SEXUAL HARASSMENT PREVENTION TRAINING

CITY OF CHICAGO

Chicago Commission on Human Relations

Sexual Harassment is Prohibited in Chicago

The Chicago Human Rights Ordinance makes it a civil rights violation "[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment." Municipal Code of Chicago, 6-010-040.

Access the municipal code through:
https://www.chicityclerk.com/legislation-records/municipal-code

The Chicago City Council finds that **tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for employees**, reducing productivity, and increasing legal liability.

The City of Chicago encourages employers to **adopt and actively implement policies to ensure their workplaces are safe for employees** to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

Employers Required to Provide Sexual Harassment Prevention Training for All Employees

Every employer in the City of Chicago is required to **provide employees with sexual harassment prevention training annually** in compliance with section 6-010-040 (b)(1)(C) of the Chicago Human Rights Ordinance.

Remember:

Anyone who supervises or manages employees shall participate in a minimum of two hours of sexual harassment training annually.

All employees must participate in one hour of bystander intervention training annually.

All employees regardless of their status (i.e. short-term, part-time, or intern) must be trained.

If an employer has an independent contractor working on-site with the employer's staff, the independent contractor should receive sexual harassment prevention training.

In this training we'll cover:

01

Overall Explanation

An explanation of sexual harassment consistent with the Chicago Human Rights Ordinance

02

Overall Examples

Examples of conduct that may constitute unlawful sexual harassment

03

Laws Summary

A summary of Federal, State, and local laws concerning sexual harassment including remedies available to victims

04

Responsibilities Summary

A summary of employer responsibilities in the prevention, investigation, and corrective measures of sexual harassment

I. What is Sexual Harassment?

Under the Chicago Human Rights Ordinance, "Sexual harassment" means any unwelcome sexual advances or unwelcome conduct of a sexual nature; or requests for sexual favors, or any conduct of a sexual nature when:

01

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

02

Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual.

03

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.

04

Sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

Types of Unlawful Sexual Harassment

Quid Pro Quo Sexual Harassment

"You do something for me, and I'll do something for you."

This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.

Hostile Work Environment Sexual Harassment

"The air at work is full of sexual references and it is impacting me."

A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Unwelcome Behavior

Sexual conduct becomes sexual harassment when the behavior is unwelcome. Behavior may be unwelcome in the sense that the victim did not solicit or invite it, or in the sense that the victim regarded the conduct as undesirable or offensive.

Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.

Also, consent can be revoked at any time. When someone experiencing sexual harassment behavior says, ”stop talking to me like this” it must stop. The perpetrator cannot use as a defense ”Well you started it.” or “You were ok with it at first.”

Working Environment

An employee's "working environment" is not limited to the physical location where the employee is assigned.

The "working environment" extends to other worksites including off-site, mobile or moving worksites/locations.

For example, a "working environment" includes the courthouse for a lawyer, or an off-site event for a caterer.

Gender Identity & Sexual Orientation

Gender identity can be defined as one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

*A person can be the victim of sexual harassment **regardless** of the victim's gender identity or the perpetrator's gender identity.*

*A person can be the victim of sexual harassment **regardless** of the victim's sexual orientation or the perpetrator's sexual orientation.*

Employees and Nonemployees as Victims of Sexual Harassment

*The Chicago Human Rights Ordinance **protects Employees and Nonemployees** from sexual harassment.*

Victims of sexual harassment can include **Employees and Nonemployees** when sexually harassed by other Employees or Nonemployees.

Victims of sexual harassment can include not only the target of the sexual harassment, but also those Employees or Nonemployees who are Bystanders or Witnesses to the sexual harassment.

Employees include co-workers, supervisors and managers.

Nonemployees include persons who are not employees, but are directly performing services for an employer, such as contractors or consultants (independent contractors or gig workers).

Customers/Patrons as **Victims** of Sexual Harassment

*The Chicago Human Rights Ordinance **protects Customers/Patrons** from sexual harassment in "places of public accommodation," such as stores, hotels, restaurants, theaters, museums, health clubs and hospitals.*

Employers that are also "places of public accommodation" are responsible for sexual harassment of Customers/Patrons when perpetrated by their Employees or Nonemployees.

Employees and Nonemployees as Perpetrators of Sexual Harassment

The Chicago Human Rights Ordinance ***prohibits Employees and Nonemployees*** *from engaging in sexual harassment.*

Employers are responsible for sexual harassment perpetrated by their Employees and Nonemployees against **other Employees and Nonemployees**.

Employers are also responsible for sexual harassment perpetrated by their Employees and Nonemployees against **customers/patrons**.

Employees include co-workers, supervisors and managers.

Nonemployees include persons who are not employees, but are directly performing services for an employer, such as contractors or consultants (independent contractors or gig workers).

Customers/Patrons and Third Parties as **Perpetrators** of Sexual Harassment

*The Chicago Human Rights Ordinance **prohibits** sexual harassment of Employees and Nonemployees by Customers/Patrons and Third Parties.*

Employers are responsible for sexual harassment of their Employees and Nonemployees by Customers/Patrons.

Employers are also responsible for sexual harassment of their Employees and Nonemployees by Third Parties such as sales representatives, vendors, and/or delivery persons.

What are Examples of Inappropriate Conduct?

Sexual harassment includes unwelcome conduct of a sexual nature (sexual advances and requests for sexual favors).

You can see some examples in the boxes

- Pressure for sexual favors or to go out on a date
- Deliberate touching, leaning over, or cornering another person
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to another as a “girl,” “hunk,” “doll,” “babe,” “honey,” “tootsie”, etc.
- Actual or attempted rape or sexual assault

More examples of conduct that may constitute sexual harassment include

- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories
- Sexual comments about a person's clothing, body, or looks
- Kissing sounds, howling and smacking lips
- Telling lies or spreading rumors about a person's sex life
- Massaging neck, shoulders, etc.
- Touching another employee such as their clothing, hair, or body

Sexual Harassment in Online Environments

Our conduct online and through social media **can constitute sexual harassment** even when it occurs “off the clock”, “off-site”, or even “out of state”.

Online sexual harassment **includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media** (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) to send communications of a sexual nature. Examples include:

- Flirting and requests or demands to go on a date or have sex
- Sending inappropriate pictures or videos including sexually graphic material
- Using sexual language or comments including sexually offensive language
- Cyberstalking

Is my Employer Responsible for Sexual Harassment?

Yes, employers are responsible for sexual harassment in two ways:

Manager/Supervisor Harassment

Employers are strictly liable for sexual harassment perpetrated by its members of management regardless of whether the employer knew of the harassment.

Co-Worker & Nonemployee Harassment

Employers are liable for sexual harassment perpetrated by an employee (co-worker) or nonemployees (vendors) only if the employer knew or reasonably should have known of the harassment and failed to take prompt corrective action.

Employer Responsibilities

We will now discuss employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their responsibilities to:

Prevent

Prevent the incidence of sexual harassment in their workplaces;

Investigate

Investigate incidents of sexual harassment in their workplaces;

Correct

Correct the incidence of sexual harassment in their workplaces.

Employer Responsibility: Prevention

Develop, implement and regularly communicate the employer's sexual harassment policy.

Provide training for managers and employees on sexual harassment prevention.

Ensure clear communication on how to report incidents of sexual harassment or conduct of a sexual nature.

Managers and supervisors should monitor their work environment to ensure the workplace is free of sexual harassment – supervisors should be aware of the conduct within their supervision.

Managers and supervisors must lead by example and model appropriate conduct – refrain from engaging in conduct of a sexual nature.

Managers and supervisors should conduct a sexual harassment climate check throughout the year -discuss the topic at a team or staff meeting, in-service day or as part of structured communication such as division/unit newsletters.

Employer Responsibility - Investigation

Immediately respond to a complaint of sexual harassment and initiate an inquiry or investigation.

Interview the complainant (victim) and take reasonable action to protect the victim from retaliation or experiencing further sexual harassment during the investigation.

Interview all relevant witnesses.

Interview the alleged perpetrator of the sexual harassment.

Document the investigation results and maintain the file as an employment record.

Take corrective action as appropriate.

Employer Responsibility – Corrective Measures

Take appropriate corrective disciplinary action up to and including termination of employment where organizational policy has been violated.

In situations where the conduct in question did not rise to the level of sexual harassment or a violation of policy, but is concerning or may be considered grooming behavior, consider counseling, training and closer supervision of the employee.

Take reasonable action within the organization to reduce the likelihood of future sexual harassment incidents by updating policies and communicating them to the workforce; providing supplemental or tailored sexual harassment training; or restructuring the working environment or reporting relationships.

Follow up with the complainant (victim) at regular intervals to ensure they and the workplace remains free from sexual harassment.

Corrective Measures, Not Recommended

These changes may not be appropriate and should only be considered at the request of the victim.

Change in the worksite of the victim

Change in the victim's work hours

Change in the victim's job duties

What can I do if I experience, witness, or become aware of unwelcome sexual conduct?

If you experience, witness or become aware of unwelcome sexual conduct, know that:

You have the **right to tell the person to stop**. The initiating and participating persons must stop the unwelcome behavior upon request. If they continue the behavior or retaliate against you because you asked them to stop, **they can be found to have violated the law** by engaging in sexual harassment or retaliation.

You have the **right to report the sexual harassment**. Several reporting options are available. The option you choose may depend on the nature and severity of the unwelcome conduct of a sexual nature. Persons who report sexual harassment or participate in investigations **are protected** from retaliation.

Reporting Sexual Harassment: Several Options

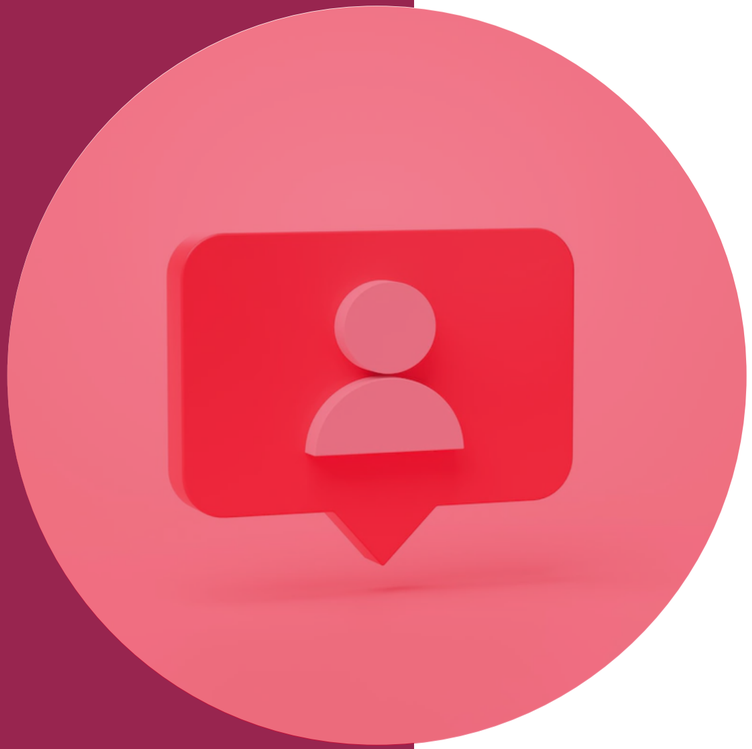
The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. You may pursue one or more of the following reporting options:

- Report the Incident to Your Employer
- **File a Complaint with the Chicago Commission on Human Relations**
- File a Charge with the Illinois Department of Human Rights (IDHR)
- File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)

Reporting Sexual Harassment to an Employer

Report the incident to one or more of the following employer representatives:

- **Your Supervisor** or any member of management you trust. Supervisors and members of management are responsible for knowing the employer's internal complaint investigation and resolution process. Supervisors can help effect immediate positive change
- **Human Resources Officers** can work with management to investigate and resolve sexual harassment complaints. This option may be preferred, if the perpetrator of the sexual harassment is a supervisor or manager
- **Designated Sexual Harassment Reporting Officers** are often established by employers to specifically receive and investigate sexual harassment complaints. Consult your employer's sexual harassment policy for specific reporting contact information



Reporting Sexual Harassment to the Chicago Commission on Human Relations (CCHR)

The CCHR is the civil rights agency for the City of Chicago responsible for enforcing the Chicago Human Rights Ordinance, which makes it illegal to engage in sexual harassment or retaliation

- Complainants (victims of sexual harassment) may file a charge at any time within 365 days of the incident(s). The act must have occurred within the City of Chicago
- CCHR has jurisdiction (authority) to investigate employers who have 1 or more employees
- Complaints may be filed with CCHR in person, online, by email, or by fax

Remedies Available Under The Chicago Human Rights Ordinance

You have the **right to report the sexual harassment**. Several reporting options are available.

The option you choose may depend on the nature and severity of the unwelcome conduct of a sexual nature. Persons who report sexual harassment or participate in investigations are protected from retaliation.

- After an investigation by the CCHR, if substantial evidence of an ordinance violation is found, a public administrative hearing will be held (before a hearing officer)

- The hearing officer will make a recommended decision on liability and relief

- The CCHR Board of Commissioners may either accept, reject or modify the decision of liability and the recommended relief. The decision may include:

  ||| Fine up from $5,000 - $10,000 per violation (paid to the City)

  ||| Remedies for the complainant

  >> Damages (out-of-pocket, emotional distress, punitive damages)
  >> Injunctive relief (order to correct discriminatory practices).
  >> Attorney fees

- Penalties under other ordinances

  - May affect business or liquor license. (Sec. 4-4-280, Muni. Code)
  - May affect eligibility for City contracts. (Ch. 2-92, Muni. Code)

Reporting Sexual Harassment to the CCHR

Chicago Commission on Human Relations

740 N. Sedgwick, 4th Floor,
Chicago, IL 60654

312-744-4111

cchr@cityofchicago.org

www.chicago.gov/cchr

Reporting Sexual Harassment to the Illinois Department of Human Rights (IDHR)

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- IDHR has jurisdiction (authority) to investigate employers who have 1 or more employees.
- To start the process, submit a Complainant Information Sheet to IDHR

Remedies Available Under The Illinois Human Rights Act

After IDHR completes its investigation, the Complainant (the employee):

1. M*ay file a lawsuit in civil court, or*

2. *May file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found "substantial evidence" of a violation.*

- Complainants who prevail in the HRC or Court may receive an **order awarding remedies** allowed by the Illinois Human Rights Act to make the Complainant "whole."

- **Remedies may include:** back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney's fees and costs.

Reporting Sexual Harassment to the IDHR

Illinois Department of Human Rights, Chicago Office

555 W. Monroe St., 7th Floor, Chicago, IL 60661

To file a charge or call IDHR

1-800-662-3942

other numbers:

312-814-6200 |
866-740-3953 (TTY)

www.ILLINOIS.GOV/DHR

Reporting Sexual Harassment to the U.S. EEOC

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that make it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees.
- To start the process, call the EEOC or visit their website.

Remedies Available Under Title VII of the Civil Rights Act of 1964

- *After EEOC completes its investigation:*

1. *The Complainant (the employee) may file a lawsuit in federal court.*

2. *The EEOC may help parties reach a settlement through an informal process called "conciliation" if the EEOC finds "reasonable cause" to believe discrimination occurred.*

- Complainants who prevail in federal court may receive an **order awarding remedies** allowed by Title VII to make the employee "whole."

- **Remedies may include:** back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney's fees and costs.

Reporting Sexual Harassment to the U.S. EEO

U.S. EEOC Chicago District Office

JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604

To file a charge or call

1-800-669-4000

other numbers:

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)
1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

www.EEOC.GOV

Thank you for completing the

2022 ANNUAL SEXUAL HARASSMENT PREVENTION TRAINING

Please take the following actions:

1. **Print and sign the “Certificate of Participation” provide in the next page.**
2. **Return the Certificate to your employer representative.**

CITY OF CHICAGO

SEXUAL HARASSMENT PREVENTION TRAINING

Certificate of Participation
Sexual Harassment Prevention Training

I certify that I have carefully read and reviewed the content of, and completed, the 2022 Sexual Harassment Prevention Training pursuant to the Chicago Human Rights Ordinance, Municipal Code of Chicago, 6-010-040.

Issuing year: _____

Training Participant Information:

_____
Printed Name - First, Middle Initial, Last

_____
(Birth Month and Day)

_____
Training Date/Location | (Company Name/Work Location)

_____
(Training Date)

_____
Training Method

_____
Your Signature

Chicago Commission on Human Relations - CCHR