



ALERTS

Chicago Employers Face July 1 Deadline To Update Sexual Harassment Policies And Training

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Highlights

The city of Chicago is requiring all employers to update their sexual harassment policies with required language by July 1, 2022, and to display new posters

All Chicago employers must implement expanded annual sexual harassment prevention training for all employees including supervisors, with the first round to be completed by June 30, 2023

The city has expanded deadlines to report violations of the new ordinance from 300 to 365 days and increased penalties

Employers with at least one employee working in the city of Chicago will need to comply with new [amendments to the Municipal Code and Chicago Human Rights Ordinance](#) regarding sexual harassment by July 1, 2022. These amendments affect sexual harassment policies, posters, record-keeping, and mandatory workforce training.

By July 1, all employers must update their existing sexual harassment policies to state that sexual harassment and retaliation for reporting sexual harassment are illegal in Chicago; provide definitions of prohibited

RELATED PEOPLE



Christina M. Janice

Partner

Grand Rapids, Chicago,
Columbus

P 616-742-3940

F 616-742-3999

christina.janice@btlaw.com



Christopher Rubey

Of Counsel

South Bend, Chicago

P 574-237-1106

F 574-237-1125

Crubey@btlaw.com



Kenneth J. Yerkes

Partner

Indianapolis

P 317-231-7513

F 317-231-7433

ken.yerkes@btlaw.com

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sexual harassment; state that employees are required to participate annually in sexual harassment prevention training; and provide information on how employees can report allegations of sexual harassment internally (with applicable forms) as well as on legal and government services available to employees who may be victims of sexual harassment.

Employers' sexual harassment policies must be made available in the employee's primary language, and contain the ordinance's expanded definition of "sexual harassment," which states:

"Sexual harassment means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature or (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position."

In addition to updating policies, all Chicago employers are required to display – in one or more common areas – new posters published by the Chicago Commission on Human Relations (CCHR) in [English](#) and [Spanish](#). The city has provided a [model notice](#) for display or publication by employers.

Finally, the ordinance also revised the definition of protected "sexual orientation" as "... the actual or perceived state of heterosexuality, homosexuality or bisexuality."

Prevention Training Particulars

Also as of July 1, all employers must provide enhanced sexual harassment prevention training. This training must include one hour of sexual harassment prevention training for all employees that meets or exceeds the training requirements of the Illinois Human Rights Act – which provides for two hours of training for supervisors and managers – plus one hour of yet undefined "bystander" training.

Employers may develop their own training, or adapt CCHR training modules, which are expected to be published by July 1. All trainings must be completed by June 30, 2023, and then repeated annually.

Employers must retain proof of employee training as well as records of compliant policies for the longer of five years or the duration of any investigation or dispute. Failure to maintain records may result in a fine of up to \$1,000 per day.

In addition, as of June 4, 2022, complainants now have up to 365 days from an alleged discriminatory act to file a complaint with the CCHR, which may delay notice of a complaint for up to 30 days. Fines for violations of sexual harassment provisions have increased to \$5,000-\$10,000 per violation.

For more information please contact the Barnes & Thornburg attorney

with whom you work, or Christina M. Janice at 312-214-4802 or christina.janice@btlaw.com, Christopher Rubey at 571-237-1106 or crubey@btlaw.com, or Kenneth J. Yerkes at 317-231-7513 or kenneth.yerkes@btlaw.com.

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