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Illinois Department of Human Rights Unveils Model Sexual Harassment Training

Background

On August 9, 2019, Illinois Governor J. B. Pritzker signed Public Act 101-0221, more commonly known as the Workplace Transparency Act, into law. Among other things, this act prohibits employment contracts or waivers that restrict an employee’s right to report unlawful conduct in the workplace. It also requires all Illinois employers to provide mandatory sexual harassment prevention training to their employees by December 31, 2020, and annually after that.

To further clarify the Workplace Transparency Act’s training requirements, the Illinois Department of Human Rights (IDHR) released additional guidance in January 2020 and unveiled its model sexual harassment prevention training in April. For more information, see our summary below.

Summary

The Illinois Department of Human Rights (IDHR) has released its model sexual harassment

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prevention training, establishing a minimum standard for employers to follow. This training must be provided to all full-time, part-time, and temporary/seasonal staff by December 31, 2020, and annually after that.

Employers are free to create their own training programs, as long as they meet or exceed this minimum standard. You can find the IDHR's FAQ for Sexual Harassment Prevention Training [here](#). This site includes the model training, which can be downloaded as a PowerPoint or PDF.

At the very least, the training must include the following information:

- The definition of sexual harassment under the Illinois Human Rights Act;
- Specific examples of what behavior would constitute unlawful sexual harassment;
- An overview of federal and state laws relating to sexual harassment, including the remedies available to victims; and
- A summary of the employer's responsibilities to prevent, investigate, and deal with sexual harassment in the workplace.

There are no specific guidelines or requirements for how the training must be presented. For instance, it does not need to be presented live or in any specific media format. It must, however, be accessible to all employees regardless of disability or limited English language proficiency.

Considering that many Illinois employees are currently working remotely and relying on on-line and virtual communications due to the COVID-19 pandemic, it is noteworthy that the definition of "sexual harassment" in the Illinois Human Rights Act was recently amended to expressly apply to working environments beyond the physical location at which employees perform their assigned duties.

Restaurants and bars have additional, industry-specific requirements for sexual harassment training. The IDHR has not yet released a model policy for these employers but expects to do so soon.

Employer Next Steps

- Illinois employers should review the model policy and guidance issued by the IDHR and take steps to ensure they have a compliant training program in place before December 31, 2020.
- Remember that all Illinois employees must be trained by this December 31 deadline, so give yourself sufficient time to review, amend, and roll out this training program
- If you are a Full-Service or Virtual HR client and would like our assistance creating or

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presenting compliant sexual harassment prevention training, please [email us](#).

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