



## SEXUAL HARASSMENT in Employment

The Chicago Human Rights Ordinance prohibits sexual harassment in employment. Sexual harassment is a form of sex discrimination. A sexual harassment victim can be of the opposite sex *or the same sex* as the harasser. Workplaces of all sizes are covered.

In employment, sexual harassment is defined as any unwelcome sexual advances or 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; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision; or (3) such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

**Examples** of sexual harassment include—

- Repeated, unwelcome sexually suggestive comments, gestures, e-mails, or pictures.
- Unwelcome physical contact of a sexual nature.
- Requests for sexual favors in exchange for an employment benefit.
- Subtle or direct threats that a sexual or personal relationship is required for employment, promotion, or other favorable treatment in the workplace.

Employers may be held responsible for the sexually harassing conduct of supervisors and other agents. Employers can also be held responsible for sexual harassment by non-supervisory or non-managerial personnel if they were aware of the conduct but failed to take reasonable corrective action. In addition, harassers can be held individually liable for their own conduct.

**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.

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

A person who claims to have been subjected to sexual 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.

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).

**SELECTED LEGAL PROVISIONS  
SEXUAL HARASSMENT IN EMPLOYMENT**

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

**Definition of Sexual Harassment**

Sexual harassment” means any unwelcome sexual advances or 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; or (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.

Section 2-160-040, Chicago Municipal Code (Human Rights Ordinance)

**Sexual Harassment**

No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by non-employees or non-managerial and non-supervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

CCHR Reg. 340.100

**Totality of Circumstances**

In determining whether alleged conduct constitutes sexual harassment, the Commission will review the record as a whole and the totality of the circumstances, such as the nature of the alleged sexual advances, conduct or statements and the context in which the alleged incidents occurred.

CCHR Reg. 340.110

**Liability for Supervisors' Actions**

An employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will review the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory capacity or can be considered an agent of the employer.

CCHR Reg. 340.120

**Liability for Actions of Non-Managerial Personnel**

With respect to the conduct of non-managerial or non-supervisory employees, and the conduct of non-employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or becomes aware of the conduct and fails to take reasonable corrective action. In reviewing cases involving the conduct of non-employees, the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

CCHR Reg. 340.130

**Benefits Withheld from Others**

When employment opportunities or benefits are granted because of an individual's submission to sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for, but were denied these employment opportunities or benefits.