary accommodations to pump breast milk after returning to work. In addition to these lawsuits, the media has reported other cases of sexual misconduct. Notably, the Chicago Sun-Times reported an incident where a paramedic repeatedly masturbated in the firehouse "in full view of coworkers." The article stated this was a known issue for "more than a year," before the Department placed the employee on administrative leave.¹⁷ The employee was ultimately terminated, and the City

¹⁶ See e.g., Fran Spielman, "Chicago Fire Department under Fire for Workplace Violence Against a Women," Chicago Sun-Times, May 9, 2018, accessed January 22, 2021,

<<https://chicago.suntimes.com/2018/5/9/18388012/chicago-fire-department-under-fire-for-workplace-violence-against-a-woman>>.

¹⁷ Fran Spielman, "CFD Paramedic Placed on Leave for Allegedly Masturbating in Firehouse," Chicago Sun-Times, April 6, 2018, accessed January 22, 2021,

<<https://chicago.suntimes.com/2018/4/6/18399924/cfd-paramedic-placed-on-leave-for-allegedly-masturbating-in-firehouse>>.

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appealed and won in the Circuit Court of Cook County to overturn an arbitrator's ruling to reinstate the individual.

DEPARTMENT STRUCTURE AND CULTURE

Broadly, CFD consists of three branches of work: fire suppression and rescue, emergency medical services, and administration. In terms of staffing, fire departments have historically been dominated by White males. There is a strong tradition of multiple male members of the same family serving as firefighters. This history can make it difficult for people who do not come from "firefighting families," much less those of different races, ethnicities, and genders, to feel included. Firefighters and paramedics have 24-hour shifts, during which they live, eat, sleep, and work together in firehouses. Many of CFD's firehouses are very old, and still have single sex dormitory-style sleeping areas, locker rooms, and bathrooms.

Another important characteristic of CFD's environment is the high level of risk involved. Firefighters and paramedics perform lifesaving work every day. To do so, they must undergo extensive training to develop a wide range of skills. Each member must consistently perform at a high level; any mistake could result in injury or loss of their own life, as well as those of their colleagues and the people they are called to help. Under these high-stakes conditions, it is crucial that members work in close collaboration, which requires working relationships based on mutual respect and trust in their coworkers' abilities to perform the duties of the job. In this sense, serving as a firefighter or paramedic is comparable to other professions requiring high levels of skill, accuracy, cooperation, and trust, such as an air traffic controller, police officer, or soldier.

CFD follows a strict chain-of-command structure with defined ranks. The Department sets clear expectations and responsibilities for members-an especially critical aspect of emergency operations-and gives supervisors considerable power and responsibility. Lower ranks must follow orders. The tone at the top from leadership is critical to shaping and maintaining department culture by exemplifying behaviors and attitudes that reflect the highest values of the organization.

CFD'S COMPLAINT REPORTING PROCESS

CFD's reporting process for incidents of discrimination and sexual harassment generally involves two investigative bodies and the complainant's chain of command. Members can make complaints to CFD's Internal Affairs Division (IAD), to a CFD supervisor (who is required to forward the complaint to IAD), or directly to the EEO Division.¹⁸ When IAD receives a complaint, a division supervisor determines if it contains allegations of discrimination or sexual harassment. If so, IAD refers the complaint to the EEO Division, which then decides whether to investigate.

¹⁸ Members may also make complaints to OIG. See MCC § 2-56-030(a) and (m). OIG usually refers such complaints to the EEO Division but in some cases conducts the investigation itself

In EEO Division investigations, the complainant is usually interviewed at the Division's City Hall office, away from CFD facilities and personnel. The investigator then gathers whatever additional evidence is needed to resolve the case; the typical elements of investigations include interviews with those accused of misconduct and witnesses, as well as the collection of any relevant documents. When an investigation is complete, the

EEO Division issues a report to CFD describing its conclusions and suggesting disciplinary measures (if warranted) and notifies the complainant and accused of the outcome. The Division is authorized only to recommend discipline; CFD itself decides what, if any, disciplinary measures to impose in sustained investigations.

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III. FINDING AND RECOMMENDATIONS

CFD's policies related to discrimination and sexual harassment comply with federal, state, and local laws but are insufficient to address the unique challenges of CFD's workplace environment and culture. The Department has been named as a defendant in multiple discrimination and sexual harassment lawsuits. Moreover, in an OIG survey-which received 285 responses representing 6% of the roughly 5,000 active CFD employees-26% of survey respondents reported experiencing on-the-job sexual harassment, 29% reported experiencing gender-based discrimination, and 46% reported experiencing racial discrimination. These rates were highest among non-White, non-male members.¹⁹

CFD'S DISCRIMINATION AND HARASSMENT POLICY

CFD has a general order adopting the City of Chicago Diversity and Equal Employment Opportunity Policy (EEO Policy) as its guiding document on discrimination and sexual harassment.²⁰ The general order affirms that "[discrimination, harassment, and retaliation, as defined in the City EEO Policy, are strictly prohibited by CFD in accordance with that policy."

The City's EEO Policy aligns with applicable state and federal statutes, most notably, Title VII of the Civil Rights Act. The Policy prohibits discrimination, harassment, and retaliation. The Policy also provides guidelines for processing complaints of alleged violations and performing investigations. In addition, the collective bargaining agreement covering most CFD employees has included, since its inception in 1980, a section (commonly referred to as "Appendix G") covering affirmative action, equal employment opportunities, and discrimination in hiring and promotion.²¹ Appendix G sets diversity hiring goals for the Department and mandates the creation of an "Affirmative Action Officer" position. It also mandates the creation of a "Community Advisory Board," comprising eleven community members, to monitor and help

¹⁹ Appendix A to this report provides a detailed breakdown of the discrimination and sexual harassment reported by survey respondents.

²⁰ City of Chicago, Department of Human Resources, "City of Chicago Diversity and Equal Employment Opportunity Policy," February 1, 2019, accessed January 22, 2021, <https://www.chicago.gov/content/dam/city/depts/dhr/supp_mfo/HRpolicies/COC_EEO_Policy_Final_eff_0_01_19.pdf.

²¹ City of Chicago, "Labor Contract Between Chicago Firefighters Union, Local No. 2, and the City of Chicago, Illinois July 1, 2017-June 30, 2021" Appendix G at 112, accessed January 22, 2021, <<https://chicagolegistar.com/View.aspx?M=F&ID=8758696&GUID=3C8124DD-D90D-452C-AACI-9CIB7368463F>. Every contract between the City and Local 2, since the first signed on March 8, 1980, included the same Appendix G language.

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guide CFD's efforts to increase diversity in recruitment, hiring, and promotions.²² CFD stated to OIG that the Affirmative Action Officer position has not been filled since the "early 2000s" and the Community Advisory Board has not been active since 2014.

B. OIG SURVEY OF CFD'S WORKPLACE ENVIRONMENT

To assess CFD members' views on the efficacy of the Department's policies and practices related to discrimination and sexual harassment, OIG distributed a survey to all active CFD employees between February 12 and March 16, 2020. The survey was anonymous and allowed respondents to skip questions, consistent with best practices for surveys of this type. Two hundred eighty-five CFD employees, or 6% of the Department's roughly 5,000-person workforce, responded to the survey. While their responses may not represent the views of all CFD employees, they do provide valuable insights into the Department's culture.

1. Demographics of Survey Respondents

As shown in Figure 2, 16% of survey respondents self-identified as female. This is higher than the percentage of CFD members who self-identified as female at their time of hire (10%).²³ In addition, 12% of survey respondents chose not to identify their gender and 2% self-identified as non-binary or other.

²² "The City of Chicago shall invite each of a reasonable number of community and church organizations representing a broad segment of the Black, Hispanic, Native American and Asian communities to designate a representative to serve on a Fire Department Community Advisory Board which shall have a total of eleven members. The Board shall include at least four (4) representatives named by organizations identified with the Black communities of Chicago and at least two (2) named by organizations identified with the Hispanic communities of Chicago and two (2) named by Local 2 of the International Association of Fire Fighters." City of Chicago, "Labor Contract Between Chicago Firefighters Union, Local No. 2, and the City of Chicago, Illinois July 1, 2017-June 30, 2021" Appendix G at 112, accessed January 22, 2021, <<https://chicago.legistar.com/View.ashx?M=F&ID=8758696&GUID=3C8124DD-D90D-452C-AAC1-9C1B7368463F>>.

²³ The City requests demographic information from employees when they are first hired.

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FIGURE 2: Gender Demographic of CFD Population and Survey Respondents

CFD Total Population

Survey Population

Prefer not

Respondents who did not provide their gender: 0
The City does not offer a "Non-binary" or "Other" gender

Source: ChIPPS data on self-identified gender at time of hire and OIG survey results. "N/A" indicates an option that the City does not provide.

As shown in Figure 3, nearly one-fifth of survey respondents chose not to identify their race, making comparison to the CFD population inconclusive.

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FIGURE 3: Racial Demographic of CFD Population and Survey Respondents

CFD Total Population

Survey Population

Native Hawaiian or
More than
One Race

The City does not offer an "Other" race option.

American Indian or Alaskan Native Respondents: 0
Native Hawaiian or Other Pacific Island Respondents: 0

Source: CHPPS data on self-identified race at time of hire and OIG survey results.

2. Survey Responses Concerning Sexual Harassment and Gender-Based Discrimination at CFD

Twenty-six percent (73/285) of survey respondents reported experiencing sexual harassment at least once at CFD. The most common types of sexual harassment were sexually suggestive remarks, open displays of sexually suggestive material, and aggressive leering or staring.²⁴ As shown in Figure 4, 62% (28/45) of female survey respondents reported experiencing sexual harassment at CFD, as well as 17% (35/201) of male respondents and 26% (9/34) of those who chose not to identify their gender.

²⁴ Appendix A to this report provides a detailed breakdown of discrimination and sexual harassment reported by survey respondents.

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FIGURE 4: Sixty-Two Percent of Female Survey Respondents Reported Experiencing Sexual Harassment at CFD

■ >6%

! ■ ■ ■ ifVH -3wi:fi::i31;ji:

Female Prefer not to Answer Non-Binary or Other f 20% Male ^^^m 17%

Source: OIG survey results.

Twenty-nine percent (82/285) of survey respondents reported experiencing gender-based discrimination at CFD. The most common types of gender-based discrimination were difficult working conditions, mistreatment on the job, and workplace privileges being affected by one's gender. As shown in Figure 5, 64% (29/45) of female survey respondents reported experiencing gender-based discrimination at CFD, as well as 22% (44/201) of male respondents and 24% (8/34) of those who chose not to identify their gender.

FIGURE 5: Sixty-Four Percent of Female Survey Respondents Reported Experiencing Gender-Based Discrimination at CFD



Source: OIG survey results.

3. Survey Responses Concerning Racial Discrimination at CFD

Forty-six percent (132/285) of survey respondents reported experiencing racial discrimination at CFD. The most common types of racial discrimination were difficult working conditions, mistreatment on the job, and workplace privileges being affected by one's race. As shown in Figure 6, 88% (28/32) of all Black survey respondents reported experiencing racial discrimination

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at CFD, as well as 52% (17/33) of Hispanic/Latinx respondents, and 40% (64/160) of White respondents.

FIGURE 6: Eighty-Eight Percent of Black Survey Respondents Reported Experiencing Racial Discrimination at CFD

Source: OIG survey results.

4. Respondents' Descriptions of Their Experiences at CFD

The survey asked respondents who indicated that their working conditions had been affected by discrimination or sexual harassment to provide a detailed response in an open-text field. The following are some responses from members concerning their experiences with discrimination and/or sexual harassment.

"Men relieving themselves with the door open. Sleeping arrangements where women were sent to undesirable areas of the firehouse. Refusal to assist with equipment and moving victims."

"Women are treated like garbage.

Period. I see it every single day at work. And this survey is going to get buried and nothing will be done, but the City can feel good because they 'did something'."

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"It is tough on this job being the minority. Especially when there are some in ranks who have influence on discipline and day to day operations that show their discriminatory actions in a subtle manner."

"Having to endure racist photos and language at predominantly White firehouses."

"Early on in my career I had a Lieutenant that would call me 'Spic' and 'Crybaby Minority.' On other occasions I was called the 'Affirmative Action' employee. [...] Countless times have I heard the N word."

5. Survey Responses Concerning Discrimination and Sexual Harassment Incident Reporting

Most survey respondents reported that they knew how to file complaints.²⁵ Thirty-seven percent (105/285), however, reported experiencing discrimination or sexual harassment but not filing a complaint. Respondents provided various reasons for not reporting these incidents, illustrating environmental, cultural, and procedural barriers to filing complaints. Nearly half said they did not report the incident because they feared retaliation. Figure 7 summarizes the reasons provided.

FIGURE 7: Forty-Eight Percent of Survey Respondents Who Experienced Discrimination or Sexual Harassment Did Not Report It Due to Fear of Retaliation

Reason

; Fear of retaliation :.. V

Fear of negative impact on career Felt you could deal with it yourself.; ■ ' Lack of anonymity

. Worried you would not be believed.. ' Did not know how to report Other reason.

Percentage of Respondents

'48% '46% 43% 41% ' 23% ; 10% 32%

Source: OIG survey results. Respondents could indicate more than one reason for not filing a complaint, so the percentages add up to more than 100%

•⁵ See Appendix A for additional survey responses

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Thirty-four percent (97/285) of all survey respondents-not just those who have experienced sexual harassment and/or discrimination-thought that members who file complaints experience retaliation by other CFD members, including management. Eight percent (23/285) of respondents said they had personally experienced retaliation for filing a complaint.

6. Opinions of Management and Peers

The survey asked respondents to assess CFD management's commitment to preventing workplace discrimination and sexual harassment. As shown in Figure 8, 90% of respondents reported that their superior officers are at least somewhat committed to preventing these forms of misconduct.²⁶

FIGURE 8: Respondents Generally Felt Their Supervisors Were Committed to Preventing Discrimination and Sexual Harassment in the Workplace

44%

Very Committed Somewhat Not at all

committed

committed committed

Source: OIG survey results.

More than half of the survey respondents (149/285) thought their peers at CFD take the issue of discrimination seriously, but 31% (88/285) thought they do not. And 62% (177/285) thought their peers take the issue of sexual harassment seriously, but 21% (60/285) thought they do not. Figure 9 breaks down the survey results on these questions.

²⁵ For this calculation, superior officer ranks include lieutenant, captain, battalion chief, and district chief.

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FIGURE 9: Just Over Half of Respondents Think That Issues of Discrimination and Sexual Harassment Are Taken Seriously by Their Peers and Supervisors

Is discrimination taken seriously by your peers?

Is sexual harassment taken seriously by your peers?

■ Yes ■ No □ Did not Respond

Source: OIG survey results.

7. Respondents' Suggestions for Management

The survey asked respondents what they think CFD management could do to prevent harassment and discrimination within the Department. It captured their responses in open-text fields allowing them to respond at any length they chose. Most responses related to training, stronger enforcement of policies, and improving the attitudes and conduct of management. Below, we briefly summarize and provide excerpts from the responses related to those themes.

a) Training

Many survey respondents called for more training at CFD, some mentioning that annual training would be a good idea. One respondent said the Department should consider hiring instructors with fire service experience who can provide specifically tailored training.

"Continuous training by an outside 3rd party at every promotion and yearly like the Department of Navy. Trainers that are not lawyers. We need Fire Service professionals training our members about discrimination and harassment."

b) Stronger Enforcement of Policies and Investigative Outcomes

Survey responses related to the enforcement of CFD's anti-discrimination and sexual harassment policies included calls for faster action on complaints and investigations, more severe punishment, and for management to take incidents seriously. Several respondents blamed management for covering up incidents or for "looking the other way."

"Take the incidents seriously and lead by example. Make it clear to mid-level managers that looking the other way will not be tolerated."

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(c) Tone at the Top

The phrase "tone at the top" describes how actions taken and examples set by management affect an organization's culture and operations. Several survey respondents addressed this idea by calling for management to take incidents more seriously, be more involved with rank-and-file members, and lead by example.

"Being more involved with the members instead of writing memos and emailing them."

"Take seriously. Create more significant punishments for discrimination and harassment that comes in the form of repeated behavior and humor. Superiors need to set the tone for the department."

One respondent specifically addressed CFD culture and the lack of diversity in its membership:

"Complete culture change. More women are needed on the job, better integration of firehouses, more tolerance of gay and transgender employees."

8. Affirmative Action and Ability to Perform

An underlying theme of anti-affirmative action sentiment ran through some of the survey responses. Thirty-nine respondents-31 of whom self-identified as male and 25 of whom self-identified as White-expressed negative opinions of affirmative action hiring at CFD. Many of the comments specifically mentioned "Appendix G," which is the portion of Fire Local 2's collective bargaining agreement (CBA) that lays out guidelines for the Department's efforts to achieve a racially diverse workforce.²⁷ Below, we quote some of the responses to questions regarding how CFD can prevent discrimination or sexual harassment that include anti-affirmative action sentiment. These attitudes towards non-White and non-male members may contribute to an environment that allows, or even condones, discrimination and sexual harassment.

"CFD promotional program is completely racist. Skin color has no place in a promotional process."

"Stop promoting people out of order due to racial makeup. It is racist. Stop affirmative action hiring and promoting. It is also racist."

"Stop making everything about race. Race does not matter on this job. We're all there to help people and save lives. Once we're on the job, we all have the exact same opportunities, pay scale, educational opportunities. Remove race from every aspect of this job. It only divides the membership."

²¹ City of Chicago, "Labor Contract Between Chicago Firefighters Union, Local No. 2, and the City of Chicago, Illinois July 1, 2017-June 30, 2021" Appendix G at 112, accessed January 22, 2021, <https://chicago.legistar.com/View.ashx?M=F&ID=8758696&GUID=3C8124DD-D90D-452C-AACI-9CIB7368463F>

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Eighteen respondents-13 of whom self-identified as male and 12 of whom self-identified as White-conveyed the opinion that women and those who are hired due to affirmative action policies cannot perform the job functions required to serve as a firefighter or paramedic. Some of these comments include:

"Please raise your hiring and promotion standards. Who you hire are the people responding to my and possibly your family's home in an emergency situation. Do you want the person who was hired and or promoted based on race/gender to give emergency care to your family or the best qualified person who knows what they're doing?! I fear if I ever need to call 911 for my family."

"Women are given easier tasks to accomplish due to their lack of strength. I have had to work harder and longer to make up for female co-workers' inability to physically do the job."

C. THE EEO DIVISION'S COMPLAINT AND INVESTIGATION PROCESS

1. Previous Process and CFD's Policy Improvements

Although CFD's Internal Affairs Division (IAD) generally handles complaints and investigations within the Department, complaints alleging violations of the City's EEO Policy, such as discrimination or sexual harassment, are forwarded to the Department of Human Resources' EEO Division. Previously, when a member had an interview at the Division's City Hall office, their entire fire company was removed from service and sent to the Quinn Training Academy to await the member's return. CFD shaped this process around the "minimum manning" requirement in the CBA that covers most CFD members. This requirement states that a minimum number of firefighters or emergency medical technicians must operate a fire truck, fire engine, or ambulance at any given time. If even one person in a fire company needed to attend an interview, there would not be enough members to operate the company's vehicle in a manner compliant with the minimum manning requirement.

This process created unnecessary burdens on the members of the fire company who were not making the discrimination or sexual harassment complaint, generated animosity towards those who were, and made it impossible to keep the complaint process private, because everyone knew when a member went to the EEO Division for an interview. These factors may have discouraged reporting misconduct by making members who experienced discrimination or sexual harassment feel it was risky, or even unsafe, to come forward.

Furthermore, because EEO Division interviews can take up to four hours, the process put entire fire companies out of service for long periods of time, potentially placing stress on the rest of the City's emergency response network.

In January 2020, OIG sent a notification letter to CFD regarding the effect of the minimum manning requirements on the

EEO Division interview process. In response, CFD stated that it worked with the Division to implement a new policy of scheduling the interviews at the beginning of members' shifts; this will allow CFD to assign a replacement member to the affected shift right away (using a process called a "variance"), thereby eliminating the need to

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take the interviewee's fire company out of commission.²⁸ As illustrated in Figure 10, the new policy, which CFD formalized as General Order 20-04, also allows members to complete interviews on their days off, an alternative that requires CFD to pay overtime, but protects privacy.

FIGURE 10: CFD's New Complaint Interview Process Allows Complainants to Have More Privacy

After receiving a complaint, the EEO Division scheduled the complainant for an interview

xi. The complainant's firetruck or ambulance was taken out of commission for the complainant to attend their interview

The complainant and their fire company drove to the Quinn Training Academy to wait while the complainant completed the interview

CFD picked up the complainant at the Quinn Training Academy and drove them to City Hall for the interview with the EEO Division

The EEO Division interviewed the complainant and decided whether it would investigate the complaint
After receiving a complaint, the EEO Division schedules the complainant for an interview

The complainant can either report alone to a designated location prior to the start of their shift and have CFD drive them to City Hall, OR report to City Hall by themselves on their day off

The EEO Division interviews the complainant and decides whether it will investigate the complaint

Source: OIG interviews with Department staff.

2. EEO Division Investigations

As part of evaluating the EEO Division's complaint and investigation process, OIG reviewed files associated with completed investigations into allegations of discrimination and sexual

²⁸ For a summary of the notification and response, see City of Chicago Office of Inspector General, First Quarter Report 2020, April 15, 2020, 28, <<https://igchicago.org/wp-content/uploads/2020/04/OIG-First-Quarter-2020->Report.pdf>.

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harassment. Between January 2012 and October 2019, the EEO Division completed 41 investigations arising from alleged misconduct at CFD. OIG reviewed these 41 cases to determine if the Division consistently followed its internal protocols, as well as to assess the overall quality of the investigations.

The EEO Division's authority is limited to investigating allegations and issuing disciplinary recommendations; the decision whether to impose discipline and, if so, at what level of severity, lies with the head of the department. For all the cases OIG reviewed, CFD imposed discipline at or above the level the Division recommended. Some investigations took more than two years to complete, but this was largely due to the Division's previous lack of resources and large Citywide caseload.

We concluded that the EEO Division maintains reasonably complete case files, follows its own internal protocols, and conducts thorough interviews and high-quality investigations in an unbiased manner.

D. TRAINING

OIG examined the discrimination and harassment-related training that CFD members receive, as well as the training provided to EEO Division and IAD investigators. CFD ensures that an EEO Division investigator trains all new cadets on the City's EEO Policy. In addition to a mandatory annual online training module administered to all City employees, CFD members receive scheduled in-person training upon promotion; otherwise, training occurs only on a non-regular, unscheduled basis. OIG attended the new cadet and promotional trainings, and concluded they were of high quality and sufficiently covered the sections of the EEO Policy concerning discrimination and sexual harassment. However, given the challenges presented by CFD's workplace environment, supplemental training in these areas would be beneficial.

OIG spoke with a subject matter expert from Catharsis Productions, a consulting firm that provides training on issues of discrimination and sexual harassment in various workplaces, including the military. Catharsis Productions stated that in workplaces such as fire service operations, it is important that instructors do not come across as outsiders; if they do, it is difficult to achieve buy-in from trainees. To avoid this problem, it is helpful for the instructor to have fire service experience. It is also important to tailor the training to the fire service workplace, so that trainees feel the material is applicable. As described above, OIG survey responses echoed this advice.

The training provided to EEO Division investigators includes observation of experienced investigators providing trainings to City employees, attendance at an annual employment law conference, and an additional day of continuing legal education to learn about developments in employment law. The EEO Division also provides an investigative procedures manual, which guides staff on how to handle complaints and investigations of discrimination or sexual harassment.

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It is important that CFD train all staff reasonably likely to be a point of first contact for a complainant on how to interact with complainants in a trauma-informed manner. At present there is no written guidance for IAD staff, including but not limited to IAD staff, regarding how to receive, process, and refer complaints of discrimination or sexual harassment to the EEO Division. For example, IAD investigators only receive on-the-job training; they are not formally trained on how to

interact with CFD members who may have experienced discrimination or sexual harassment.

RECOMMENDATIONS

To best protect its members from the possibility of discrimination and sexual harassment, CFD should:

1. Create and implement written guidelines instructing IAD staff on how to receive, process, and refer complaints involving discrimination or sexual harassment to the EEO Division.
2. Provide formal training to IAD staff on how to handle complaints about discrimination and sexual harassment in a trauma-informed manner.
3. On an ongoing basis, supplement the standard EEO Policy training with CFD-specific training on discrimination and sexual harassment. The Department could hire outside instructors, ideally with fire service experience, or train its own personnel to provide the training.
4. Appoint a diversity, equity, and inclusion officer to work with the Department on issues of diversity, discrimination, and sexual harassment. Relatedly, CFD should continue to work closely with the Department of Human Resources to recruit a diverse applicant pool that reflects the racial makeup of Chicago.
5. Develop a strategy to include more safeguards that further protect members from acts of discrimination, sexual harassment, and retaliation. This strategy should account for the fact that many of its members live together while at work and should be tailored to CFD's specific workplace. CFD should work to foster a culture where victims of discrimination and sexual harassment do not fear making complaints.

MANAGEMENT RESPONSE

1. *CFD Response: "CFD's Internal Affairs Division (IAD) will develop and implement an internal written process for receiving, processing, and referring allegations of discrimination and sexual harassment to the EEO Division."*
2. *CFD Response: "IAD investigators are generally not responsible for conducting in-depth interviews of members who allege sexual harassment and/or discrimination in the workplace. Rather, when an allegation of sexual harassment and/or discrimination is made, IAD investigators are responsible for identifying and confirming the alleged prohibited conduct and ensuring a safe and secure method*

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of transmittal of those allegations to the EEO Division in accordance with CFD and City policies.

Trauma-informed interviews are primarily designed for investigations involving child sexual assault/abuse, human trafficking, and other occurrences traumatic of sexual assault. IAD investigators are not responsible for conducting such interviews. The training that IAD investigators receive should be tailored to the work they are assigned to perform.

CFD investigators already receive interview training consistent with the recommendations made by the OIG, including most recently a course on non-confrontational interviewing techniques offered by a nationally recognized interviewing firm. IAD also conducts annual continuing education for all investigators regarding investigation techniques and forensic interviewing skills.

The techniques addressed in these trainings significantly overlap with those used in trauma-informed interviews. For example, they include building rapport, neutrality, giving the interviewee a sense of control, choosing questions carefully, avoiding judgment, and being culturally sensitive. Therefore, IAD has already established a plan for its investigators to receive training consistent with the goals and techniques recommended by OIG.

Lastly, CFD was unable to locate any allegation in OIG audit report suggesting that IAD investigators have insufficient training to conduct proper intake evaluations of harassment and/or discrimination complaints or that they are incapable of handling sensitive interviews. This, along with the fact that IAD investigators already receive robust training on these topics, demonstrates that the recommendation of mandating trauma-informed training for IAD investigators does not appear to be consistent with the results of this audit.

With that, the Fire Department has been in contact with the Chicago Police Department's Investigative Development Group which trains CPD officers and detectives on trauma-informed interviewing techniques. CFD will ask this group to provide IAD investigators with a training about the trauma-informed interview techniques."

OIG Reply: We commend CFD for seeking out such training opportunities for IAD investigators in the future. Both contemporary best practice and OIG's own experience as an investigative agency suggest that trauma includes a much broader set of experiences than those CFD identifies in its response. The need for trauma-informed interviewing techniques is not limited to CFD's examples; all personnel assigned to receive complaints should consider each complainant's

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status, and approach the task with special sensitivity to those who report experiencing discrimination, harassment, or hostility.

3. *CFD Response: "Less than one year prior to the initiation of this audit, CFD completed a comprehensive Department-wide in-person sexual harassment and discrimination training as is recommended here.*

Because of the Departments unique staffing and manpower requirements, setting up this training was an enormous undertaking. It involved months of planning and coordination not only internally but also with the help of DHR's training staff and outside counsel. Specifically, CFD set up 3 different training locations, each of which performed 2 trainings a day for a month. Approximately 3,000 members received this

training live and in person. An additional 1,200 members who were unable to attend the training in person were later able to take the training online.

The training was drafted by a law firm retained by the City's Law Department. The training consisted of a recitation of the sexual harassment standard and the employer's duty to respond but it also provided detailed situations involving hypothetical conduct in a fire house. The law firm performed the first training with DHR trainers with CFD instructors present. Eventually, through a train-the-trainer model, CFD's uniformed training instructors took over the training. Therefore, all the training recommendations made by OIG have been met.

CFD will endeavor to include a similar sexual harassment and discrimination training in next year's training schedule."

OIG Reply: We applaud CFD's efforts in coordinating the training mentioned above for its members. We recommend that CFD continue to provide such a training on a regular basis to refresh its members' knowledge of Department policies related to discrimination and sexual harassment.

4. *CFD Response: "CFD agrees that having a diversity, equity, and inclusion officer would be beneficial to the Department. CFD will work with OBM and DHR to create a budget line for the position, with the goal of having it filled in 2022.*

CFD has been and will continue to work with the City's Chief Diversity Officer and DHR to develop new strategies for increasing diversity in the hiring process. CFD has also been working with the Office of Equity and Racial Justice to help formulate and implement additional diversity, equity, and inclusion goals for the Department."

5. *CFD Response: "Reviewing the survey results not included in the report shows that an overwhelming majority of CFD's membership: 1) understand what is considered prohibited conduct, 2) are aware of CFD's discrimination, harassment, and*

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retaliation policies; and 3) believe that CFD officers will take such complaints seriously.

For instance, the survey asked a series of questions about what is considered appropriate workplace conduct. Over 93% of the responses were correct. The survey further found that 97% of responding employees knew of the CFD's anti-harassment policy and 92% knew how to report harassment. Finally, 90% of respondents believe that CFD's officers are committed to preventing workplace discrimination and sexual harassment.

These results show that Fire Department employees have a core competency of CFD policies and that they understand what is and what is not appropriate workplace behavior. It also shows that CFD's robust

training and education efforts have produced positive results.

CFD understands that it has a unique workplace in that members work 24-hour shifts and share sleeping quarters. CFD agrees its members should be trained and educated on harassment as it applies to these specific working conditions. That is one reason why CFD conducted the trainings discussed in the answer to OIG Recommendation No. [3].

The Fire Department is dedicated to continuing to foster a culture that is free from retaliation of any kind. This culture is set by the Fire Commissioner. With Commissioner Ford retiring in April 2021, and with there being an open search for his successor, the specific strategy employed by the Department must be consistent with the goals and objectives set by the next Fire Commissioner. As such, the specific strategic approach should be developed upon the appointment of the next Fire Commissioner."

OIG Reply: We understand that CFD will soon have a new commissioner whose specific strategies on these topics may differ from current operations. However, OIG encourages the Department not to wait for a new commissioner to develop a strategic approach to fostering a culture that does not tolerate discrimination and sexual harassment. CFD's observation that a large percentage of respondents were aware of and understood what types of conduct are prohibited and the Department's policies around such conduct is correct and, as such, OIG suggests that CFD should be even more concerned about the reported perceptions of discrimination and sexual harassment among survey respondents from various ranks within the Department.

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IV. OBJECTIVES, SCOPE, AND METHODOLOGY

OBJECTIVES

The objectives of the audit were to,

- determine if CFD's discrimination and sexual harassment prevention, reporting, and training policies and practices comply with relevant laws and regulations; and
- assess CFD members' experiences with and views on the Department's workplace environment and culture related to discrimination and sexual harassment.

SCOPE

This audit examined employees' views of discrimination and sexual harassment at CFD, the issue of retaliation, the

Department's complaint process, training and disciplinary procedures, and relevant policies. We also examined the EEO Division's investigations and IAD's referral process.

The audit did not include discrimination in CFD's hiring and promotional practices.

METHODOLOGY

To gather information on discrimination and sexual harassment in workplaces generally, and their effects on employees and organizations, OIG conducted a literature review.

To determine the adequacy of CFD's discrimination and sexual harassment policies as part of the Department's control environment, OIG compared them to federal, state, and local laws.

To understand the EEO Division's investigative process, OIG reviewed the Division's written protocols and interviewed Division investigators. To evaluate the investigative process, we examined the files associated with 41 closed and completed cases that involved allegations of discrimination and/or sexual harassment at CFD. We determined if each investigation met the requirements in the Division's internal protocols.

To determine the adequacy of discrimination and sexual harassment-related training for CFD members, OIG observed three trainings provided by the EEO Division and conducted interviews with the Division and CFD about training received by CFD members. We also spoke to a subject matter expert who founded a consulting and training firm that specializes in training workplaces to prevent and address discrimination and sexual harassment.

As part of examining the Department's control activities, OIG identified and evaluated the training that the EEO Division and IAD investigators receive related to conducting investigations. To do this, we interviewed supervisors and investigators at both the Division and IAD. We also inquired with both departments about the existence of written protocols.

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To obtain CFD members' opinions on their workplace environment related to discrimination and sexual harassment, OIG issued a survey to all active CFD employees through an online portal regularly accessed by employees. To develop the survey, we spoke with external survey experts and OIG staff with survey experience. We designed the survey to collect information about:

- how often CFD members experience discrimination and/or sexual harassment;
- the nature of any discrimination and/or sexual harassment members have experienced;
- members' opinions of how CFD handles discrimination and sexual harassment;
- members' experiences reporting incidents of discrimination and sexual harassment; and
- members' familiarity with CFD policies and reporting related to discrimination and sexual harassment.

OIG used Survey Monkey as our survey platform. Responses were anonymous. Because the survey asked questions that members may have found personal or stressful, they could exit the survey at any time and skip questions, consistent with best practices for surveys of this type. Branching logic was utilized to help gain a deeper understanding of a member's responses where appropriate. For example, if a member indicated they had experienced sexual harassment at work, follow-up questions about the incident(s) were presented to them. See Appendix B for a copy of the survey.

OIG worked with CFD to maximize the response rate; the fire commissioner instructed supervisors to read a notice at rollcall at each firehouse informing members about the survey and requesting their participation.

OIG collected survey responses between February 12, 2020, and March 16, 2020. We received 359 total responses, but only 285 contained actual responses to survey questions beyond the demographic fields on the first page. We only included these 285 complete responses in our analysis.

STANDARDS

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUTHORITY AND ROLE

The authority to perform this audit is established in the City of Chicago Municipal Code § 2-56-030 which states that OIG has the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, and to promote

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economy, efficiency, effectiveness, and integrity in the administration of City programs and operations.

The role of OIG is to review City operations and make recommendations for improvement.

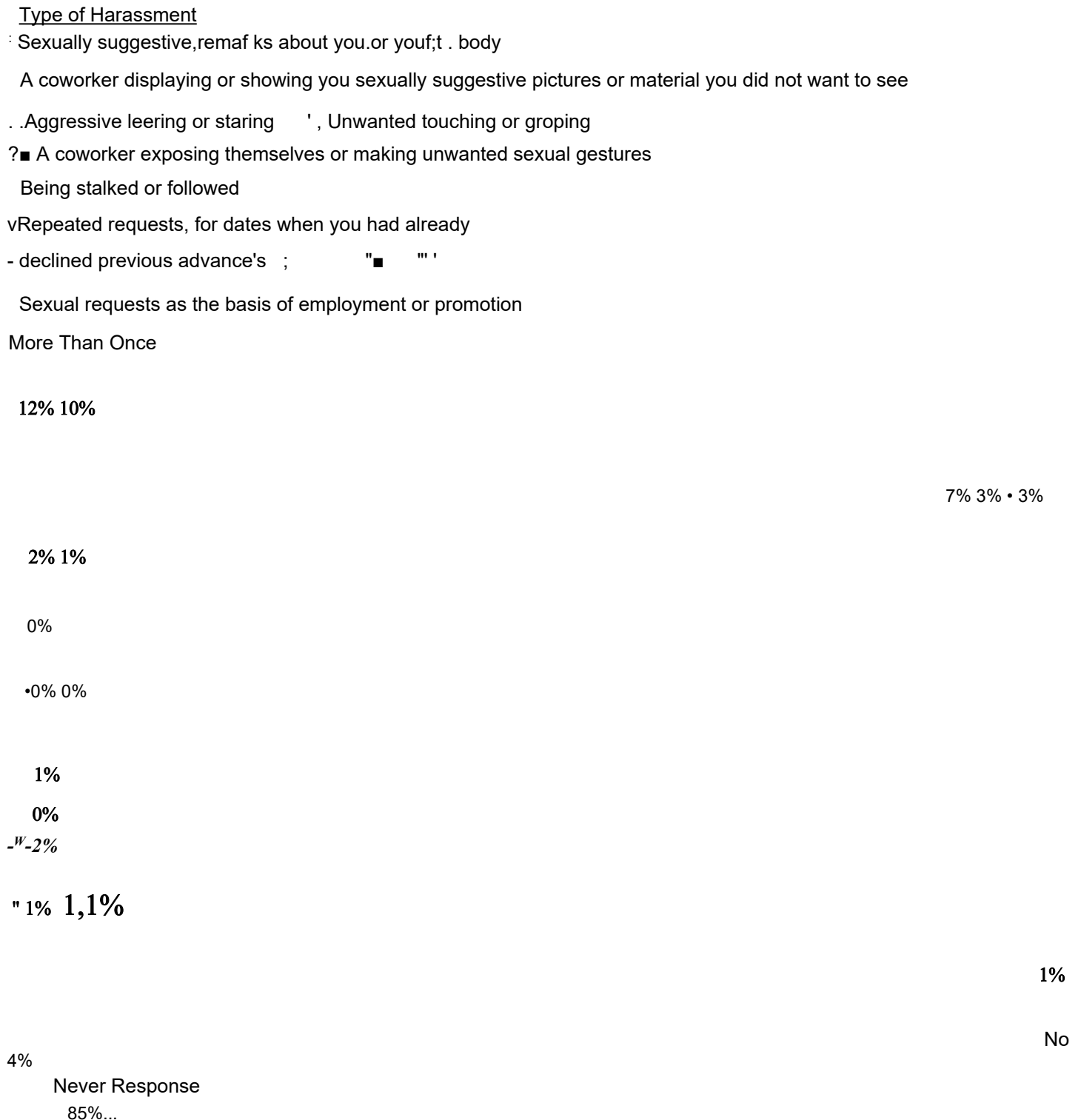
City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

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APPENDIX A: ADDITIONAL SURVEY RESPONSES

If a respondent indicated they had experienced either discrimination or harassment, OIG's survey asked follow-up questions regarding their experiences. The tables below detail the specific kinds of harassment or discrimination reported and how often the respondent experienced them. Because the survey asked members about specifics only if they indicated they had experienced discrimination or harassment, not all respondents answered these questions. Two hundred eighty-five CFD employees, or 6% of the Department's roughly 5,000 active employees, responded to the survey. While their responses may not represent the views of all CFD employees, they do provide valuable insights into the Department's culture.

FIGURE 11: Sexually Suggestive Remarks and the Some of the Most Commonly Reported Forms of Display of Sexually Suggestive Materials Were Harassment



5% 85%

. 87%;

94% ' 93%

93% 96%.'

99%

Source: OIG survey.

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FIGURE 12: Difficult Working Conditions, Mistreatment on the Job, and Workplace Privileges Being Affected by One's Gender Were the Most Commonly Reported Forms of Gender-Based Discrimination

More Than
Once Once

No

Response

Your working conditions being affected by gender	16%	2%	81% 1%
Unfavorable treatment by coworkers based on gender	14%	2%	82% 1%
Having restrictions placed on privileges enjoyed by other employees due to gender	12%	2%	85% 1%
Coworkers using sexist slurs or derogatory remarks against you	11%	3%	84% 1%
Being put in undesirable job placements based on gender	10%	1%	87% , 1%
Being disciplined in an unfair manner in comparison to your coworkers based on gender	7%	1%	90% 2%

Source: OIG survey.

FIGURE 13: Difficult Working Conditions, Mistreatment on the Job, and Workplace Privileges Affected by One's Race Were the Most Commonly Reported Forms of Racial Discrimination

More

1% 2%

1%::

1% 2% 1%

4% 60%

4% 65%

2% .68%

4% 73%

6% 75%

5% 77%

. : , 35%

' ; ; B ; 1 ; ; - ■ ■

29%

■ , .28%

23% 17% 17%

Than No

Type of Racial Discrimination

Once Once

Never Response

Your working conditions being affected by race or ethnicity • " * " • "£.

Unfavorable treatment by coworkers based on race or ethnicity

Having restrictions placed on privileges enjoyed by other employees due to race or ethnicity.

Coworkers using racial slurs or derogatory remarks against you

Being put in undesirable job placements based on race or ethnicity. :-,

Being disciplined in an unfair manner in comparison to your coworkers based on race or ethnicity

Source: OIG survey.

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The survey also assessed survey respondents' knowledge of CFD's discrimination and harassment policies, training, and complaint reporting mechanisms, and training. The majority of respondents stated they knew there is a policy, found the training helpful, and knew how to file a complaint.

FIGURE 14: 81% of Survey Respondents Knew There is a Discrimination and Sexual Harassment Policy in Place at CFD

Respondent Answer

Yes No

«Don't know No response

■ 'ism-, py-.-w

■ ,231 4

46 285 '

Number of Respondents Percentage of Total

"81.%^
16%
1%

16%
;ic>o?P

Source: OIG survey.

FIGURE 15: 60% of Survey Respondents Said CFD's Training on Discrimination and Sexual Harassment Was Helpful

Respondent Answer

Yes No

Don't know • • , No response Total ' ' "

Source: OIG survey.

170 37 31
* .

47 "285

Number of Respondents Percentage of Total

60%^ 13%
:.,;B1%
" 16%

FIGURE 16: 77% of Survey Respondents Knew How to Report Discrimination or Sexual Harassment

Respondent Answer

Yes

No,

Don't know-No response Total

Number of Respondents Percentage of Total

10

7-9

46 285 7

77% 4% • 3%

16% 100%

Source: OIG survey.

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To gauge respondents' views on what is considered appropriate or inappropriate workplace behavior, the survey asked their opinion on hypothetical workplace scenarios.

FIGURE 17: The Majority of Survey Respondents Agreed on What is Considered Inappropriate Workplace Behavior

Hypothetical Workplace Situation

Your coworker consistently calls you "baby" or "honey" while at work . ■ ;' % . ' 7.

Your coworker compliments your butt

. Your coworker continues to ask you out on a date .■

after you've turned them down ' . - :*

Your coworker tells you that you "look hot in your uniform"

When at the kitchen table your coworker keeps .. ■ .y putting their hand on your leg,even though you ,• asked them to stop

Your coworkers watching pornographic videos at

work in plain sight , Your supervisor promises you a better assignment if you give them a massage " - ■ <*

Your coworker consistently talks about how people

of a certain ethnic group are lazy and not hard

workers

You are a woman and your supervisor saysJthat ypu> : can't work on a rig with anotherwoman because . "women affen't strong enough" ^ • ;£?j Your supervisor tells you that you will never be promoted because "your people" don't make good supervisors

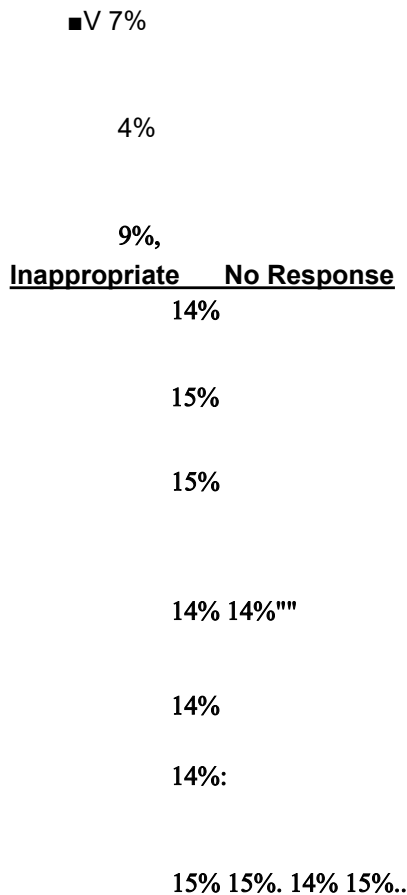
■ Your coworker consistently uses the.Rhrase. "that!s ;,, kso gay" while at work "" ■ ., •""

Appropriate

10% 7% 3%

8% 3%

4% 3%. 7%



Source: OIG survey.

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APPENDIX B: CFD WORKPLACE ENVIRONMENT SURVEY

Below is a copy of the CFD workplace environment survey OIG distributed to all Department members. The goal of the survey was to capture CFD members' experiences and thoughts regarding discrimination and sexual harassment. Branching logic was utilized to help gain a deeper understanding of a member's responses where appropriate. For example, if a member indicated that they had experienced sexual harassment at work, they were presented with follow-up questions about the incident(s).

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The Office of Inspector General (OIG) is auditing the Chicago Fire Department's (CFD) practices and policies concerning harassment and discrimination. This survey seeks input from CFD members regarding their experiences working at CFD.

Your participation in this survey is voluntary and anonymous. The results of this survey are meant to help guide our work as we move forward with our audit. The combined results of this survey will be published in our final report, but individual responses will not be identifiable.

The survey contains questions about experiences of sexual harassment and discrimination that may be uncomfortable for some participants. You can exit the survey at any time..

The survey will take approximately ten (10) minutes to complete. We greatly appreciate your time and perspective.

1. Are you currently, a member of the Chicago Fire Department?

☐ Yes

☐ No

2. What is your race? Please select all that apply.

☐ Black or African American ☐ White ☐ Asian

☐ American Indian or Alaskan Native

☐ Native Hawaiian or Other Pacific Islander

☐ Some other race

3. What is your ethnicity? ☐ Hispanic or Latino

☐ Not Hispanic or Latino : Prefer not to answer

4. What is your gender?

☐ Male ☐ Female

☐ Non-binary or Other ☐ Prefer not to answer

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5. How often have you experienced the following types of sexual harassment at work from a co-worker at CFD?

	Never	Once	More than once
Sexually suggestive remarks about you or your body,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A co-worker displaying or showing you sexually suggestive pictures or material you did not want to see	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aggressive leering or staring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being stalked or followed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Repeated requests for dates when you had already declined previous advances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A co-worker exposing themselves or making unwanted sexual gestures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CFD DISCRIMINATION AND SEXUAL HARASSMENT AUDIT

6 How often have you experienced the following discriminatory actions based on race or ethnicity at work, from a co-worker at CFD?

	Never	Once	More than once
<i>Your working conditions</i>			
• being affected by race or ethnicity	*	'j	
Having restrictions placed on privileges enjoyed by other employees due to race or ethnicity	}	{ ^	{ }
Being put in undesirable job placements based on race or ethnicity	(~) -.	f~) '•	~* ""^ *
Co-workers using racial slurs or derogatory remarks against you	C~)	C) ■. ""	
Unfavorable treatment by co-workers based on race or ethnicity	.])	(;	;
Being disciplined in an unfair manner in comparison to your co-workers based on race or ethnicity) Q ^S j	

7. How often have you experienced the following discriminatory actions based on gender at work from a coworker at CFD?

More than once

Your working conditions*;;; being affected.by.gender

Having restrictions, placed on privileges enjoyed by other employees due to gender

„Being put in undesirable- jOb'placements.based on .

Co-workers using sexist-slurs oi derogatory remarks against you

Unfavorable treatment ss by. co-workers based on v gender

Bcng discipl nod in an unfair manner in comparison to your to-woiker.i based on gender

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8. You indicated that your working conditions were,affected by your race or ethnicity. If you would like to provide more details about your experience, please use the text box below.

9. You indicated that yourworking conditions were.affected by your gender. If you would like to provide more details about your experience, please use the texibox below.

10. Of the past acts of sexual harassment you said you have experienced, did any occur.in the-past twelve months? Please check all that apply

1~J Sexually suggestive remarks about you or your body

^ ~~| AcOrWOtket displaying or showing you sexually.suggestive pictures or material you'did not want to see | j 'Unwanted touching or groping Aggressive leering or stanng

I | Being stalked or followed ^N

i j Repeated requests for dates when'you had already declined previous advances

'[|: Sexual requests as the basis of employment or promotion

| j A co-worker exposing themselves or making unwanted.sexual gestures

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11. Of the past acts of racial discrimination you said you have experienced, did any occur in the past twelve months? Please check all that apply.

j Your working conditions being affected by race or ethnicity J j Having restrictions placed on privileges cri.oycd by other employees due to race or ethnic 1y | j

Being put in undesirable job placements.based on race or ethnicity. j j Co-workers using racial slurs or derogatory remarks against you [j Unfavorable treatment by

co-workers based on race or'ethrncity

j j fBeirig disciplined in an unfair manner iri .comparison to your co-workers based on race or ethnicity

12. Of the past acts of gender discrimination you said you have experienced, did any occur in the past twelve months? Please check all that apply.

☐ 2] Your working conditions being affected by gender

☐ j "Having restrictions placed on privileges enjoyed by other employees due to gender.

☐ | Being put in undesirable/Job placements based on gender

☐ | Co-workers using sexist slurs or derogatory remarks against you

☐ | "UntaVorable'treatment by co-workers based on gender

☐ | Being disciplined in an unfair manner in comparison to your co-workers based on gender

13. What was the rank of the person or people who discriminated against you based on your race at the time of the incident(s)? Please check all that apply.

☐ | Superior to you and in your direct line of supervision.

☐ i Superior to you but not in your direct line of supervision | ☐ 1 Of equal rank to you | ☐ j Of lower rank than you

"Someone that you supervise

14. What was the rank of the person or people who discriminated against you based on your gender at the time of the incident(s)? Please check all that apply.

☐ j -Superior to you and in your direct line of supervision

☐ | Superior to you but not in your direct line of supervision

Of equal rank to you | ☐ j Of lower rank than you \ | Someone that you supervise

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APRIL 14, 2021

15. What was the rank of the person or people who sexually harassed you at the time of the incident(s)? Please check all that apply.

☐ ^ j Superior to you and in your direct line of supervision

☐ J J Superior to you but not in your direct line of supervision

☐ j | Of equal rank to you

☐ | | Of lower rank than you

☐ I I Someone that you supervise

16. Were others present when you were sexually harassed?

16. ☒ Yes

☐ C No

C) Not Sure

17. Were others present when you were racially-discriminated against?

☒ No

Not Sure

18. Were others present when you were discriminated against based on your gender?

☐ Yes ☐ No

☐ Not Sure

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19. Did anyone who witnessed you being sexual harassed do any of the following? Please check all that apply!

☐ Talked to the harasser about the incident

☐ Talked to you about the incident

☐ Reported the harassment to a superior

☐ Reported the harassment to EEO or IAD

☐ Not sure

☐ Other (please specify) _____

20. Did anyone who witnessed you being racially discriminated against do any of the following? Please check all that apply.

☐ Talked to the harasser about the incident ☐ Talked to you about the incident

☐ Reported the discrimination to a superior ☐ Reported the discrimination to EEO or IAD ☐ Not sure

☐ Other (please specify) _____

21. Did anyone who witnessed you being discriminated against based on your gender do any of the following? Please check all that apply.'

[] Talked to the harasser about the incident

[] Talked to you about the incident

[] Reported the discrimination to a superior

[] Reported the discrimination to EEO or IAD

[] Not sure

L 1 (Please specify)

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CFD DISCRIMINATION AND SEXUAL HARASSMENT AUDIT

22. Please indicate if you think the following situations are appropriate workplace behavior.

	Appropriate for the workplace	Inappropriate for the workplace
Your coworker consistently calls you /habyj,oj^hone/ while at work.		
Your coworker comments your butt		
Your coworker continues to ask you out on a date after you've turned them down.		
Your coworker tells you that you "look hot in your uniform"		
When at the kitchen room table your coworker keeps putting her hand on your leg even though you asked them to stop.		
Your coworkers watch pornographic videos at work in plain sight.		
Your supervisor promises you a better assignment if you give them a massage.		
Your coworker consistently talks about how people of a certain ethnic group are lazy and not hard workers.		

	Appropriate for the workplace	Inappropriate for the workplace
You are a woman and your supervisor says that you can't work on a rig with another woman because "women aren't strong enough."		
Your supervisor tells you that you will never be promoted because "your people don't make good supervisors."		

Your coworker _____
 ^ coisiesienty uses lthe&i:..
 phrase "that's so gay" -
 Wh.I/R at Work

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CFD DISCRIMINATION AND SEXUAL HARASSMENT AUDIT

APRIL 14, 2021

23. Please respond to each of the following about sexual harassment and discrimination policies at CFD

	Yes	No	Don't Know
Is there a sexual harassment and discrimination policy in place at CFD?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the training, provided to CFD about sexual harassment and discrimination been helpful?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you know the process for reporting sexual harassment or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. How committed do you feel the following levels of management are to preventing sexual harassment and discrimination?

	Not at all committed	Somewhat committed	Committed	Very committed
Captain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District Chief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioners	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25. Do you think sexual harassment is taken seriously by your peers at CFD?

26. Do you think discrimination is taken seriously by your peers at CFD?

() Yes () No

27. Have you ever experienced harassment or discrimination that you did not report?

() Yes () No

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28. Are any of the following reasons why you did not report the incident? Please check all that apply.

- ☐ Fear of retaliation
☐ Fear of negative impact on career advancement
☐ Felt you

could deal with it yourself | ☐ Lack of anonymity | ☐ Worried you

would not be believed [" "] Did not know how to report | ☐ Other

(please specify)

29. Do you think those-who file complaints about harassment or discrimination are retaliated against by other CFD members (including management)?

☒ Yes

30. Have you ever been retaliated against for filing a complaint about harassment or discrimination that happened to you or someone else?

☒ Yes

3.1. What do you think CFD management could do to prevent discrimination and harassment?

32. Are there any other thoughts you would like to share with us? ¹

Thank you for participating in our survey, we appreciate your time and willingness. If you have anything else that you would like to share you can contact our office anonymously by calling a member of the audit team below.

If you would like support and to talk to someone about your experiences; you can also confidentially contact the VictimConnect Resource Center at 1-355-484-2846 and speak with a trained staff member. The VictimConnect Resource Center is a support hotline and national referral network for victims of crimes. To learn more about their services please click here.

To file a complaint about workplace harassment or discrimination with the City of Chicago, Department of Human Resources, Equal Opportunity Office (EEO), please call 312-744-4224 or email eeodiversity5bcityofchicago.org <<http://eeodiversity5bcityofchicago.org>>. You can learn more about filing a complaint with EEO by clicking here.

To file a complaint about workplace harassment or discrimination with the Chicago Fire Department, Internal Affairs Division, please contact your supervisor.

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The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and human resources activities and issues of equity, inclusion and diversity by its Diversity, Equity, Inclusion, and Compliance Section.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

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