

# State of Illinois Sexual Harassment Prevention Training

Version 2.0



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## Sexual Harassment Is Prohibited in Illinois

- The Illinois Human Rights Act makes it a civil rights violation “[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment.” 775 ILCS 5/2-102(D).
- The Illinois General Assembly finds that tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for employees, reducing productivity, and increasing legal liability.



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## What Information Will Be Covered

- I. An explanation of sexual harassment** consistent with the Illinois Human Rights Act.
- II. Examples of conduct** that may constitute unlawful sexual harassment.
- III. A summary of Federal and State statutory laws** concerning sexual harassment including remedies available to victims.



## I. What is Sexual Harassment?

Under the Illinois Human Rights Act, “Sexual harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- 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.





## I. Types of Unlawful Sexual Harassment

1. **Quid Pro Quo Sexual Harassment.** *“You do something for me, and I’ll do something for you.”* This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.
  
2. **Hostile Work Environment Sexual Harassment.** *“The air at work is full of sexual references and it is impacting me.”* A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.



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## I. Unwelcome Behavior

- Sexual conduct becomes sexual harassment when the behavior is unwelcome. Behavior may be unwelcome in the sense that the victim did not solicit or invite it, or in the sense that the victim regarded the conduct as undesirable or offensive.
- Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.
- Also, consent can be revoked at any time. When someone experiencing sexual harassment behavior says, "stop talking to me like this" **it must stop**. The perpetrator cannot use as a defense "Well you started it." or "You were ok with it at first."



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## I. Working Environment

- An employee's “**working environment**” is not limited to the physical location where the employee is assigned. The “working environment” **extends to other worksites** including off-site, mobile or moving worksites/locations.
- For example, a “working environment” includes the courthouse for a lawyer, or an off-site event for a caterer.



## I. Gender Identity & Sexual Orientation

- A person can be the victim of sexual harassment regardless of the victim's **gender identity** or the perpetrator's gender identity.
- A person can be the victim of sexual harassment regardless of the victim's **sexual orientation** or the perpetrator's sexual orientation.





## 9 | I. Protected Characteristics Under State Law

- State and local laws add more protected characteristics.
- New: Under the Illinois Human Rights Act (IHRA), "Unlawful discrimination" means discrimination against a person because of his or her actual or perceived:
  - **Race**
  - **Color**
  - **Religion**
  - **National origin**
  - **Ancestry**
  - **Age**
  - **Marital status**
  - **Order of protection status**
  - **Disability**
  - **Military status**
  - **Sexual orientation**
  - **Pregnancy, or**
  - **Unfavorable discharge from military service**
  - **Making a Complaint (retaliation)**



## I. Employees and Nonemployees as **Victims** of Sexual Harassment

- The Illinois Human Rights Act protects **Employees** and now **Nonemployees** from sexual harassment.
  - **Employees** include co-workers, supervisors and managers.
  - **Nonemployees** include persons who are not employees, but are directly performing services for an employer, such as contractors or consultants (independent contractors or gig workers).
- Victims of sexual harassment can include **Employees and Nonemployees** when sexually harassed by other Employees or Nonemployees.
- Victims of sexual harassment can include not only the target of the sexual harassment, but also those Employees or Nonemployees who are **Bystanders or Witnesses** to the sexual harassment.



## I. Customers/Patrons as **Victims** of Sexual Harassment

- The Illinois Human Rights Act **protects Customers/Patrons** from sexual harassment in “places of public accommodation,” such as stores, hotels, restaurants, theaters, museums, health clubs and hospitals.
- Employers that are also “places of public accommodation” are responsible for sexual harassment of Customers/Patrons when perpetrated by their **Employees** or **Nonemployees**.



## I. Employees and Nonemployees as **Perpetrators** of Sexual Harassment

- The Illinois Human Rights Act **prohibits** **Employees** and **Nonemployees** from engaging in sexual harassment.
  - **Employees** include co-workers, supervisors and managers.
  - **Nonemployees** include persons who are not employees, but are directly performing services for an employer, such as contractors or consultants (independent contractors or gig workers).
- Employers are responsible for sexual harassment perpetrated by their **Employees** and **Nonemployees** against **other Employees and Nonemployees**.
- Employers are also responsible for sexual harassment perpetrated by their **Employees** and **Nonemployees** against **customers/patrons**.





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## I. Customers/Patrons and Third Parties as **Perpetrators** of Sexual Harassment

- The Illinois Human Rights Act **prohibits** sexual harassment of Employees and Nonemployees by **Customers/Patrons** and **Third Parties**.
  - Employers are responsible for sexual harassment of their Employees and Nonemployees by **Customers/Patrons**.
  - Employers are also responsible for sexual harassment of their Employees and Nonemployees by **Third Parties** such as sales representatives, vendors, and/or delivery persons.



## I. Key Elements of Harassment

- Based on a protected characteristic
- Unwelcome
- Offensive to the victim and the “reasonable person”
- Is so severe or pervasive, as to interfere with the victim’s ability to do their job



## II. What are Examples of Inappropriate Conduct?

**Sexual harassment includes unwelcome conduct of a sexual nature (sexual advances and requests for sexual favors). Examples include:**

- Pressure for sexual favors or to go out on a date
- Deliberate touching, leaning over, or cornering another person
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to another as a “girl,” “hunk,” “doll,” “babe,” “honey,” “tootsie”, etc.
- Actual or attempted rape or sexual assault



## II. continued - Examples of Inappropriate Conduct

### **More examples of conduct that may constitute sexual harassment include:**

- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories
- Sexual comments about a person's clothing, body, or looks
- Kissing sounds, howling and smacking lips
- Telling lies or spreading rumors about a person's sex life
- Massaging neck, shoulders, etc.
- Touching another employee such as their clothing, hair, or body





## II. Intent vs. Impact

- It is **NOT THE INTENT** of the behavior that is important, it is the **IMPACT** of the behavior that matters

### **INTENT:**

The motive when initiating an action that offends others

### **IMPACT:**

The way a person is negatively impacted by the action



## II. Sexual Harassment in Online Environments

- Our conduct online and through social media can constitute sexual harassment even when it occurs “off the clock”, “off-site”, or even “out of state”.
- Online sexual harassment includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) to send communications of a sexual nature. Examples include:
  - Flirting and requests or demands to go on a date or have sex
  - Sending inappropriate pictures or videos including sexually graphic material
  - Using sexual language or comments including sexually offensive language
  - Cyber stalking



## 19 | III. What can I do if I experience, witness, or become aware of unwelcome sexual conduct?

**If you experience, witness or become aware of unwelcome sexual conduct, know that:**

1. You have the **right to tell the person to stop**. The initiating and participating persons must stop the unwelcome behavior upon request. If they continue the behavior or retaliate against you because you asked them to stop, they can be found to have violated the law by engaging in sexual harassment or retaliation.
2. You have the **right to report the sexual harassment**. Several reporting options are available. The option you choose may depend on the nature and severity of the unwelcome conduct of a sexual nature. Persons who report sexual harassment or participate in investigations are protected from retaliation.



## III. Reporting Sexual Harassment – Several Options

The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. You may pursue one or more of the following reporting options:

1. Call the State of Illinois Sexual Harassment & Discrimination Helpline
2. Report the Incident to Your Employer
3. File a Charge with the Illinois Department of Human Rights (IDHR)
4. File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)





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## III. Call the State of Illinois Sexual Harassment and Discrimination Helpline

If you or someone you know has experienced or witnessed unwelcome conduct of a sexual nature in the workplace, please call the *State of Illinois Sexual Harassment and Discrimination Helpline* for assistance. Calls are confidential and can be made anonymously.

**Call: 1-877-236-7703**

**Visit [www.Illinois.gov/SexualHarassment](http://www.Illinois.gov/SexualHarassment)**

Helpline representatives can help callers navigate their numerous reporting options and share additional information related to counseling, legal assistance, and frequently asked questions.



## III. Reporting Sexual Harassment to an Employer

**Report the incident to one or more of the following employer representatives:**

1. **Your Supervisor** or any member of management you trust. Supervisors and members of management are responsible for knowing the employer's internal complaint investigation and resolution process. Supervisors can help effect immediate positive change.
2. **Human Resources Officers** can work with management to investigate and resolve sexual harassment complaints. This option may be preferred, if the perpetrator of the sexual harassment is a supervisor or manager.
3. **Designated Sexual Harassment Reporting Officers** are often established by employers to specifically receive and investigate sexual harassment complaints. Consult your employer's sexual harassment policy for specific reporting contact information.



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## III. Reporting Sexual Harassment to the Illinois Department of Human Rights (IDHR)

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- IDHR has jurisdiction (authority) to investigate employers who have 1 or more employees.
- To start the process, submit a Complainant Information Sheet to IDHR.



## III. Reporting Sexual Harassment to the IDHR (Contact Information)

To file a charge, call IDHR or visit them online:

1-800-662-3942 | [www.ILLINOIS.GOV/DHR](http://www.ILLINOIS.GOV/DHR)

### IDHR Offices Locations:

- **Chicago.** Office: 312-814-6200 | 866-740-3953 (TTY), 100 W Randolph St, Suite 10-100, Chicago, IL 60601
- **Springfield.** Office: 217-785- 5100 | 866-740-3953 (TTY), 535 W. Jefferson, 1<sup>st</sup> Floor, Intake Unit, Springfield, IL 62702
- **Marion.** Office: 618-993-7463 | 217-740-3953 (TTY), 2309 W Main St, Marion, IL 62959





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## III. Remedies Available Under The Illinois Human Rights Act

- **After IDHR completes its investigation, the Complainant (the employee):**
  1. May file a lawsuit in civil court, or
  2. May file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found “substantial evidence” of a violation.
- Complainants who prevail in the HRC or Court may receive an **order awarding remedies** allowed by the Illinois Human Rights Act to make the Complainant “whole.”
- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney’s fees and costs.



### III. Reporting Sexual Harassment to the U.S. EEOC

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that make it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees.
- To start the process, call the EEOC or visit their website.



## III. Reporting Sexual Harassment to the U.S. EEOC (Contact Information)

To file a charge, call or visit online:

**1-800-669-4000 | [www.EEOC.GOV](http://www.EEOC.GOV)**

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

### U.S. EEOC Offices Serving Illinois

- **Chicago District Office.** JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604
- **St. Louis District Office.** Robert A. Young Federal Building, 1222 Spruce St., Rm. 8.100, St. Louis, MO 63103



## III. Remedies Available Under Title VII of the Civil Rights Act of 1964

- **After EEOC completes its investigation:**
  1. The Complainant (the employee) may file a lawsuit in federal court.
  2. The EEOC may help parties reach a settlement through an informal process called “conciliation” if the EEOC finds “reasonable cause” to believe discrimination occurred.
- Complainants who prevail in federal court may receive an **order awarding remedies** allowed by Title VII to make the employee “whole.”
- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney’s fees and costs.





# Completion & Certification

Thank you for completing the  
**2020 State of Illinois Sexual Harassment Prevention Training**

I certify that I have carefully read and reviewed the content of, and completed, the 2020 Sexual Harassment Prevention Training pursuant to the Illinois Human Rights Act, 775 ILCS 5/2-109.

[Take Your Test Now](#)

After completion of your test, your employer will review and send your Certificate.

