



# **Illinois Sexual Harassment Prevention Training**



# Sexual Harassment is Prohibited

- This training will cover the following:
  - An explanation of sexual harassment consistent with the Illinois Human Rights Act
  - Examples of conduct that may constitute unlawful sexual harassment
  - Summary of Federal and State statutory laws concerning sexual harassment
  - Summary of employer responsibilities in prevention, investigation, and corrective measures of sexual harassment



# What is Sexual Harassment

- Under the IL Human Rights Act, “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of sexual nature when:
  - It’s made as a condition of employment (either explicitly or implicitly)
  - Submission to or rejection of such conduct is used as the basis for employment decisions
  - Purpose or effect is to interfere with an individuals work performance or creating an intimidating, hostile or offensive work environment
- All persons can be victims of sexual harassment regardless of the victim’s gender identity or sexual orientation



# Types of Unlawful Sexual Harassment

- **Quid Pro Quo:**
  - *"You do something for me, and I will do something for you"*
  - This means that a manager or supervisor may not tell an employee that in order to receive a job benefit (raise, promotion, ect) or to avoid something negative like discipline, the employee must do something sexual in return.
  
- **Hostile Work Environment:**
  - *The work environment is full of sexual references that are impacting my ability to do my job.*
    - *This could include obscene gestures, sexual jokes, using demeaning nicknames, commenting on someone's physical qualities*
  - *Unwelcome behavior, severe and pervasive*



# Unwelcome Behavior

- Sexual conduct becomes sexual harassment when the behavior is unwelcome.
  - Unwelcome means you didn't solicit or invite it or its offensive in nature
- Welcomed behavior can quickly become unwelcome – crossing a line.
- Consent can be revoked at anytime. When someone tells you to stop the unwelcomed behavior it must stop.
  - The perpetrator cannot use as a defense "well you started it" or "you were ok with it at first"
- Working environment extends to other work sites including off site, mobile, or moving work sites

## Working Environment:

- Working environment extends to other work sites including off site, mobile, or moving work sites
- Prohibition of sexual harassment applies to nonemployees such as patrons, vendors, and service providers.



# Examples of Inappropriate Conduct

- Sexual harassment includes unwelcome conduct of a sexual nature (sexual advances and requests for sexual favors)
- Examples include:
  - Pressure to go out on a date or sexual favors
  - Deliberate touching, leaning over, or cornering another person
  - Sexual looks or gestures or whistling at someone; comments about person's body or looks
  - Teasing, jokes remarks or questions that are sexual in nature
  - Sending letters, emails, texts of a sexual nature
  - Asking about sexual fantasies, preferences, or history
  - Touching another employee such as their clothing, hair or body
  - Turning work discussions into sexual topics
  - Massaging neck or shoulders
  - Actual or attempted rape or sexual assault
- Conduct online and through social media can constitute sexual harassment
  - Sending inappropriate pictures or videos including sexually graphic material
  - Cyber stalking
  - Using sexual language or comments including sexually offensive language



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

- You have the right to tell the person to STOP
  - If they continue the behavior or retaliate against you, they could be found to have violated the law
  
- You have the right to report the sexual harassment.
  - There are several reporting options available
  - Persons who report sexual harassment or participate in investigations are protected from retaliation

## Reporting Options:

- Report the incident to your General Manager, Area Coach or HR
  - Options: speak to your supervisor or Human Resources
  - Hotline: 800-837-3667 x 1300
  
- Call the State of IL Sexual Harassment & Discrimination Helpline
  - 1-877-236-7703 or [www.Illinois.gov/SexualHarassment](http://www.Illinois.gov/SexualHarassment) \*all calls are confidential
  
- File a charge with IDHR (Illinois Dept of Human Rights)
  - 1-800-662-3942 or [www.ILLINOIS.GOV/DHR](http://www.ILLINOIS.GOV/DHR)
  
- File a charge with the EEOC (Equal Employment Opportunity Commission)
  - 1-800-669-4000 or [www.EEOC.GOV](http://www.EEOC.GOV)



# Is my Employer responsible for Sexual Harassment?

**Yes, employers are responsible for sexual harassment in two ways:**

- **Manager/Supervisor Harassment.** Employers are *strictly liable* for sexual harassment perpetrated by its members of management *regardless* of whether the employer knew of the harassment.
- **Co-Worker & Nonemployee Harassment.** Employers are *liable* for sexual harassment perpetrated by an employee (co-worker) or nonemployees (vendors) *only if* the employer knew or reasonably should have known of the harassment and failed to take prompt corrective action
- Employers have responsibilities to:
  - **Prevent** the incidence of sexual harassment in their workplaces;
  - **Investigate** incidents of sexual harassment in their workplaces; and
  - **Correct** the incidence of sexual harassment in their workplaces.





# Employer Responsibility: Prevention

- Develop, implement, and communicate sexual harassment policy.
  - Please refer to employee handbook for the Anti-Harassment/Anti-Discrimination policy
- Provide training for employees
- Provide reporting options
- Managers to lead by example and model acceptable behavior



# Employer Responsibility: Investigation

- Immediate response to a complaint of sexual harassment
- Interview complainant and take reasonable action to protect them from retaliation
- Interview all relevant witnesses
- Interview alleged perpetrator of sexual harassment
- Document and maintain file
- Take corrective action as appropriate



# Employer Responsibility: Corrective Measures

- Always take appropriate corrective disciplinary action
- In situations where the conduct in question did not rise to the level of sexual harassment but is concerning consider counseling, training or closer supervision of employee
- Take reasonable action within the organization to reduce likelihood of sexual harassment incidents through training or updating policies
- Follow up with complainant, ensure they and the workplace remain free from sexual harassment



# Thank you!

Thank you for completing the Sexual Harassment Prevention Training. Please reach out to Human Resources or your management team if you have any questions.

Now log in to your Talent Reef and sign the form that you have completed your IL Sexual Harassment Annual Certification