

## CHICAGO HUMAN RIGHTS ORDINANCE

**2-160-010** It is the policy of the city of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The City Council of the city of Chicago hereby declares and affirms:

\* That prejudice, intolerance, bigotry and discrimination occasioned thereby threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and

\* That behavior which denies equal treatment to any individual because of his or her race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income undermines civil order and deprives persons of the benefits of a free and open society.

\* Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our citizens fair and equal treatment under law.

**2-160-020** Whenever used in this chapter:

1. "Age" means chronological age of not less than 40 years.
2. "Credit transaction" means the grant, denial, extension or termination of credit to an individual.
3. "Disability" means:

1. A determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder including, but not limited to, a determinable physical characteristic which necessitates a persons's use of a guide, hearing or support dog; or

2. The history of such a characteristic; or

3. The perception of such a characteristic by the person complained against.

4. "Employee" means an individual who is engaged to work in the city of Chicago for or under the direction and control of another for monetary or other valuable consideration.

5. "Employment agency" means a person that undertakes to procure employees or opportunities to work for potential employees, either through interviews, referrals, advertising or any combination thereof.

6. "Gender Identity" means the actual or perceived appearance, expression, identity or behavior, of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

7. "Marital status" means the legal status of being single, married, divorced, separated or widowed.

8. "Military discharge status" means the fact of discharge from military status and the reasons for such discharge.

9. "Parental status" means the status of living with one or more dependent minor or disabled children.

10. "Public accommodation" means a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee. An institution, club, association or other place of accommodation which has more than 400 members, and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities or services from or on behalf of nonmembers for the furtherance of trade or business shall be considered a place of public accommodation for purposes of this chapter.

11. "Religion" means all aspects of religious observance and practice, as well as belief, except that with respect to employers "religion" has the meaning ascribed to it in Section 2-160-050.

12. "Sexual orientation" means the actual or perceived state of heterosexuality, homosexuality or bisexuality.

13. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) 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.

14. "Source of income" means the lawful manner by which an individual supports himself and his or her dependents.

**2-160-030** No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income. The prohibitions

contained in this paragraph shall not apply to any of the following:

1. Use of an individual's unfavorable discharge from military service as a valid employment criterion where (i) authorized by federal law or regulation; or (ii) where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge related to his or her fiduciary capacity;

2. Hiring or selecting between individuals for bona fide occupational qualifications;

3. Giving preferential treatment to veterans and their relatives as required by federal or state law or regulation.

**2-160-040** No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

**2-160-050** No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances and practices of employees or prospective employees unless the employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Reasonable efforts to accommodate include, but are not limited to allowing an employee:

to take a day of paid leave or vacation, where applicable under the employee's employment agreement; or

to be excused from work without pay and without discipline or other penalty; or

to elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational need of the employer's business. Any employee who elects such deferred work shall be compensated at his or her regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise option

1. of this subsection provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.