

Disclaimer: This document does not represent legal advice.

Updated 6/1/2020



## ANTI-RETALIATION

### PROTECTS EMPLOYEES FROM RETALIATION RELATED TO COVID-19

The **Anti-Retaliation Ordinance** prohibits Employers from taking adverse action against Covered Employees for obeying a quarantine order, isolation order, or order from public authorities having to do with COVID-19, **and for taking care of someone subject to some such orders**

The Anti-Retaliation Ordinance applies to **five types of orders**

#	Order	Issued by	Example
1	Stay at home to <b>minimize the transmission</b> of COVID-19	The Mayor, the Governor, or the Chicago Department of Public Health	You are a non-essential employee, and there is a stay at home order that closes the non-essential business where you work and requires you to stay home
2	Remain at home while <b>experiencing COVID-19 symptoms or sick with COVID-19</b>	Treating healthcare provider	A doctor tells you to stay home because you have COVID-19 symptoms, such as a fever
3	Obey a <b>quarantine order</b> issued to the Covered Employee	Treating healthcare provider	A doctor tells you to stay home for a period of time because you might have been exposed to COVID-19
4	Obey an <b>isolation order</b> issued to the Covered Employee	Treating healthcare provider	A doctor tells you to stay home because you are or might be sick with COVID-19
5	Obey an order issued by the Commissioner of Health regarding the <b>duties of hospitals and other congregate facilities</b>	Commissioner of Health	You work at a hospital, nursing home, or other congregate facility, and your Employer is not abiding by an order to implement certain public health measures



# Office of Labor Standards

## Anti-Retaliation FAQs

### **What is Chicago's Anti-Retaliation Ordinance?**

Chicago's Anti-Retaliation Ordinance prohibits Employers from retaliating against Covered Employees for obeying a quarantine order, isolation order, or other order from public authorities having to do with COVID-19.

### **What does "retaliation" mean?**

Retaliation can include being unjustly fired or let-go, unjustly denied a promotion, unjust negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other kinds of harassment as a result of the worker's obeying a COVID-19 related order.

### **What kinds of orders can an employee obey and be protected from retaliation?**

Covered Employees who work for non-essential businesses and are obeying an order issued by the Mayor, the Governor, or the Chicago Department of Public Health to stay at home to minimize the transmission of COVID-19 are protected from retaliation.

Likewise, Covered Employees obeying an order to remain at home while experiencing COVID-19 symptoms or sick with COVID-19, and Covered Employees obeying a quarantine order or isolation order issued by a healthcare provider are protected from retaliation.

Finally, Covered Employees obeying an order issued by the Commissioner of Health regarding the duties of hospitals and other congregate facilities are also protected from retaliation.

Covered Employees are also protected from retaliation for caring for an individual that is obeying certain COVID-19 related orders (see below).

### **What protections does an employee have if they have to take care of someone else obeying a COVID-19 related order?**

Covered Employees are protected from retaliation for caring for an individual that is obeying an order issued by the Mayor, Governor, or Chicago Department of Public Health to stay at home to minimize the transmission of COVID-19; an order issued by a healthcare provider to remain at home while experiencing COVID-19 symptoms or sick with COVID-19; or a quarantine order issued by a healthcare provider.

### **What are the "duties of hospitals and other congregate facilities"?**

On March 19, 2020, the Commissioner of Health issued [Order No. 2020-2](#) regarding the Duties of Hospitals and Other Congregate Facilities, requiring these facilities to abide by certain public health and reporting requirements.

### **Which employees are eligible for protection under the Anti-Retaliation Ordinance?**

Most employees who have worked two hours in any two week period in Chicago are eligible for protection under the Anti-Retaliation Ordinance, with certain exceptions. This holds true both when the Covered Employee is obeying a COVID-19 related order, and when caring for someone obeying certain COVID-19 related orders.

### **Do employees need to produce any certification or proof that they are obeying a COVID-19 related order?**

Employers may ask Covered Employees to certify that they are obeying those orders that are issued by healthcare providers after the third consecutive work day of absence.

### **I'm an employee and I think I've been retaliated against for obeying a COVID-19 related order. How may I submit a complaint to the Office of Labor Standards?**

You may submit a complaint several ways:

1. Call 311
2. Use the CHI 311 mobile application
3. Download and mail a complaint form to the Office of Labor Standards, Department of Business Affairs and Consumer Protection, 121 North LaSalle Street, City Hall, Room 805, Chicago, IL 60602. The complaint form can be found online at: <http://www.chicago.gov/laborstandards>.
4. Download and email the complaint to the Office of Labor Standards at [bacplaborstandards@cityofchicago.org](mailto:bacplaborstandards@cityofchicago.org).

Information on the complaint form should detail the basis of your complaint. The Office of Labor Standards will review your complaint and start an investigation.