

**S U B S T I T U T E   O R D I N A N C E**

**WHEREAS,** The City of Chicago (“the City”) is a home rule unit of government under Section 6(A), Article VII of the 1970 Constitution of the State of Illinois, authorized to exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS,** The City is experiencing an increase in the frequency and intensity of heat waves and drought due to climate change; and

**WHEREAS,** Between 1985 and 2005, Chicagoans experienced an average of 7 days per year above 92.5 degrees Fahrenheit; and

**WHEREAS,** By 2050, it is projected that Chicago will experience an average of 36 days per year with temperatures above 92.5 degrees Fahrenheit; and

**WHEREAS,** Protection from extreme heat is a matter of life and death for many workers and their families; and

**WHEREAS,** It is estimated that heat exposure is responsible for as many as 2,000 worker deaths and 170,000 heat stress-related injuries in the U.S. each year; and

**WHEREAS,** Low-income workers suffer five times as many heat-related injuries as high-income workers; and

**WHEREAS,** Heat waves compound pre-existing health conditions and lead to increased hospitalizations for cardiovascular, kidney, and respiratory disorders; and

**WHEREAS,** Employers’ failure to implement heat safety measures costs the U.S. economy approximately \$100,000,000,000 every year due to lost work time and reduced worker capacity; and

**WHEREAS,** medical costs increase 41.6% per degree Celsius when the temperature exceeds 33°C (91.4°F); and

**WHEREAS,** In response to increasing temperatures, California, Minnesota, Oregon, and Washington have proactively codified statewide heat rules to protect workers from extreme heat; and

**WHEREAS,** In order to attempt to protect the health, safety, and welfare of outdoor workers; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Article II of Title 6 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 6-140, as follows:

**CHAPTER 6-140 HEAT ILLNESS PREVENTION  
IN OUTDOOR PLACES OF EMPLOYMENT**

**6-140-010 Purpose.**

This chapter shall be known and may be cited as the “Heat Illness Prevention in Outdoor Places of Employment.” It is the purpose of this chapter to protect the health, safety, and welfare of outdoor workers from the ill effects of high heat.

**6-140-015 Scope and application.**

This section shall apply to all outdoor employment including, but not limited to, agriculture, construction, landscaping, and transit and traffic engineering.

**6-140-020 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

“Acclimatization” means the body’s temporary adaptation to work in heat that occurs as a person is exposed over time.

“Director” means the Director of the Office of Labor Standards or the Director’s designee within the Office of Labor Standards.

“Employer” means a person who gainfully employs at least one worker. This chapter shall not apply to a private homeowner having work performed upon their primary place of residence.

“Heat illness” means a serious medical condition resulting from the body’s inability to cope with a particular heat load and includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

“Heat index” means the temperature as it is perceived by the human body when humidity is combined with the air temperature. The heat index is measured using the heat index calculator or heat index chart from the National Oceanic and Atmospheric Administration.

“Ice water” means water with chunks of ice floating in it.

“Shaded area” means an area that is shaded or otherwise blocked from direct sunlight where workers are permitted to rest, recover, or otherwise lower the workers’ body temperature in accordance with this chapter. A “shaded area” may include an indoor space.

“Water” means water that is safe for human consumption in accordance with federal and state standards.

#### **6-140-025 Access to shaded areas.**

(a) In accordance with the minimum standards of subsection (b) of this section, an Employer shall: (1) maintain one or more shaded areas at all times while workers are present when the outdoor heat index in the work area exceeds 80 degrees Fahrenheit; and (2) provide one or more shaded areas upon reasonable request when the outdoor heat index in the work area does not exceed 80 degrees Fahrenheit.

(b) Shaded areas required under this section shall be located as close as practicable to the area where workers are working. The minimum amount of shade provided by a worksite’s shaded area(s) shall be at least enough to accommodate the number of workers on recovery or rest periods so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other, and the amount of shade present during meal periods shall be at least enough to accommodate the number of workers on the meal period who remain onsite. Shaded areas may be provided by any natural or artificial means that does not discourage access or use. Outdoor shaded areas shall be open to the air. Indoor shaded areas shall be equipped with ventilation, such as open windows, or cooling systems.

(c) Workers shall be allowed and encouraged to take a paid preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. An Employer shall permit its workers access to shaded areas at all times. A worker who takes a preventative cool-down rest shall: (i) be monitored by an on-site supervisor and asked if are experiencing symptoms of heat illness; (ii) be encouraged to remain in the shade; and (iii) not be ordered back to work until all signs or symptoms of heat illness have abated, but in no event less than 10 minutes following the worker accessing the shaded area.

(d) If a worker exhibits signs or reports symptoms of heat illness while taking a preventative rest or during a preventative rest period, the Employer shall provide appropriate first aid or emergency response according to Section 6-140-055.

(e) Preventative cool-down rests shall not affect any job quota set by employers; such quotas shall be adjusted to accommodate for preventative breaks.

#### **6-140-030 Access to water.**

(a) Regardless of temperature or heat index, an Employer shall make water available to its workers.

(b) An Employer shall add ice to the water it makes available to its workers at the start of each shift, such that iced water is readily available to its workers while they work. An Employer shall make sure that ice water is available to its workers for the duration of work when the heat index exceeds 80 degrees Fahrenheit.

(c) An Employer shall provide water at a central location that is easily accessible to its workers. If the outdoor work site is expansive, an Employer shall provide multiple stations to reduce the distance a worker needs to travel to access water.

(d) An Employer shall allow and encourage workers to take short paid breaks to hydrate as may be reasonably necessary to protect themselves from dehydration and overheating. Access to paid water breaks shall be permitted at all times. No Employer shall prevent a worker from drinking water as the worker needs.

#### **6-140-035 High-heat procedures.**

An Employer shall implement high-heat procedures when the heat index equals or exceeds 95 degrees Fahrenheit. These procedures shall, at minimum, include the following:

(a) Ensure effective communication by voice, observation, or electronic means is maintained so that workers at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for communication with workers to supervisors only if reception in the area is reliable.

(b) Ensure effective worker observation and monitoring for alertness and signs or symptoms of heat illness by implementing one or more of the following:

(1) assigning a supervisor or other designee to observe up to 20 workers, or

(2) requiring a buddy system, in which workers are paired with one another to ensure each other's safety, or

(3) regular communication with a lone worker, such as by radio or cellular phone, or

(4) other effective means of observation.

(c) Authorize at least one worker on each worksite to call for emergency medical services, and allowing other workers to call for emergency services when no designated worker is available.

(d) Remind-workers throughout the work shift of the availability of water at the worksite.

(e) Provide workers with pre-shift instructions on high heat procedures, encourage workers to drink water, inform workers of the Employer's obligations under Section 6-140-030, and remind workers of their right to rest, recover, or otherwise lower their body temperatures when necessary.

#### **6-140-040 Emergency Response Procedures.**

An Employer shall implement an effective emergency response procedures when a worker exhibits the symptoms that are indicators of severe heat illness, including, but not limited to, decreased levels of consciousness, staggering, vomiting, disorientation, irrational behavior, or convulsions. The emergency response procedure shall:

(a) ensure that:

(1) emergency response procedures are implemented when appropriate, including by authorizing one or more supervisory workers to implement such emergency response procedures when a worker exhibits symptoms that are indications of severe heat illness.

(2) effective communication by voice, observation, or electronic means is maintained so that workers at the work site can contact a supervisor or emergency medical services when necessary. An electronic device, such as a cell phone or text messaging device, may be used for communication from workers to supervisors or emergency medical services only if reception in the area is reliable. If an electronic device cannot furnish reliable communication in the work area, the Employer shall ensure a means of summoning emergency medical services.

(3) emergency medical services are contacted in response to signs or symptoms of possible heat illness. An Employer shall have a procedure for contacting and providing emergency medical services when necessary, including transporting workers to a place where they can be reached by an emergency medical provider.

(4) clear and precise directions to the work site are provided to emergency responders in the event of an emergency.

(b) respond to symptoms of possible heat illness, including but not limited to, providing first aid measures and contacting emergency medical services. If an Employer observes, or any worker reports to the Employer, any symptoms of heat illness in any worker, the Employer shall take immediate action commensurate with the severity of the illness, to ensure the worker's health and safety. A worker exhibiting symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid or being provided with emergency medical services commensurate with the severity of the illness to ensure the worker's health and safety.

#### **6-140-045 Observation of Workers.**

An Employer shall designate workers who are responsible to observe the degree of acclimatization or adaptation to the heat of:

(a) each worker on any day in which the predicted high heat index for the day will be: (1) at least 80 degrees Fahrenheit; and (2) at least 10 degrees Fahrenheit higher than the average high daily temperature in the preceding five days; and

(b) each new worker for the first 14 days of the worker's employment during the months of May 1 through October 15, or after the first date of employment when the daytime outdoor temperature exceeds 75 degrees Fahrenheit.

#### **6-140-050 Training Requirements.**

(a) An Employer shall provide training on the following topics to workers before the workers begin a job function that should reasonably be anticipated to result in exposure to the risk of heat illness:

(1) The working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing, and personal clothing, and personal protective equipment worn by workers.

(2) Factors that affect a body's response to heat, such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and the use of prescription medications that affect the body's water retention or other physiological

responses to heat.

(3) The Employer's heat illness prevention plan.

(b) In addition to the training required under subsection (a) of this section, an Employer shall provide annual training on the following topics to each supervisory worker before that supervisory worker begins supervising workers who are reasonably anticipated to be exposed to the risk of heat illness:

(1) All procedures the supervisory worker must follow to implement this chapter.

(2) Methods of monitoring weather reports, including how to respond to hot weather advisories and the frequency the supervisor is obligated to monitor weather reports throughout the workday or shift, as applicable.

(c) An Employer shall provide its supervisor training in the preferred language of worker(s) who are being trained.

(d) A worker need be trained only one time in any calendar year.

(e) Training shall provide workers opportunities to ask questions, provide feedback, and request additional instruction, clarification, or another follow-up.

#### **6-140-055 Heat Illness Prevention Plan.**

(a) An Employer that has workers who regularly work outdoors shall establish, implement, and maintain an effective heat illness prevention plan. A heat illness prevention plan shall, at minimum, outline how such Employer will comply with its obligations under this chapter.

(b) An Employer shall give each worker a copy of its heat illness prevention plan at the start of a worker's employment and every time the Employer makes a change to the plan. The Employer shall make available copies of the plan to its workers at their worksite.

(c) An Employer shall provide the heat illness prevention plan in writing. Additionally, an Employer shall:

(1) make its heat illness prevention plan available to its workers in both English and the language understood by the majority of its workers.

(2) Translate its heat illness prevention plan and all changes to such plan into any of its workers' primary languages upon request.

(3) notify its workers of limited English proficiency in their primary language that they may request oral interpretation of such plan provided by the Employer.

#### **6-140-160 Record keeping and data collection.**

(a) Every employer in a covered industry shall collect and maintain data and records as required by the Office of Labor Standards on all heat-related illnesses and fatalities which occur at an outdoor worksite.

(b) Upon request, every employer in a covered industry shall turn over data and records on all heat-related illnesses and fatalities which occur at an outdoor worksite to the Office of Labor Standards.

(c) Upon request, every employer in a covered industry shall turn over data and records on all heat-related illnesses and fatalities which occur at an outdoor worksite to a worker.

#### **6-140-165 Notice and posting.**

An Employer shall post notices in a conspicuous place advising its workers of their rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this section. Such form notice shall ensure that workers who have limited proficiency in the English language have meaningful notice of their rights under this chapter in accordance with Chapter 2-40 of the Code.

#### **6-140-070 Enforcement.**

The Commissioner of Business Affairs and Consumer Protection is authorized to adopt rules for the proper administration and enforcement of this chapter.

#### **6-140-075 Application to collective bargaining agreements.**

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of workers to bargain collectively with their employers through representatives of their own choosing in order to establish conditions of work in excess of the applicable minimum standards of the provisions of this chapter.

#### **6-140-080 Violation - Penalty.**



(a) Any Employer who violates this chapter or any rule promulgated hereunder shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(b) In addition to any other penalty provided by law, an Employer who has been found liable for three or more violations of this chapter or any rule promulgated thereunder on three different days within any 12-month period may result in ineligibility under Section 1-23-020 or Section 2-92-320, or license revocation under Section 4-4-280.

#### **6-140-085 Private cause of action**

If an Employer violates any of the Heat Illness Prevention in Outdoor Places of Employment provisions in this chapter, the affected worker may recover in civil action damages equal to three times the full amount of any lost wages due to heat-related illness, costs of incurred and ongoing medical expenses, and reasonable attorney's fees as the court allows.

#### **6-140-090 Non-exclusive remedy**

The remedies, fines, and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties, and procedures established by law which may be pursued to address violations of this chapter.

#### **6-140-095 Investigations as a result of settlements.**

If the City learns that after being charged with a violation of this chapter an Employer has entered into two or more settlements within a year with the United States Department of Labor or the Illinois Department of Labor, the Director, in conjunction with the Chief Procurement Officer, is authorized to conduct an investigation to determine whether the Employer's conduct that resulted in those settlements evinces culpability that merits ineligibility under Section 1-23-020 or Section 2-92-320, or license revocation under Section 4-4-280.

**SECTION 2.** Section 2-92-320 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

#### **2-92-320 Ineligibility for City transactions – Other offenses.**

(a) No person or business entity shall participate in a transaction as defined herein, and may have its current transactions permanently or temporarily suspended or canceled if that person or business entity:

*(Omitted text is unaffected by this ordinance)*

(6) has committed, within a 24-month period, three or more violations of Chapter 6-105 of this code;

(7) has committed, within a 24-month period, three or more violations of Chapter 6-140 of this Code; or

(8) has been debarred by any local, state or federal government agency from doing business with such government agency as provided in subsection (d) of Section 1-23-020 of the Code, for the duration of the debarment by such government agency.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** This Ordinance shall be in full force and effect on January 1, 2026.