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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO
LORI E. LIGHTFOOT MAYOR

December 14, 2022

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY
OF CHICAGO

Ladies and Gentlemen:

At the request of the Chicago Commission on Human Relations, I transmit herewith, together with Aldermen Rodriguez-Sanchez, Ramirez-Rosa, Martin and Hadden, an ordinance amending the Municipal Code regarding bodily autonomy protections.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

ORDINANCE

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

SECTION 1. Section 2-120-510 is hereby amended by adding the language underscored and by deleting the language stricken, as follows:

2-120-510 Powers and duties.

The Commission shall have the following powers and duties, in addition to those assigned by other provisions of the ~~Municipal~~ Code:

(Omitted text is unaffected by this ordinance)

e) to initiate, receive, investigate, and adjudicate complaints of alleged violations of Chapters 6-10 and 5-8, 6-10, and Section 6-120-010(a) and (b) of the Municipal Code;

f) to investigate complaints in order to determine whether there is substantial evidence that a violation of Chapter 6-10 or 5-8, 6-10, or Section 6-120-010(a) or (b) has occurred, except where such complaints are handled by another governmental agency pursuant to an intergovernmental agreement, as authorized in subsection (g) below. The investigation shall be completed within 180 days after receipt of the complaint, unless it is impractical to do so within that time. Within 30 days after completion of the investigation, the Commission shall issue a written determination whether there is substantial evidence that a violation has occurred. If the Commission determines that there is not substantial evidence, it shall give written notification of the determination to the charging party and the person against whom the complaint was made. Neither the Commission nor its staff shall disclose, other than at a hearing as provided in subsection (g), any information obtained in the course of investigation or conciliation, except where otherwise required by law or intergovernmental agreement;

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 5-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 5-8-027, as follows:

5-8-027 Discrimination prohibited based on choices related to bodily autonomy.

No person shall discriminate nor take any retaliatory action against an individual with respect to housing because a decision regarding reproductive health care or gender-affirming care made by (i) the individual or (ii) anyone living in the dwelling with the individual or (iii) a family member of the individual or (iv) a family member of someone living in the dwelling with the individual. For purposes of this section, "family member" shall have the same meaning as in Section 6-100-010. For the purposes of this section, reproductive health care and gender-affirming care shall have the meanings ascribed to those terms in Section 6-20-020.

SECTION 3. Section 6-10-080 is hereby amended by adding the language underlined and deleting the language stricken, as follows:

6-10-080 Exemptions for certain religious organizations.

Nothing in this chapter title shall apply to decisions of a religious society, association, organization or institution affecting the definition, promulgating or advancement of the mission, practiceSi or beliefs of the society, association, organization or institution.

SECTION 4. Section 6-100-010 is hereby amended by adding the language underlined and deleting the language stricken, as follows:

6-100-010 Definitions.

For purposes of this Article II, the following definitions apply:

"Commissioner" means the Commissioner of Business Affairs and Consumer Protection or the Commissioner's designee.

"CPI" means the Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics of the United States Department of Labor.

"Department" means the Department of Business Affairs and Consumer Protection.

"Family member" means ~~a Covered Employee's~~ an individual's child, ward, legal guardian, parent, spouse under the laws of any state, domestic partner, spouse or domestic partner's parent, sibling, grandparent, grandchild, or any other individual related by blood or whose close association with the ~~Em-ploy-ee~~ individual is the equivalent of a family relationship. A child includes not only a biological relationship, but also a relationship resulting from an adoption, step-relationship, and/or foster care relationship, or a child to whom the ~~Em-ploy-ee~~ individual stands in loco parentis. A parent includes a biological, foster, step-parent or adoptive parent or legal guardian of an ~~Employee~~ individual, or a person who stood in loco parentis when the ~~Em-ploy-ee~~ individual was a minor child.

"Gender-affirming care" shall have the meaning ascribed to that term in Section 6-20-

020.

"Reproductive health care" shall have the meaning ascribed to that term in Section 6-20-

020.

"Wage" means compensation due to an ~~Employee~~ worker by reason of employment.

SECTION 5. Chapter 6-120 of the Municipal Code of Chicago is hereby amended by adding a new Section 6-120-010, as follows:

6-120-010 Discrimination prohibited based on choices related to bodily autonomy.

An employer shall not:

- a) discriminate against an applicant in hiring for employment because of, or on the basis of, the applicant's or applicant's family member's decision regarding reproductive health care or gender-affirming care.
- b) discriminate nor take any retaliatory personnel action against a worker with respect to compensation, terms, conditions, or privileges of employment because of, or on the basis of, the worker's or worker's family member's decision regarding reproductive health care or gender-affirming care.
- c) require an applicant or a worker to sign a waiver or other document which purports to deny the individual or the individual's family members the right to make their own decision regarding reproductive health care or gender-affirming care.

SECTION 6. Chapter 6-120 of the Municipal Code of Chicago is hereby amended by adding a new Section 6-120-015, as follows:

6-120-015 Data privacy.

Without the worker's informed affirmative written consent, no employer shall access information about a worker's or worker's family member's decision regarding reproductive health care or gender-affirming care.

"Informed affirmative written consent" is consent voluntarily given by the worker in writing after having the opportunity to review a document that asks the worker's permission for the employer to receive information related to reproductive health care, or related to gender-affirming care, or both, and after being informed in writing and orally that disclosure is voluntary, that the worker may revoke consent at any time, that none of the information will be disclosed to the employer prior to the worker signing the document, should the worker choose to sign, and that the employer may not discriminate or retaliate against the worker should the worker refuse to provide consent or later revoke consent. The written and oral information shall be provided in the worker's primary language.

SECTION 7. This ordinance shall be in full force and effect after passage and approval.