WORKPLACE SEXUAL VIOLENCE
A LEGAL GUIDE FOR COMMUNITY ORGANIZERS AND LABOR ADVOCATES
ACKNOWLEDGMENTS

This information guide could not have been possible without the generous support of the following organizations:

Soroptimist
Creative Go-Round
This guide is a product of the Coalition Against Workplace Sexual Violence, whose members include:

Chicago Alliance Against Sexual Exploitation (CAASE)
LAF’s Illinois Migrant Legal Assistance Project
Rape Victim Advocates
Chicago Coalition of Household Workers/Latino Union of Chicago
Mujeres Latinas en Accion
Pillars
Restaurant Opportunities Center
YWCA Chicago
U.S. Department of Labor Occupational Health and Safety Administration
Centro de Trabajadores Unidos
ARISE Chicago

LEGAL DISCLAIMER

This guide is not intended to and does not provide legal advice, assistance, or representation. Legal information is not the same as legal advice, which is the application of law to an individual’s specific circumstances. The information provided in this manual is not a substitute for and does not replace the advice or representation of a licensed attorney. The publishers of this manual make no claim as to the accuracy of this information and are not responsible for any consequences that may result from the use of this manual. This manual is for information purposes only. We recommend you consult with a licensed attorney if you want assurance that the information and your interpretation are appropriate for any particular situation. You should not and are not authorized to rely on this manual as a source of legal advice. The use of this manual does not create an attorney-client relationship between its creators and any user.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>II</td>
</tr>
<tr>
<td>Legal Disclaimer</td>
<td>II</td>
</tr>
<tr>
<td>Introduction</td>
<td>2</td>
</tr>
<tr>
<td>Title VII of the Civil Rights Act</td>
<td>3</td>
</tr>
<tr>
<td>Illinois Human Rights Act</td>
<td>4</td>
</tr>
<tr>
<td>Chicago Human Rights Ordinance</td>
<td>5</td>
</tr>
<tr>
<td>Cook County Human Rights Ordinance</td>
<td>6</td>
</tr>
<tr>
<td>Illinois Victims' Economic Security and Safety Act</td>
<td>7</td>
</tr>
<tr>
<td>Illinois Gender Violence Act</td>
<td>8</td>
</tr>
<tr>
<td>Illinois Civil No Contact Order</td>
<td>9</td>
</tr>
<tr>
<td>Illinois Unemployment Insurance Act</td>
<td>10</td>
</tr>
<tr>
<td>Illinois Workers' Compensation Act</td>
<td>11</td>
</tr>
<tr>
<td>Illinois Crime Victims Compensation Act</td>
<td>12</td>
</tr>
<tr>
<td>Illinois Domestic Violence Act</td>
<td>13</td>
</tr>
<tr>
<td>Illinois Sexual Assault Survivors Emergency Treatment Act</td>
<td>14</td>
</tr>
<tr>
<td>Safe Homes Act</td>
<td>15</td>
</tr>
<tr>
<td>U Visa</td>
<td>17</td>
</tr>
<tr>
<td>T Visa</td>
<td>19</td>
</tr>
<tr>
<td>Short Law Guide</td>
<td>20</td>
</tr>
<tr>
<td>Referrals</td>
<td>23</td>
</tr>
</tbody>
</table>
INTRODUCTION
This guide is intended as a go-to resource for community educators, organizers, healthcare professionals and other first responders to workplace sexual assault. The guide lays out many of the relevant Illinois legal protections for survivors of workplace sexual assault, and the basic requirements for each law, so first responders can easily identify if a worker should consider speaking with an attorney about potential legal claims. At the end of the guide is a two-page chart to help first responders quickly screen workers for referrals. On the back of the guide is the information for legal aid agencies that can provide workers with advice and representation if they believe their rights have been violated.
1. TITLE VII OF THE CIVIL RIGHTS ACT

Who is protected: Victims of discrimination on the basis of race, color, religion, sex, national origin, pregnancy, age, disability; and prohibits retaliation for filing a charge.

*Note: Sexual harassment is included under sex discrimination

- Jurisdiction: United States
- Who can be sued: Employers with 15 or more employees
- Filing deadline: 300 days from last date of discrimination if a state or local agency has a statute prohibiting the same discrimination (applicable in Illinois)
- What happens after filing: After filing a charge, the case is assigned to an investigator. The investigation takes 6-12 months to determine “probable cause.” If the investigator finds probable cause, the case may then be litigated. The EEOC may issue a right to sue letter to start the litigation process or the case may be assigned internally within the agency. Attorneys may ask for a right to sue letter any time during the investigation
- Domestic Workers: Excluded from protection

REMEDIES

Civil: Attorney fees, expert witness fees, court costs, compensatory damages including out-of-pocket expenses caused by discrimination, and emotional harm. Punitive damages may be awarded for malicious or reckless conduct by the employer

Undocumented Workers: Workers have the right bring lawsuits and file charges. However, back pay may not be available but this is not a settled point of law

Immigration Relief Available: The U Visa is immigration relief available to a victim of a violent crime who reports the crime and cooperates with law enforcement. The EEOC is a certifying agency for the U Visa for victims of employment discrimination that rises to the level of a U Visa’s qualifying crime (criminal sexual assault, criminal sexual abuse, witness tampering, etc.)

- Filing guidelines: http://www.eeoc.gov/employees/howtofile.cfm
- Statute: http://www.eeoc.gov/laws/statutes/titlevii.cfm
- Regulations: http://www.eeoc.gov/laws/regulations/

Additional information: There is a cross-filing agreement with Illinois Department of Human Rights (IDHR). This means that whenever you file with the EEOC, a copy of your charge is sent to IDHR as well.
2. ILLINOIS HUMAN RIGHTS ACT

Who is protected: Victims of discrimination on the basis of race; color; religion; sex; national origin; ancestry; age; order of protection status; marital status; physical or mental disability; military status; sexual orientation; unfavorable discharge from military service in connection with employment; real estate transactions; access to financial credit; arrest record; and the availability of public accommodations. The Act also prohibits retaliation for filing a charge.

*Note: Sexual harassment is considered sex discrimination under the Illinois Human Rights Act

- Jurisdiction: Illinois
- Requirements to File: Employer must employ 15 or more employees

Sexual Harassment/Disability Exception: Employer needs to employ only one or more employees to be sued for sexual harassment or disability discrimination

- Filing deadline: Must file the charge within 180 days of the last discriminatory act
- What happens after filing: After filing a charge, the Department offers mediation for both parties. If neither party agrees to mediation, the case is assigned to an investigator. As part of the investigation, the parties may be required to have a conference with the investigator to determine the facts. The Department has 365 days from the date of filing to issue a finding of “substantial evidence” or “lack of substantial evidence” of discrimination. If the Department has not issued a finding after the 365th day, or if the Department issues a finding, the individual has 90 days to file a complaint in civil court or with the Human Rights Commission. Individuals may file a lawsuit even if the Department does not issue findings in their favor.
- Domestic workers: Excluded from protection

REMEDIES

Civil: Cease and desist orders, actual damages, training, hiring/reinstatement/promotion, back-pay, fringe benefits, public accommodations, services, attorney fees

Undocumented Workers: Workers can bring claims under the Act. However, back pay may not be available but this is not a settled point of law.

Immigration Relief Available: The UVisa is immigration relief available to a victim of a violent crime who reports the crime and cooperates with law enforcement. IDHR is a certifying agency for the UVisa for victims of employment discrimination that rises to the level of a UVisa’s qualifying crime (criminal sexual assault, criminal sexual abuse, witness tampering, etc.)

Complaint form: http://www.state.il.us/dhr/Forms/CIS_Empl.PDF
- Regulations: http://www.state.il.us/dhr/Rule_Reg/HR_Rules.htm
3. CHICAGO HUMAN RIGHTS ORDINANCE

Who is protected: Victims of discrimination on the basis of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status and source of income. The Ordinance also prohibits retaliation for filing a charge.

*National Origin: An employer may not require an employee to disclose their status of national origin, ancestry or any other protected class unless it is a bona fide occupational qualification. English only policies are presumed a violation of the Ordinance unless the employer can prove business necessity. Additionally, the Ordinance prohibits citizenship requirements that have the effect of discriminating on the basis of national origin.

- Jurisdiction: Chicago
- Requirements: (1) Any person employing 1 or more employees AND (2) The alleged discrimination must have occurred in Chicago
- Filing Deadline: Must file within 180 days of the last discriminatory act
- What happens after filing: After filing a charge, the Commission investigates the complaint. If the Commission finds “substantial evidence,” the case proceeds to an administrative hearing. Parties have the opportunity before the hearing to reach a voluntary settlement. At the hearing, the officer makes a recommended decision. A party who disagrees with this decision can submit an objection. The recommended decision then goes to the Board of Commissioners, who makes a final ruling. Board rulings can be appealed in state court.
- Domestic workers: Not excluded from protections

REMEDIES

Civil: Fines of $100 to $500 per incident, paid to the City; compensatory damages and attorney fees; and ordering specific actions to eliminate discriminatory practices.

Undocumented Workers: Workers are protected under the statute. However, back pay may not be available but this is not a settled point of law.


Additional information: There is no work sharing agreement with the IDHR. The Commission has the discretion to delay proceedings if there are similar investigations in other agencies.
4. COOK COUNTY HUMAN RIGHTS ORDINANCE

Who is protected: Victims of discrimination on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, arrest record or housing status, or the actual or perceived association with such a person.

Jurisdiction: Chicago, Berwyn, Blue Island, Burbank, Bridgeview, Calumet City, Country Club Hills, Countryside, Des Plaines, Elgin, Evanston, Harvey, Hometown, Markham, Northlake, Oak Forest, Oak Lawn, Palos Heights, Palos Hills, Park Ridge, Rolling Meadows

*Note: The Commission only has jurisdiction if there is not already an agency with similar protections in the same municipality (e.g. if discrimination occurred in Chicago, the Commission will not have jurisdiction because the Chicago Commission already enforces laws against discrimination).

- Requirements: (1) Any person employing 1 or more employees AND
  (2) Employer has their principle place of business in or conducts business in Cook County.
- Filing deadline: Must file within 180 days of the last discriminatory act.
- What happens after filing: After filing a charge, the Commission investigates the complaint. If the Commission finds “substantial evidence” of discrimination, the case proceeds to an administrative hearing. The hearing officer makes findings on the issues and facts, and sends a recommendation to the Commission. A party who disagrees with this decision can submit an objection. The Commission may adopt or reject the recommendation, or send back for additional findings. Parties may request reconsideration within 30 days of the Commission issuing its decision. Parties with final orders may apply for writ of certiorari with the Chancery Division of Cook County Circuit Court.
- Domestic workers: No exclusion for domestic workers under this law.

REMEDIES

Civil: cease and desist letter, actual damages, hire/reinstate/promotion, back-pay, attorney fees, expert witness fees, witness fees, and court costs, other action necessary to make the complainant whole; fine employer between $100 and $500 for each offense.

Undocumented Workers: Workers are protected under the statute. However, back pay may not be available but this is not a settled point of law.

- Complaint form: http://www.co.cook.il.us/portal/server.pt/community/human_rights%2C_commission_on/301/complaint_filing__investigation/427

Additional Information: The Commission has the discretion to delay proceedings if there are similar investigations in other agencies.
5. ILLINOIS VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT

Who is protected: Survivors of sexual assault and domestic violence, as defined by Illinois criminal statutes that experience discrimination or are refused reasonable accommodations at work. Employers must keep information confidential, provide safety planning, and give employees 8 to 12 weeks of unpaid leave for matters related to their victimization.

- Jurisdiction: Illinois
- Requirements: Employer must employ 15 or more employees
- Filing Deadline: Must file within 3 years after the incident occurs
- What happens after filing: A charge must be filed with the Illinois Department of Labor. The Department begins an investigation where there is an opportunity for a public hearing at the request of any party. If the Director finds a violation exists, the employer will be required to abate the violation. If the Director finds there is no violation, the complaint will be denied and can be appealed for judicial review to an Administrative Law Judge.
- Domestic workers: There is no explicit language excluding domestic workers, but only applies to employers with 15 or more employees

REMEDIES

Civil: The Department may award back wages, employment benefits, attorneys’ fees and emotional damages, as well as order that the employer comply with the law and make accommodations for employees.

Undocumented Workers: Not mentioned in statute.

Immigration Relief Available: The Illinois Department of Labor certifies U visas for VESSA claimants who have been the victim of U-visa qualifying criminal activity.

- Factsheet: http://www.state.il.us/agency/idol/forms/PDFS/vessaout.pdf
- Complaint Form: http://www.state.il.us/agency/idol/forms/PDFS/vessa.pdf
- Factsheet: http://www.state.il.us/agency/idol/forms/PDFS/vessaout.pdf
- Complaint Form: http://www.state.il.us/agency/idol/forms/PDFS/vessa.pdf
6. ILLINOIS GENDER VIOLENCE ACT

Who is Protected: Victims of “a physical intrusion or physical invasion of a sexual nature, under coercive conditions” that causes bodily harm or the physical contact is insulting or provoking in nature. Violence based at least in part on sex is also covered.

- Jurisdiction: Illinois
- Requirements: Anyone who violates this law can be sued, including employers and co-workers.
- Filing Deadlines: Must file within 7 years of the incident
- What happens after filing: Victim files a civil case in state circuit court, a trial is held against the individual perpetrator of sexual harm, a judge or jury determines whether the defendant is liable and if so, what damages should be awarded to the victim

REMEDIES

Civil: Damages, injunctive relief, or other appropriate relief including actual damages, emotional distress or punitive damages

Undocumented Workers: The statute does not mention this. It is reasonable to conclude immigration status will not figure into a case unless the worker is requesting lost wages or something else that could lead to the discovery of their immigration status.

Immigration Relief Available: A victim of an act that rises to the level of a qualifying crime may qualify for the U Visa if they cooperate with the proceedings. A presiding judge may certify the U Visa.

Domestic workers: No exclusion for domestic workers under this law.

7. ILLINOIS CIVIL NO CONTACT ORDER ACT

Who is protected: Victims of non-consensual sexual penetration or conduct

- Jurisdiction: Illinois
- Requirements: Anyone who violates this law can be sued, including employers and co-workers.
- Filing Deadline: Must file petition within 5 years of non-consensual conduct or penetration
- What happens after filing: Victim files petition in the domestic relations division of state circuit court. Then, a trial is conducted where the victim must prove that non-consensual sexual conduct or penetration occurred by the defendant against her or him. If the evidentiary standard is met, then a court order is entered against the defendant to stay away from the victim
- Domestic workers: No exclusion for domestic workers under this law

REMEDIES

Civil: Offender can no longer contact a worker unless it is absolutely necessary for work. If perpetrator violates the order, they can be held in contempt by the court, resulting in fines and other sanctions

Emergencies: orders can be obtained immediately if a victim is in fear that filing the petition will further provoke the perpetrator to commit harm

Undocumented Workers: This is not mentioned in the statute but many undocumented victims have been able to obtain no-contact orders.

Immigration Relief Available: Generally, a victim who files only an order of protection does not show sufficient cooperation with law enforcement to qualify for the U Visa.

8. ILLINOIS UNEMPLOYMENT INSURANCE ACT

Who is protected: Individuals who are involuntarily unemployed, are seeking work, cannot find work, and whose employers are covered by the Act

Sexual Harassment: A worker may qualify for benefits if a worker quits due to sexual assault or harassment

Domestic Violence: A worker may qualify for benefits if a worker quits due to domestic violence that jeopardized their safety in the workplace, reports their reason for leaving to the employer, and provides evidence to the Department

IMPORTANT: During all times of the unemployment process, the worker must continue to certify bi-weekly on the date scheduled with the local unemployment office and actively seek work, even if they are denied benefits initially.

- Jurisdiction: Illinois
- Requirements: (1) Employee must lose job through no fault of their own AND
  (2) Employee must have earned wages in insured employment AND
  (3) Employee must be available for new work and actively seek work
- Filing deadline: No initial filing deadline.
- What happens after filing: The worker must apply for benefits with the Illinois Department of Employment Security (IDES). She or he will receive a determination in the mail. If the worker is denied, the worker has 30 calendar days to appeal the decision to an Administrative Law Judge to reconsider their claim. A worker can submit evidence to the judge for the hearing. At the hearing, the Judge will determine whether they meet the requirements under the law; the employer may be present. If the worker left due to sexual harassment, she or he will need to convince a judge of this fact. If the judge finds against the worker, she or he may appeal to the Board of Review. If their appeal is further denied, they may appeal to Circuit Court.
- Domestic workers: Domestic work is considered “employment” when it’s performed in a private home which paid cash wages of $1000 or more in any calendar quarter to individuals performing domestic work in either the current or preceding calendar year

REMEDIES

Civil: Partial payment of wages for 26 weeks in a year

Agriculture: workers who are paid less than $20,000 in cash wages with an employer who employs less than 10 individuals do NOT qualify

Undocumented Workers: do not qualify for unemployment insurance.

Immigration Relief Available: This is currently not a certifying agency for the U Visa. If the sexual harassment rises to the level of a crime, the victim must file a complaint with the EEOC, IDHR, or one of the certifying agencies in addition to applying for benefits.

9. ILLINOIS WORKERS’ COMPENSATION ACT

Who is protected: Workers who are injured in the scope of their employment

*Sexual Assault: A sexual assault on work premises could constitute a workplace injury

- Jurisdiction: Illinois
- Requirements: (1) An employer/employee relationship exists at the time of the accident; (2) The injury arises during the employment; AND (3) The injury is related to employment

- Filing deadline: A worker must request medical and rehabilitation compensation from the employer within 45 days of injury. A worker may file claim within 3 years of denial of benefits.
- What happens after filing: If the employer refuses to compensate the worker, the worker must file a complaint with the Illinois Workers’ Compensation Commission. After they file complaint, they can ask for a hearing and an arbitrator determines whether benefits need to be paid out.
- Domestic workers: After July 1, 1980, any household or residence has to self-insure if domestic workers are employed for a total of 40 or more hours per week for a period of 13 or more weeks during a calendar year.

REMEDIES

Civil: Compensation benefits include medical expenses, disability payments, temporary/permanent disability indemnity, loss of wages, loss of future benefits, attorney’s fees, and vocational rehabilitation.

Undocumented Workers: Although a disability standard is used to determine eligibility for benefits, undocumented workers may not receive some benefits if the benefit is found to conflict with federal immigration law. An example of this is vocational rehabilitation.

Immigration Relief Available: This commission is currently not a certifying agency for the U Visa. If the injury rises to the level of a crime, the victim must file a complaint with one of the certifying agencies in addition to claiming for benefits.

10. ILLINOIS CRIME VICTIMS COMPENSATION ACT

Who is protected: A victim or witness to a violent crime or any person who was a dependent of a deceased victim of a crime of violence at the time of the death of that victim

*Child Abuse: the statute of limitations begins when the incident is first discovered by the parent or another adult.

- Jurisdiction: Illinois
- Requirements:  
  1. Victim of a violent crime,
  2. Cooperate with police and investigation, and
  3. Expenses must be a result of crime
- Filing Deadline: Must apply with the State’s Attorney within 2 years of the crime
- What happens after filing: Prior to filing a claim, an applicant must attempt to have the medical bills covered by either Medicaid or the hospital’s Charity Care program. After applying for Charity Care or Medicaid, a claimant should file an application for crime victims. An individual should include all relevant documents including copies of all medical bills, ambulance bills, a copy of the police report, a statement from the doctor, and if seeking wages, a statement by the employer. If denied, the claimant may file an appeal within 30 days of the decision. Concrete evidence is crucial to apply successfully (i.e. for lost wages, must have pay stubs along with signed statement from employer)
- Domestic workers: No exclusion for domestic workers

REMEDIES

Civil: Up to $27,000 can be awarded to a victim. Parties may recover compensation for medical expenses, including counseling, incurred as a result of the crime. Other compensation may include loss of wages, transportation expenses associated with the crime.

Undocumented Workers: Generally, the attorney general does not inquire into the status. However, undocumented workers may not be eligible for loss of wages.

Immigration Status: This agency does not certify for U Visas. However, applying for compensation relief does not prevent a worker from simultaneously applying for a U Visa.

Duration of claim: Decision on application may take up to 1 year after filing


11. ILLINOIS CRIME VICTIMS COMPENSATION ACT

• Who is protected: Any person abused by a family or household member; including current or former dating relationships, a high-risk adult with disabilities who is abused, neglected or exploited by a family or household member, any minor child or dependent adult in care of such person, and any person residing or employed at a private home or public shelter which is housing an abused family or household member. Abuse includes physical violence, as well as harassment that causes a reasonable person emotional distress.

  • Jurisdiction: Illinois
  • Requirements: The victim must have been abused by a family or household member. A guardian or parent of a minor child who has been abused by a family or household member may also file for an order of protection. The request must be in writing and verified or accompanied by the victim’s affidavit alleging abuse. The petition must also state whether there is any other pending action between the parties. An order of protection may be filed on its own or in conjunction with another civil or criminal proceeding against the offender.

  • Filing Deadline: Five years from the last date of abuse
  • What happens after filing: A petition for an order of protection is expedited, and there is no right to trial by jury. During proceedings, domestic abuse advocates are allowed to attend and confer with the victim.

  • Domestic workers: No exclusion for domestic workers

REMEDIES

Civil: Order of protection prohibiting abuse, neglect or exploitation and ordering perpetrator to stay away from victim.

  • Residency: Court may grant exclusive possession of residence and prohibiting perpetrator from entering or remaining in the residence of petitioner, including one owned or leased by perpetrator if victim has a right to occupy defined by statute.

  • Other: If both parties attend the same school, the court will consider several factors in determining whether the perpetrator will have to transfer to another school.

  • Child Abuse: If custody of a child is at issue, temporary legal custody will be awarded to the petitioner and a hearing will be conducted to determine the child’s best interest.

  • Financial: The court may order the perpetrator to pay for losses suffered as a direct result of the abuse including medical expenses, lost earnings, or other support, repair and replacement of property damaged/taken, attorney’s fees, court costs and moving or travel expenses, and reasonable expenses for temporary shelter.

Undocumented Worker: Lack of documentation status is not a barrier to seeking an order of protection.

Immigration Relief Available: Victims of domestic violence may qualify for immigration relief under VAWA or U-Visa.

12. SEXUAL ASSAULT SURVIVORS EMERGENCY TREATMENT ACT (SASETA)

Who is protected: This act provides medical expense coverage for survivors of sexual assault who seek emergency treatment or transfer services at an Illinois hospital or who seek the collection of forensic evidence following their assault.

- Jurisdiction: Illinois
- Requirements: The survivor must seek emergency treatment or transfer service as a result of sexual assault

Remedies: Hospitals must provide certain minimum services such as risk assessment, prophylactic treatment for certain sexually transmitted infections, and other medications, with the consent of the survivor. Hospitals are required to have a protocol to educate victims about access to emergency contraception. With the survivor’s consent, the hospital must additionally collect forensic evidence with a rape kit and release that evidence, with a survivor’s consent, to the Illinois State Police. Hospital must offer rape kit examination up to seven days following a sexual assault. The act also covers follow-up care and counseling referrals. Hospitals must seek reimbursement from the state for survivors who do not have private insurance or who do not have Illinois Public Aid.

Violation of the Act: Individuals can report a hospital’s non-compliance by calling Illinois Department of Public Health hotline at 800-252-4343. If a Department surveyor finds that a hospital is out of compliance and they do not come into compliance, they can fine the hospital up to $500 a day. The hospital could also be found guilty of a petty offense.

- Immigration status: Not a barrier to receiving emergency medical treatment
- Domestic workers: No exclusion for domestic workers
I. 3. SAFE HOMES ACT

Who is protected: Tenants or household members who are subjected to a credible imminent threat of domestic or sexual violence by someone on the premises, or a tenant or household member who is a victim of sexual violence.

Changing Locks: If a tenant or household member is under a credible, imminent threat of domestic or sexual violence, a tenant may request that the landlord change the locks of the dwelling with the written consent of all the tenants. There are separate requirements for written and oral leases.

- Jurisdiction: Illinois
- Requirements/Protections Offered: The law protects residents of private housing or subsidized housing. Public housing is not covered. The law also serves as an affirmative defense for victims who have been sued by their landlords for non-payment of rent as a result of a credible imminent threat of domestic or sexual violence, or an act of sexual violence on the premises.
- Non-Lessee: If the perpetrator is not a lessee, the tenant must provide:
  1. A written request to the landlord with the written consent of all tenants
  2. One of the following as evidence: medical, court or police evidence or statement from a victim services from which the tenant sought services
- Lessee: If the perpetrator is a lessee, the tenant must provide:
  1. A written request to the landlord with the written consent of all the tenants except for the perpetrator tenant
  2. A copy of an order of protection or civil no contact order

*These requirements also apply to oral leases

- Landlord’s Compliance: Within 48 hours of the request, the landlord must change the locks or give the tenant permission to change the locks. When the locks have been changed, the landlord must make a good faith effort to give the new keys to the tenants as soon as possible, not more than 48 hours of the locks being changed.
- Landlord Failure to Comply: After notice, if the landlord fails to comply within 48 hours, the tenant may change the locks without the landlord’s permission and provide the new keys to the landlord within 48 hours of the locks being changed.
- Fees: The landlord may charge a fee that is the reasonable price customarily charged.
Affirmative Defense: If a landlord sues a tenant to recover lost rent as a result of an early termination of the lease, a tenant can raise the following two defenses: credible imminent threat or victim of sexual violence. In order for these defenses to apply, the tenant must provide notice to the landlord prior to moving out according to the chart:

**As an Affirmative Defense**

<table>
<thead>
<tr>
<th>Credible Imminent Threat</th>
<th>Victim of Sexual Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What Tenant must Prove</strong></td>
<td>Tenant/Household Member was:</td>
</tr>
<tr>
<td></td>
<td>(1) Under a credible imminent threat of domestic or sexual violence on the premises AND</td>
</tr>
<tr>
<td></td>
<td>(2) Tenant provided written notice to the landlord prior or within 3 days of vacating the premises</td>
</tr>
<tr>
<td><strong>What Notice must state</strong></td>
<td>Tenant/Household Member was:</td>
</tr>
<tr>
<td></td>
<td>(1) A victim of sexual violence on the premises AND</td>
</tr>
<tr>
<td></td>
<td>(2) Tenant has vacated the premises AND</td>
</tr>
<tr>
<td></td>
<td>(3) Tenant provided written notice to the landlord prior or within 3 days of vacating the premises</td>
</tr>
<tr>
<td><strong>When assault needs to occur</strong></td>
<td>Notice must state:</td>
</tr>
<tr>
<td></td>
<td>(1) The reason for vacating was because of the sexual violence AND</td>
</tr>
<tr>
<td></td>
<td>(2) The date of the sexual violence AND</td>
</tr>
<tr>
<td></td>
<td>(3) Must provide at least one of the following: medical report, court or police evidence, or statement from an employee of a victim services/rape crisis organization from which the tenant sought services</td>
</tr>
<tr>
<td></td>
<td>Tenant must notify the landlord within 60 days of the incident.</td>
</tr>
<tr>
<td></td>
<td>*Exception to timeline: if the victim cannot reasonably give notice because of reasons related to sexual violence (i.e. hospitalization)</td>
</tr>
</tbody>
</table>

Violation of the Act: Landlords who violate the act may be subject to a temporary restraining order or an injunction

14. U Visa

Who is Protected: A "U Visa" is a temporary non-immigrant status available to non-citizen who are victims of a violent crime in order to encourage victims to cooperate with law enforcement agencies to investigate and prosecute specific crimes and offer protection to victims who fear cooperating with law enforcement due to their immigration status. The victims of the following crimes may qualify:

- Abduction
- Abusive sexual contact
- Blackmail
- Domestic violence
- Extortion
- False imprisonment
- Felonious assault
- Female genital mutilation
- Held hostage
- Involuntary servitude
- Incest
- Kidnapping
- Manslaughter
- Murder
- Obstruction of justice
- Prostitution
- Perjury
- Peonage
- Rape
- Sexual assault
- Sexual exploitation
- Slave trade
- Torture
- Trafficking
- Unlawful criminal restraint
- Witness tampering

Examples of worker abuse that may constitute a qualifying criminal activity are:

**Felonious Assault**
- Abusive touching, battery, beating, or use of a weapon by employer resulting in substantial mental or physical harm

**Involuntary Servitude/Peonage/Labor Trafficking**
- Threats of physical, psychological, financial, or reputational restraint or harm by employer that compels an individual to continue work;
- Threats to contact law enforcement or immigration authorities by employer in order to compel continued working;
- Confiscation or withholding of identity documents, passports, or other travel documents by employer;
- Supporting facts could include: wage theft; inadequate food, housing, medical care or clothing; lengthy hours; verbal or physical abuse; restricted contact with others; use of locks and fences to restrict workers' mobility (see also false imprisonment/unlawful criminal restraint)

**Obstruction of Justice/Perjury/Witness Tampering**
- Evidence of visa fraud, false statements in seeking certification of labor; misuse of visas by employer; fraudulent wage and hour records;
- Instructions to lie to law enforcement investigations by employer;
- Intimidation of workers who seek to comply with law enforcement investigations or affirmative complaints against an employer; including threats to contact local law enforcement or immigration authorities

**Fraud in Foreign Labor Contracting**
- Recruiting, soliciting or hiring a person outside of the United States with intent to defraud
- False pretenses, representations or promises regarding employment
- Also applies to work outside the United States (i.e. U.S. government contracts; military installations)
- False terms can be that of housing, employment, food and transportation, ability to work for other employers, material aspect
Workplace Sexual Violence

Abusive Sexual Contact/Rape/Sexual Assault/Sexual exploitation

- Unwelcome sexual contact, rape, assault, or exploitation by co-workers, employers, or clients
- Jurisdiction: National
- Requirements: To qualify for U Visa relief, a worker must:
  - Be a victim of a qualifying crime
  - Suffer substantial harm
  - Cooperate with law enforcement

This element is KEY to qualifying for the U Visa. In this instance, law enforcement is any of the following labor agencies: U.S. Department of Labor (USDOL), U.S. Equal Employment Opportunity Commission (EEOC), Illinois Department of Human Rights (IDHR), and Illinois Department of Labor (IDOL). Judges and police officers may certify as well. A worker must file a complaint with one of these agencies before they can get certified for cooperation. Once the worker files a complaint with the agency, please seek help from an immigration attorney.

Filing Deadline: A worker can apply for a U Visa at any time. However, the worker must file their initial complaint during the statute of limitations for that complaint and must submit their U Visa application within six months after receiving a certification from an agency for cooperation. Please seek help from an immigration attorney to file a U Visa.

- What Happens after Filing: A U Visa application typically takes one-year and a half to process.
- Domestic Workers: Any worker can apply for the U Visa
- Remedies: If a worker is granted a U Visa, then they will receiving the following benefits:
  - Automatic grant of work authorization;
  - Derivative visas for qualifying family members
  - Lawful status for up to 4 years
  - Eligibility to adjust status to lawful permanent resident after 3 years

Stalking

- Following a person; conducting surveillance on the person
- Appearing at the person’s home or school
- Making unwanted phone calls, emails or text messages
- Vandalizing the person’s property or injuring their pet
- Actions that instill fear in a person and alter the daily routine of the victim to avoid the abuser

Abusive Sexual Contact/Rape/Sexual Assault/Sexual exploitation

- Unwelcome sexual contact, rape, assault, or exploitation by co-workers, employers, or clients
- Jurisdiction: National
- Requirements: To qualify for U Visa relief, a worker must:
  - Be a victim of a qualifying crime
  - Suffer substantial harm
  - Cooperate with law enforcement

This element is KEY to qualifying for the U Visa. In this instance, law enforcement is any of the following labor agencies: U.S. Department of Labor (USDOL), U.S. Equal Employment Opportunity Commission (EEOC), Illinois Department of Human Rights (IDHR), and Illinois Department of Labor (IDOL). Judges and police officers may certify as well. A worker must file a complaint with one of these agencies before they can get certified for cooperation. Once the worker files a complaint with the agency, please seek help from an immigration attorney.

Filing Deadline: A worker can apply for a U Visa at any time. However, the worker must file their initial complaint during the statute of limitations for that complaint and must submit their U Visa application within six months after receiving a certification from an agency for cooperation. Please seek help from an immigration attorney to file a U Visa.

- What Happens after Filing: A U Visa application typically takes one-year and a half to process.
- Domestic Workers: Any worker can apply for the U Visa
- Remedies: If a worker is granted a U Visa, then they will receiving the following benefits:
  - Automatic grant of work authorization;
  - Derivative visas for qualifying family members
  - Lawful status for up to 4 years
  - Eligibility to adjust status to lawful permanent resident after 3 years

15. T Visa

Who is Protected: a “T visa” is a temporary non-immigrant status available to non-citizens who are victims of human trafficking within the United States in order to encourage victims to cooperate with law enforcement agencies while offering protection and support to victims. A T visa gives the recipient:

- Work authorization
- Four years authorized presence in the United States
- Access to public benefits, equivalent to those available to refugees
- Possibility to adjust to a legal permanent resident after three years continuous presence in the United States OR upon receipt of the T visa if the prosecution is complete and the recipient obtains a letter from the Attorney General stating the AG has determined that the investigation or prosecution is complete

Jurisdiction: National

Requirements:

1. Be a victim of human trafficking
2. Be present in the United States on account of the trafficking
3. Comply with reasonable requests from law enforcement for cooperation
4. Will suffer extreme hardship involving severe and unusual harm if removed from the United States

Filing Deadline: A worker can apply for a T visa at any time

What happens after filing: A T visa can take anywhere from 4 months to 1 year for US Citizenship and Immigration Services to process.

Limitation:

- Workers can only apply for the T visa from within the United States

Points of Clarification:

- The T visa does not require that the applicant have been brought into the United States by the trafficker. An applicant who enters the United States voluntarily, documented or entered without inspection, and is then trafficked, is eligible for a T visa.
- Human trafficking does not require border crossing. A person can be trafficked in the same town in which he lives and will still be considered a victim of trafficking and eligible for a T visa.
- Being in the United States on account of the trafficking does not mean that the applicant needs to have been brought into the United States for the trafficking. It means that at the time of application for the T visa, the applicant must demonstrate that one of the reasons she is still in the United States is because of the trafficking. Examples include not having identity documents to leave the country because the trafficker took them or being too traumatized by the trafficking to be able to take the necessary steps to leave the country.

<table>
<thead>
<tr>
<th></th>
<th>Title VII</th>
<th>Illinois Department of Human Rights</th>
<th>Chicago Human Rights Ordinance</th>
<th>Cook County Human Rights Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Protection of</strong></td>
<td>Victims of discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical/mental disabilities, military status, arrest record</td>
<td>Victims of discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical/mental disabilities, military status, arrest record</td>
<td>Victims of discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical/mental disabilities, military status, arrest record</td>
<td>Victims of discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical/mental disabilities, military status, arrest record, source of income, arrest record or housing status; or the actual or perceived association with such a person.</td>
</tr>
<tr>
<td><strong>Requirements</strong></td>
<td>Employer must employ 15 or more employees</td>
<td>Employer must employ 15 or more employees</td>
<td>Any person employing 1 or more employees</td>
<td>(1) Any person employing 1 or more employees AND (2) Employer has principal place of business in Cook County (Note: violations that occurred in cities that already have a municipal ordinance—like Chicago—barred) from using Cook CHRO)</td>
</tr>
<tr>
<td><strong>Filing Deadline</strong></td>
<td>Within 180 days from date of last discriminatory act *300 days if state agency has statute prohibiting same discrimination (applies to IL)</td>
<td>Within 180 days from date of last discriminatory act</td>
<td>Within 180 days of the incident</td>
<td>Within 180 days of the incident</td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
<td>United States</td>
<td>Illinois</td>
<td>Chicago</td>
<td>Cook County</td>
</tr>
<tr>
<td><strong>Immigration Status</strong></td>
<td>Undocumented protected</td>
<td>Undocumented protected</td>
<td>Undocumented protected</td>
<td>Not Addressed</td>
</tr>
<tr>
<td><strong>Remedies</strong></td>
<td>Civil and certification for U-Visa * Back-pay might not be available to undocumented workers</td>
<td>Civil and certification for U-Visa</td>
<td>Civil damages and fines</td>
<td>Civil damages and fines</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------------</td>
<td>----------------------------</td>
<td>----------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Illinois Department of Labor</td>
<td>State Court</td>
<td>State Court</td>
<td>Illinois Attorney General's Office</td>
<td>State Court</td>
</tr>
<tr>
<td>Survivors of sexual assault and domestic violence</td>
<td>Victims of a physical intrusion/invasion of a sexual nature under coercive conditions</td>
<td>Victims of non-consensual sexual penetration or conduct</td>
<td>Victim or witness of a violent crime or any person who was a dependent of a deceased victim</td>
<td>Person abused by family/household member</td>
</tr>
<tr>
<td>Employer must employ 15 or more employees</td>
<td>Victim must prove physical intrusion/invasion of a sexual nature under coercive conditions meeting legal definition of battery by preponderance of evidence</td>
<td>Victim must prove non-consensual penetration/conduct by preponderance of evidence</td>
<td>Victim must be a victim of a violent crime, cooperate with the police, and expenses must result from incident</td>
<td>Victim must be abused by family or household member or by any person on behalf of minor child</td>
</tr>
<tr>
<td>Within 3 years after the incident</td>
<td>Within 7 years of the incident</td>
<td>Within 5 years of conduct</td>
<td>Within 2 years of the crime</td>
<td>None</td>
</tr>
<tr>
<td>Not mentioned</td>
<td>Not mentioned</td>
<td>Undocumented protected</td>
<td>Undocumented protected (see more info)</td>
<td>Undocumented protected</td>
</tr>
<tr>
<td>Civil employment damages and U visa certification</td>
<td>Civil</td>
<td>Civil fines for offender</td>
<td>Up to $27,000 in compensation and may qualify for U-Visa</td>
<td>Civil damages/Victim may seek U-Visa or VAWA</td>
</tr>
</tbody>
</table>

REFERRALS
The following agencies can provide legal advice and representation to workers who need assistance in the aftermath of sexual assault.

Chicago Alliance Against Sexual Exploitation
(773) 244-2230 ext. 4

LAF-Chicago
(312) 341-1070

The following agencies can provide supportive services to survivors of sexual assault, including medical/legal advocacy and counseling.

Mujeres Latinas En Accion
(312) 738-5358

Pillars
(708) 482-9600

Rape Victim Advocates
(312) 443-9603

YWCA Metro Chicago
(888) 293-2080