

WINDY CITY WATCH-OUT: CHICAGO'S SEXUAL HARASSMENT REQUIREMENTS APPLY TO EMPLOYERS OUTSIDE OF CHICAGO IF EVEN ONE EMPLOYEE WORKS OCCASIONALLY IN CHICAGO

May 16, 2023

Last June, we provided information about the new Chicago sexual harassment training requirements pursuant to the amended Chicago Human Rights Ordinance (Chicago Municipal Code 6-10). At the time, the City indicated that the requirements apply only to employers that maintain a business facility within the boundaries of Chicago or are subject to Chicago license requirements, and that have one or more employees who work within the boundaries of Chicago.

Recently, however, the City issued guidance indicating that the physical presence or licensure requirements are inapplicable to the definition of "employer" for purposes of the sexual harassment provisions of the Chicago Municipal Code. Instead, an "employer" for this purpose is "any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that provides employment for one or more employees in the current or preceding calendar year, and any agent of such an entity or person." (Chicago Municipal Code 6-10-020)

Citing the above definition, the City's guidance includes the following Q&A, which demonstrates the broad application of the sexual harassment requirements:

Q: My business has employees who occasionally work within the geographical boundaries of Chicago. Is my business required to maintain a sexual harassment policy, place the poster in the workplace, and conduct sexual harassment training?

A: Yes. The policy and posting requirements of the new sexual harassment protections apply to all employers (Chicago Municipal Code Sec. 6-10-020) whose employees work in Chicago. The training requirement applies for all employees who work in Chicago, even if remote, and their managers or supervisors, even if the managers or supervisors work outside of Chicago.

Accordingly, an employer need not even have an office or other physical location within Chicago to be subject to the sexual harassment training, policy and posting requirements. Instead, the employer need only have one or more employees who spend any time working within Chicago. And,

the training requirements apply to not only those employees who work in Chicago, but also anyone who manages/supervises such employees, even if those managers/supervisors do not themselves work in Chicago.

Further information about the sexual harassment requirements is available on the City's [website](#). The posting and policy requirements went into effect on July 1, 2022. The deadline to complete the first series of annual training – one hour of training for all employees, another hour of training for managers/supervisors, and another one hour of bystander training for all employees – is June 30, 2023.

Reach out to your BCLP contact for further assistance.

MEET THE TEAM



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