

New Sexual Harassment Bystander Training Required for Chicago Employers

The City of Chicago recently enacted an ordinance requiring Chicago-based employers to provide annual training that addresses “bystanders” who may witness sexual harassment. The ordinance applies to any Chicago employer, regardless of size, if (1) the business is required to have a business license issued by the City of Chicago; or (2) the business maintains a facility within the geographic boundaries of the City of Chicago. Employers have until June 30, 2023, to complete the initial bystander training session.

New Training Requirements

The ordinance is the first of its kind in the United States, requiring employers to make sexual harassment “bystander” training its own distinct hour and not part of other sexual harassment trainings that may be required. Bystander intervention is defined as “safe and positive actions that may be carried out by a person or a group to prevent harm or intervene where there is a risk or perceived risk of sexual harassment to another.” Bystander training should cover the following actions:

- Recognizing situations of potential sexual harassment;
- Understanding institutional structures and cultural conditions that facilitate sexual harassment;
- Overcoming barriers to intervention;
- Identifying safe and effective intervention options; and
- Taking safe and appropriate action to intervene.

Because of this ordinance, non-managerial employees are now required to undergo two total hours of training each year, one of which must be dedicated to sexual harassment bystander training. Managers and supervisors are required to undergo three total hours per year, one of which must be dedicated to bystander training.

Although complying with Illinois’ sexual harassment training requirement will satisfy Chicago’s general requirement, Chicago employers still need to provide the

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additional one or two hours of bystander training.

The City of Chicago has published materials to help employers complete this training, which can be accessed [here](#).

Other Changes

The ordinance also includes other updates to discrimination and sexual harassment within Chicago, including:

- Fines for any form of prohibited discrimination have increased from \$500-\$1,000 to \$5,000-\$10,000.
- Chicago employers must have a written sexual harassment policy that includes certain statements required by the City and must post notice of its policy and the law.
- The deadline for Chicago's Commission on Human Rights to respond to a complaint is extended from 10 days to 30 days.
- The time an individual may bring a claim to report any form of prohibited discrimination is extended from 300 days to 365 days.
- The definition of sexual harassment now prohibits sexual misconduct, meaning any behavior of a sexual nature that involves coercion, abuse of authority or misuse of an individual's employment position.

What Employers Should Do Now

Employers in Chicago should review their sexual harassment policy, revise it to comply with the ordinance's new provisions and post it as required. Employers should also create a plan to provide their employees with one hour of sexual harassment bystander training before June 30, 2023, and annually thereafter.

If you have any questions about sexual harassment training requirements in Chicago or elsewhere, please contact [Rob Driscoll](#), [Matt DeLange](#) or your Reinhart attorney.

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