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# Chicago Passes Vaccine Anti-Retaliation Ordinance



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The Chicago City Council last week passed an ordinance providing more rights to employees who take time off from work to obtain the COVID-19 vaccine. Effective immediately, this ordinance allows Chicago employees and independent contractors to get vaccinated during their work hours, requires pay for hours taken to get vaccinated from employers that make vaccination mandatory, and prohibits retaliation for taking time during a shift to get vaccinated.

The Vaccine Anti-Retaliation Ordinance, passed April 21, 2021, offers the following protections to employees:

- Whether the vaccination is voluntarily sought or mandated by the employer, an employer may not require an employee to be vaccinated during off-shift hours, and cannot retaliate against an employee for taking time during a shift to get vaccinated;
- An employee may use their accrued paid sick leave or paid time off to get the vaccine, and their employer must allow them to use accrued paid time for that purpose;
- An employer that requires an employee to be vaccinated must compensate the employee for the time, up to four hours per dose, which the employee uses to obtain a vaccine, if the vaccine appointment is during their shift. In this case, an employer cannot require the employee to use their paid sick leave or paid time off to cover the hours missed to get vaccinated; and
- An employer cannot retaliate against an employee for taking time during a shift to get a vaccine.

The ordinance provides that employees denied the aforementioned rights may file a complaint with the Office of Labor Standards. Employers found to have violated the ordinance shall be liable for a fine of between \$1,000 and \$5,000.

This is the latest effort by Chicago to promote vaccination. We will continue to provide updates on future developments. If you have questions regarding this new ordinance, or any issues related to vaccination, return-to-work, or other human resources matters, please contact a member of Gould & Ratner's [Human Resources and Employment Law Practice](#) for further guidance.