

Model Sexual Harassment Prevention Training Program Released for Illinois Employers

2 min read

May 12, 2020

By: Linda K. Horras

According to the Illinois Workplace Transparency Act (IWTA), Illinois employers with at least one employee working in Illinois must provide annual sexual harassment training. Effective January 1, 2020, IWTA amended the Illinois Human Rights Act (IHRA) to require that training must commence before December 31, 2020, and occur every calendar year. The Illinois Department of Human Rights (IDHR) recently released a model training program for Illinois employers. To date, the new training requirements have not been affected by the shelter-in-place orders.

At a minimum, a compliant training program must contain the following elements:

- An explanation of sexual harassment consistent with the IHRA;
- Examples of conduct that constitute unlawful sexual harassment;
- A summary of relevant federal and state statutory provisions concerning sexual harassment, including remedies available to victims of sexual harassment; and
- A summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment.



The new training requirements apply to employers who have offices outside of Illinois, but have employees who work in Illinois. While the new law does not require employers to provide training to independent contractors, the

IDHR strongly recommends that such contractors be trained if they have significant contact with employees and/or routinely spend time at the employer's offices.

Bars and restaurants must also cover specific conduct related to their industry—for example, the balance of interactions between customers and employees while on and off duty. Additionally, an explanation of manager liability and responsibility under the law must be provided, and training must be done in English and Spanish. The training must be completed within 90 days of hire.

Employers are free to use [IDHR's recently issued model training program](#). Alternatively, they can design a video or electronic training plan, or retain a third party to conduct this training; the IDHR does not need to certify the trainer. Finally, all training time must be paid.

Written acknowledgement of training is vital to compliance. Use written attendance sheets and/or issue training certifications, and retain these training documents. The IDHR is authorized to audit these forms—either on its own, as part of a charge of discrimination—or as a result of a tip from a hotline. A failure to train employees can result in civil penalties.

Employers should be planning how to rollout this program in 2020 in order to commence training before the end of the year. While the COVID-19 pandemic presents challenges with business closures, this could also be a great time to provide training to employees who are telecommuting or who might be light on work.

There is no obligation to provide the training in an interactive manner or via a “live” trainer, but a question and answer format is often helpful, especially for first-line supervisors who need to understand their role in providing a workplace free from harassment.

Employers with non-English speaking or disabled staff must make appropriate accommodations to ensure these employees are trained in the minimum compliance elements of anti-harassment. Employers can also take advantage of training that a new employee had at a prior employer, but only if the employer can verify that the training program meets the minimum elements of the IHRA.

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Topics

Sexual Harassment, Illinois, Illinois Human Rights Act, Illinois Department Of Human Rights, IDHR, Workplace Training, IWTA, IHRA, Illinois Workplace Transparency Act

Related Capabilities

Labor & Employment