

# P.S. All Employers – Chicago’s Harassment Prevention Training Requirements Apply to You If You Have Any Employees Working in Chicago

## Labor & Employment Law Update

By Beverly Alfon on May 23, 2023

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. As we previously discussed in a blog last year, Chicago’s City Council amended the Chicago Human Rights Ordinance by expanding the definition of sexual harassment and adding various requirements related to harassment prevention training, policy, postings and recordkeeping.

### **Refresher: The Annual Training Requirements and June 30 Deadline**

The City of Chicago’s sexual harassment prevention ordinance requires three mandatory, annual training components upon Chicago employers:

1. A minimum of one (1) hour of sexual harassment prevention training for all employees;
2. A minimum of two (2) hours of sexual harassment prevention training for supervisors and management; and,
3. One (1) hour of bystander training for all employees.

The deadline for completion of the above training this year is **June 30, 2023**. Every year thereafter, employers must conduct training between July 1 and June 30.

### **Clarification: Who is a Chicago “Employer”**

The Chicago Commission on Human Relations, which enforces the ordinance, has recently updated its guidance to clarify which employers are subject to its harassment prevention training requirements. Previously, the Commission’s guidance relied upon a definition of “Employer” that hinged on a physical

presence in Chicago and/or being subject to the city's licensing requirements. However, that narrower definition only applies in the context of criminal records and criminal histories – not with regard to sexual harassment prevention.

The definition of “Employer” is much broader as to the harassment prevention requirements (Municipal Code of Chicago, Section 6-10-020):

any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of person that provides employment to one or more employee in the current or preceding calendar year and any agent of such an entity or person.

The Commission's new guidance applies the correct definition of “employer” in a new FAQ that addresses what is required of an employer that has employees who only “occasionally” work within the city limits:

Although the FAQ is not legally binding, it certainly makes it clear that the Commission's position is that the sexual harassment prevention training requirements apply to all employers who have any employees who perform any work in Chicago, including their managers/supervisors – regardless of where the manager or supervisor works.

#### **To Do: Evaluate Your Workforce (Again) and Confirm Compliance**

Every employer must assess whether or not it has any employees who perform any work within the geographical boundaries of the City of Chicago (whether in-person, hybrid, fully remote, temporarily, or occasionally) and confirm compliance with the city's training requirements by June 30, 2023.

**STEP 1:** Map out your employees. Systemically ask your supervisors and managers to identify who of their direct reports occasionally or regularly work within the city limits. Determine whether or not those employees have received their 1 hour of sexual harassment prevention training as required by the Chicago ordinance.

**STEP 2:** Once you identify the employees in Step 1, identify their direct supervisors and managers. Determine whether or not those supervisors and managers have received their requisite 2 hours of sexual harassment prevention training in accordance with the Chicago ordinance.

**STEP 3:** Take the list of employees from Step 1 and Step 2 and determine whether or not they have all received the 1 hour of bystander intervention training as required by the Chicago ordinance.

To the extent that you have to provide additional training to comply with the ordinance's requirements, time is of the essence! Also, take this opportunity to confirm your compliance with the ordinance's requirements related to your written anti-harassment policy, postings, and recordkeeping requirements.

P.S. All  
Employers –  
Chicago's  
Harassment  
Prevention  
Training  
Requirements  
Apply to You  
If You  
Have Any  
Employees  
Working in  
Chicago