



## DRESS CODES, ADMITTANCE POLICIES, AND PUBLIC ACCOMMODATION DISCRIMINATION

Chicago's **Human Rights Ordinance** prohibits discrimination by any business or individual that owns, leases, rents, operates, manages or in any manner controls a public accommodation. This includes discrimination based on—

|                        |                           |                        |                                  |
|------------------------|---------------------------|------------------------|----------------------------------|
| <b>Race</b>            | <b>Sex</b>                | <b>Disability</b>      | <b>Military Discharge Status</b> |
| <b>Color</b>           | <b>Sexual Orientation</b> | <b>Age (over 40)</b>   | <b>Source of Income</b>          |
| <b>National Origin</b> | <b>Gender Identity</b>    | <b>Parental Status</b> |                                  |
| <b>Ancestry</b>        | <b>Religion</b>           | <b>Marital Status</b>  |                                  |

A public accommodation is any service, product, or facility which is made available to the general public. Examples include bars, nightclubs, restaurants, and retail stores.

It is a violation to withhold, deny, curtail, limit, or discriminate concerning the full use of a public accommodation based on any protected status listed above. Discriminatory conduct includes denying admittance, using different terms of admittance, and harassment or differential treatment.

**Dress codes and admittance policies may violate the Human Rights Ordinance** if they

- Are used to deny, limit, or create different terms of admittance based on a protected status.
- Have a disparate impact on people in a protected status without proof of business necessity.

**Reasonable rules for appearance and conduct are permitted**, but they must be designed and applied in a non-discriminatory manner. If the rules are more likely to limit service to people in a protected status, they must be justified by business necessity. To prevent problems:

- Patrons should be notified of any such rules by signage or other mass communication.
- Rules should be consistently enforced for all potential and actual patrons.
- Staff should not be allowed to engage in slurs, ridicule, and other verbal or physical conduct toward a patron relating to the person's protected status.

Penalties for violations of the Human Rights Ordinance include

- Fines of \$100 to \$500 per incident, paid to the City.
- Damages and attorney fees, paid to the complaining party.
- An injunction ordering specific actions to eliminate discriminatory practices.

Discriminatory conduct may also violate state or federal laws. A finding of discrimination may affect the continued licensure of a business by the City of Chicago as well as City contractor or vendor status.

See the back of this flyer for selected ordinance and regulation provisions. For more information, see [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations).

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A person who claims to have been denied full use of a public accommodation based on a protected status may file a discrimination complaint at the Commission on Human Relations. The Commission may also initiate a complaint. The Commission investigates and rules on each discrimination complaint through a neutral process which gives complainants and respondents the opportunity to present evidence and legal arguments to support their positions.

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## **SELECTED LEGAL PROVISIONS**

### **Public Accommodation Discrimination**

Section 2-160-020(j), Chicago Municipal Code (Human Rights Ordinance)

#### **Definition of a Public Accommodation**

“Public accommodation” means a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee....

Section 2-160-070, Chicago Municipal Code (Human Rights Ordinance)

#### **Discriminatory practices—Public Accommodations**

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual’s race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income. The prohibition contained in this section shall not apply to the following:

- (a) a private club or other establishment not in fact open to the public, except to the extent that the products, facilities or services thereof are made available to the general public or to the customers or patrons of another establishment that is a public accommodation;
- (b) any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, health clubs;....
- (e) [A]ny person may use a public accommodation or any of its products, facilities or services that are open to persons of the sex or gender reflected on any government issued identification of that individual including a driver’s license, a state identification card or passport.

CCHR Reg. 520.100

#### **Prohibition of Discriminatory Conduct**

....Discriminatory acts include, but are not limited to: denying admittance to persons in a Protected Class; using different terms for admittance of persons in a Protected Class; harassing persons in a Protected Class (whether or not allowed admittance; and failing to accommodate the needs of a person with a disability.

CCHR Reg. 520.110

#### **Definition of “Full Use”**

“Full use” of a public accommodation means that all parts of the premises open for public use shall be available to persons who are members of a Protected Class...at all times and under the same conditions as the premises are available to all other persons, and that the services offered to persons who are members of a Protected Class shall be offered under the same terms and conditions as are applied to all other persons.

CCHR Reg. 520.150

#### **Harassment**

- (a) Harassment on the basis of actual or perceived membership in a Protected Class...is a violation of the HRO. Any person who owns, leases, rents, operates, manages or in any manner controls a public accommodation has an affirmative duty to maintain a public accommodation environment free of harassment on the basis of membership in a Protected Class.
- (b) Slurs and other verbal or physical conduct relating to an individual’s membership in a Protected Class...constitutes harassment when the conduct: (i) has the purpose or effect of creating an intimidating, hostile or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual’s full use of the public accommodation; (iii) otherwise adversely affects an individual’s full use of the public accommodation.

