

The following is a Model Sexual Harassment Policy for Employers in the City of Chicago. It is meant as a guide and a starting point for the development of the employer's own policy. Employers are welcome to adopt this policy in its entirety or alter it to fit the needs and requirements for their unique workplaces. Please note, as every employee is different, so is every incident of sexual harassment. Thus, this model policy is not meant to address every scenario an employer or employee may encounter. We hope you find it helpful in creating and sustaining safe and respectful workplaces.

MODEL WORKPLACE POLICY ON SEXUAL HARASSMENT

I. Purpose

[Employer] has a strict zero tolerance policy against all forms of sexual harassment. This policy was created as part of our commitment to a safer and more supportive workplace to prevent and reduce sexual harassment.

Anyone can be a victim of sexual harassment regardless of their gender, gender identity, sexual orientation, race, age, or other factors. It can occur inside or outside the workplace, between supervisors and their staff, coworkers, customers, and others. Therefore, [Employer] will take every measure within its power to prevent and address acts of sexual harassment.

The purposes and goals of this policy are to:

1. Provide notice to all employees that sexual harassment will not be tolerated, and that violators will be held accountable;
2. Create and enforce policies and procedures to assist employees who are impacted by sexual harassment, including providing training on this policy for employees and management;
3. Support a thorough workplace education and training program to prevent sexual harassment and promote a safe workplace for all employees;
4. Provide immediate assistance and support to victims of sexual harassment – such as information and referrals to community resources – to help ensure safety and support for victims and fellow employees.

II. Sexual Harassment

Sexual harassment can occur in many ways. It may involve unwelcome romantic or sexual advances, requests for sexual favors, visual materials, social media posts, verbal comments, and/or physical contact of a sexual nature, regardless of

gender or gender identity. Involved parties, either victim or harasser, could be a co-worker, subordinate, manager/supervisor, contractor, or even a customer.

Such conduct is a violation of this policy, even in instances where the offending employee believed they were acting jokingly. Such communications, comments, actions of a sexual nature, or unwelcome advances are prohibited at [Employer] whether or not other employees were offended.

The most obvious examples of sexual harassment involve physical behavior or physical contact. The following is a non-exhaustive list of physical behaviors that may be considered offensive:

- Touching an individual by massaging their back, neck or shoulders, hugging, kissing, patting, pinching, fondling, or touching/pulling an individual's clothing or hair.
- Physical gestures that imply a sexual act or sexual anatomy, touching oneself in a sexual manner.
- Brushing up against another person, standing too close, or lingering.

However, sexually harassing behavior does not always involve physical contact. The following is a non-exhaustive list of examples of verbal and non-verbal/visual behavior that may be considered offensive:

- Suggestive behavior such as "elevator eyes" (looking a person up and down), leering, staring, sexual gestures, whistling, catcalls, winking, throwing kisses, making kissing sounds, howling, groaning, or smacking/licking lips.
- Sexual comments or innuendoes about clothing, anatomy, appearance, or sexual jokes or stories, or playing or singing sexually suggestive songs.
- Discussions or inquiries about sexual fantasy, preferences, history, or sex life about self or others.
- Displaying pictures, objects, reading materials, or other materials that are sexually suggestive or demeaning. This includes any sexual materials on personal devices including a smart phone or tablet, or company-owned computers or devices shared in the workplace.

- Repeated invitations and/or pressuring/coercion for dates or sexual favors; harassing phone calls, emails, texts, social media posts, or other communication.
- Giving personal gifts that imply an intimate relationship.
- Sending sexually suggestive communications (such as e-mails, texts, instant messages, notes, etc.); displaying or transmitting suggestive visual materials (such as pictures, calendars, and posters).
- Stalking, following, or blocking an individual's path.

In addition, it is a violation of this policy, and the law, for any employee to ever state, imply, or suggest that dating or engaging in sexual conduct with another employee could result in a workplace benefit such as a promotion, a raise, or better terms and conditions of employment – or that a refusal to date or engage in sexual conduct will negatively affect a person's career or conditions of employment.

Finally, employees should understand that sexual harassment can occur in the workplace which includes but is not limited to [employer's] facilities, work sites, vehicles, and equipment, or while on work-related travel. However, sexual harassment can also occur outside of the workplace and even outside of work hours, such as at a social event (including but not limited to a co-worker's wedding, or at a bar or restaurant after the workday).

III. Persons Covered by this Policy

Persons covered by this policy include full and part-time employees, interns, contractors, vendors, volunteers, or temporary workers hired by [Employer].

IV. Reporting Sexual Harassment

A. Internal Complaint Procedures

Employees should report allegations of sexual harassment, to a designated employee (which may include a supervisor, any manager, or member of Human Resources) as soon as reasonably possible after the conduct occurs to help ensure an effective investigation. [Employer] investigates any incident of sexual harassment reported under this policy. Accordingly, it is imperative that employees give [Employer] the opportunity to investigate and resolve any reported concerns. [Employer]

will promptly undertake or direct an effective, thorough, and objective investigation of the complaint.

If [Employer] determines that an employee has engaged in conduct in violation of this policy, [Employer] shall take prompt, remedial action commensurate with the circumstance, up to and including termination of employment, against those who engaged in violations of this policy.

[Employer's] designated employee shall provide community referrals and resources to employees to assist employees with their concerns or experiences regarding sexual harassment.

B. Duty to Cooperate

Every employee shall have a duty to cooperate with the investigation. Failure to do so may result in disciplinary action. Additionally, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of violence. Any employee who fails to be completely truthful or who withholds information shall be subject to disciplinary action.

C. Retaliation

[Employer] prohibits any retaliation against any employee who complains of sexual harassment or who participates in an investigation. Retaliation includes, but is not limited to, taking disciplinary action against the employee, reassigning their duties or workspace, denying requests for leave, demotions, etc. Allegations of retaliation will be investigated, and appropriate remedial action will be taken. Any individual engaging in retaliatory behavior will be subject to disciplinary action, which may include termination of employment. For any suspected retaliation concerns, contact a supervisor, any manager, or Human Resources.

[Employer] will not retaliate against a victim of sexual harassment for requesting leave or a reasonable accommodation (see Section IV (G)), regardless of whether the request was granted.

D. Witnessing Sexual Harassment

In addition to having a duty to cooperate with an investigation of sexual harassment, employees who have information about or who witness an

act of sexual harassment against an employee, are required to report all information to the designated employee at [Employer].

[Employer] will not retaliate against, terminate, or discipline any employee for reporting information about alleged incidents of sexual harassment, as defined in this policy that may have been committed by any other employee, including a member of management. Any employee who believes they have been subjected to adverse action as a result of making a report pursuant to this policy should contact [person]. See Section IV(C) regarding reporting of violations of this policy.

E. Investigation Procedures

If [Employer] receives information that alleges or suggests that an employee has committed an act of sexual harassment, then the matter shall be referred to the designated executive for the purpose of investigating the information or allegation. [Employer] shall conduct an immediate investigation of the information or allegation as soon as reasonably possible.

At the conclusion of the investigation conducted by [Employer], the investigator will report their findings to the designated official. If the investigator concludes that there is significant evidence that the employee has engaged in sexual harassment, as defined in this policy, then that employee shall be subject to disciplinary action up to and including termination. The employee might also be required to participate in counseling or other remedial measures.

The Human Resource Officer, or other official designated by [Employer] will provide written notice to the employee who filed the complaint and the accused employee informing them of the outcome of the investigation. The notification will not include the recommended discipline in cases where a violation of this policy was found.

F. Statement of Confidentiality

[Employer] recognizes and respects an employee's right to privacy and the need for confidentiality and the freedom to make their own decisions. [Employer] shall maintain the confidentiality of an employee's disclosure regarding sexual harassment to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within the workplace.

When information must be disclosed to protect the safety of individuals within the workplace, [Employer] shall limit what information is disclosed as necessary to protect the safety of the disclosing employee and others, and to comply with the law.

[Employer] shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. [Employer] shall also provide the employee with the name and title of the person to whom [Employer] intends to share the employee's statements and shall explain why the information must be disclosed.

G. Leave Requests

[Employer] recognizes that victims of sexual harassment may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure their health, and safety. [Employer] will work in collaboration with the employee to provide reasonable and flexible leave options when an employee is a victim of sexual harassment.

[Employer] will work with employee to provide paid leave first before requiring an employee to utilize unpaid leave. An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. To request leave, employee should contact [person]. [Employer] will maintain the confidentiality of a person who requests leave under this policy, to the extent allowed by law.

[Employer] will also provide reasonable accommodations for a victim of sexual harassment who requests an accommodation for the safety of the victim or to maintain their work performance while at work. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed workstation, installed lock, assistance in documenting the sexual harassment that occurs in the workplace, an implemented safety procedure, another adjustment to a job structure, workplace facility, or work requirement in response to the sexual harassment, or referral to a sexual harassment counseling service.

[Employer] will assist an employee to enforce his or her protection order, if applicable.

H. Additional Resources for Filing Sexual Harassment Complaints

In addition to internal [Employer] reporting methods, employees have the right to file charges of sexual harassment with the government agencies listed below. All external charges of discrimination in which [Employer] is identified as a Respondent, should be immediately directed to Human Resources.

Chicago Commission on Human Relations

740 N. Sedgwick, 4th Floor

Chicago, IL 60654

312-744-4111

cchr@cityofchicago.org

U.S. Equal Employment Opportunity Commission (EEOC)

Chicago District Office

230 South Dearborn St., Suite 1866

Chicago, Illinois 60604

321-872-9744

866-740-3953 (TTY)

<https://publicportal.eeoc.gov/Portal/Login.aspx>

Illinois Department of Human Rights

555 W. Monroe Street, Suite 700

Chicago, IL 60601

312-814-6200

312-740-3953 (TTY)