



HARASSMENT in a Public Accommodation

The Chicago Human Rights Ordinance prohibits harassment in any facility open to the general public, including businesses. Any person who owns, leases, rents, operates, manages, or in any way controls a public accommodation has an *affirmative* duty to maintain the facility free of harassment on the basis of membership in a protected class.

Harassment in a public accommodation is defined as slurs and other verbal or physical conduct relating to an individual's membership in a protected class, when that conduct: (1) has the purpose or effect of creating an intimidating, hostile or offensive environment; (2) has the purpose or effect of unreasonably interfering with an individual's full use of the public accommodation; or (3) otherwise adversely affects an individual's full use of the public accommodation.

Chicago's ordinances prohibit discrimination based on these protected classes:

Race	Sex (including pregnancy & sexual harassment)	Marital Status
Color	Age (over 40)	Parental Status
Ancestry	Disability	Source of Income
National Origin	Sexual Orientation	Military Discharge Status
Religion	Gender Identity	Credit History (employment only)

A person who claims to have been subjected to harassment may file a discrimination complaint at the Commission on Human Relations. 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.

If someone files a discrimination complaint against you under Chicago's ordinances, you will be notified by mail and given an opportunity to present your defenses. The Commission follows specific legal rules and procedures for deciding whether discrimination has occurred, which may include an administrative hearing before a neutral hearing officer.

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.

For more information on the Commission on Human Relations, please visit our website at: www.cityofchicago.org/humanrelations.

SELECTED LEGAL PROVISIONS ON HARASSMENT IN A PUBLIC ACCOMMODATION

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

Discriminatory Practices in 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) ...any 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

Discriminatory Conduct in Public Accommodations

...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. 520.150

Harassment in Public Accommodations

- (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.