

Municipal Code of Chicago § 2-92-612 Policy prohibiting sexual harassment.

(a) For purposes of this section, the following definitions shall apply:

“Contract” means any contract, purchase order, construction project, or other agreement (other than a delegate agency contract or lease of real property or collective bargaining agreement) awarded by the city and whose cost is to be paid from funds belonging to or administered by the city.

“Contractor” means the person to whom a contract is awarded.

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (ii) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (iii) 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.

“Subcontractor” means any person that enters into a contract with a contractor to perform work on a contract.

(b) Any solicitation for a contract advertised or otherwise communicated on or after June 30, 2018, and any contract entered into as a result of such solicitation, shall include a specification that the contractor shall, as prescribed by the Chief Procurement Officer, attest by affidavit that the contractor has a written policy prohibiting sexual harassment that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment; and (iii) the legal recourse available for victims of sexual harassment.

(c) A contractor's failure to have a written policy prohibiting sexual harassment as provided in subsection (b) shall constitute an event of default. In the event of default, the Chief Procurement Officer shall notify the contractor of such noncompliance and may, as appropriate: (i) issue the contractor an opportunity to cure consistent with the default provisions in the contract; (ii) terminate the contract; or (iii) take any other action consistent with the default provisions in the contract. This section shall not be construed to prohibit the City from prosecuting any person who knowingly makes a false statement of material fact to the city pursuant to Chapter 1-21 of this Code, or from availing itself of any other remedies under contract or law.

(d) The Chief Procurement Officer is authorized to adopt rules that require a subcontractor to have a written policy prohibiting sexual harassment consistent with this section.