



## **WORKPLACE HARASSMENT**

The Chicago Human Rights Ordinance prohibits workplace harassment based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, marital status, parental status, age, disability, source of income, military discharge status or credit history. Employers have a duty to maintain a work environment free of harassment based on any of these protected classes.

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

**Examples** of workplace harassment include—

- Repeated derogatory or offensive comments related to a person's protected class.
- Displaying insensitive pictures, cartoons, and jokes about a protected class; or disseminating such material through workplace e-mail.
- Repeated threats of dismissal or severe discipline without cause.
- Excluding or isolating a person from workplace activities because of their protected class.
- Making fun of an individual's religious practices.
- Extreme criticism of an individual's work performance in front of employees or customers.

Harassment often consists of a series of incidents which, taken together, are found to be severe or pervasive enough to create a hostile work environment. Stray remarks and isolated incidents may not be sufficient to violate the ordinance, if the conduct not severe or pervasive.

Employers may be held responsible for the harassing conduct of supervisors and other agents. Employers can also be held responsible for 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.

Workplace harassment may also violate state or federal laws prohibiting discrimination. A finding of 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 workplace harassment within the City of Chicago 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 HARASSMENT IN EMPLOYMENT**

### **Chicago Human Rights Ordinance, Section 2-160-030**

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment 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, credit history or source of income....

### **CCHR Reg. 345.100 Prohibition of Harassment**

Harassment on the basis of actual or perceived membership in a Protected Class is a violation of the HRO (see Reg. 100(26) above). An employer has an affirmative duty to maintain a working environment free of harassment on the basis of membership in any class protected under the HRO.

### **CCHR Reg. 345.110 Definition of Harassment**

Slurs and other verbal or physical conduct relating to an individual's membership in a Protected Class (see Reg. 100(26) above) constitutes harassment when this conduct:

- (a) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

### **CCHR Reg. 345.120 Liability for Supervisors' Actions**

An employer is responsible for its acts and those of its agents and supervisory employees with respect to harassment on the basis of membership in a Protected Class (see Reg. 100(26) above) regardless of whether the specific acts complained of were authorized or forbidden by the employer and regardless of whether the employer know or should have known of their occurrence. The Commission will examine 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 or agency capacity.

### **CCHR Reg. 345.130 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 harassment in the work place on the basis of the victim's membership in a Protected Class (other than sex) where the employer (or its agents or supervisory employees) knew or should have known of the conduct and failed 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 regarding the conduct of such non-employees.