

Illinois Releases Model Training Program for Prevention of Sexual Harassment

By Sarah J. Gasperini &

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Meet the Authors



Sarah J. Gasperini

Principal
312-787-4949
Sarah.Gasperini@jacksonlewis.com

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The Illinois Department of Human Rights (IDHR) has released a [model training program](#) meeting the requirements of the Illinois Human Rights Act (IHRA), which mandates Illinois employers to provide annual sexual harassment prevention training to all employees. Under the IHRA, Illinois employers must train employees on sexual harassment prevention by December 31, 2020, and at least once each year starting in 2021.

Enacted in 2019, Public Act 101-0221 is the omnibus legislation (formerly was known as Senate Bill 75) that includes the Workplace Transparency Act and other changes to Illinois employment law. For more information about Public Act 101-0221, see our article, [Illinois Enacts Workplace Harassment Law, Creating New and Expanded Obligations for Employers](#).

Consistent with amendments to the IHRA, the IDHR's model training program meets the requirements of IHRA section 2-109 (775 ILCS 5/2-109).

Minimum Program Requirements

Mandatory sexual harassment prevention training requires, at a minimum:

1. An explanation of sexual harassment;
2. Examples of unlawful conduct;
3. A summary of relevant federal and state statutes (including remedies available); and
4. A summary of employer responsibilities for preventing, investigating, and correcting sexual harassment.

Although employers are encouraged to use the IDHR's model program, the IHRA permits employers to implement their own sexual harassment prevention training program, as long as the training equals or exceeds the minimum statutory standards.

Restaurant, Bar Industries

An amendment to the IHRA (codified at 775 ILCS 5/2-110) directs the IDHR to create a supplemental model training program for sexual harassment prevention tailored to the restaurant and bar industries.

This supplemental training for restaurants and bars is expected from the IDHR and will discuss specific conduct and activities related to the restaurant and bar industries, and an explanation of manager liability and responsibility under the law.

The supplemental training for restaurant and bar employees must be in English and Spanish. While not required by the IHRA for other employers, employers should consider providing training in Spanish and other languages spoken in the workplace.

Recordkeeping

Although the IDHR does not require employers to certify their compliance with sexual harassment prevention training requirements, employers should consider maintaining a record of training for submission to the IDHR upon request.

Training records may be kept in paper or electronic format and should include the names of employees trained, date(s) of training, sign-in worksheets, copies of certificates of participation, copies of all written or recorded training materials, and the name of the training provider.

Nonemployees

Because the amended IHRA makes employers liable for the harassment of nonemployees performing services for the employer under contract, employers also should provide sexual harassment prevention training to contractors and consultants.

Violations

If an employer fails to comply with its training obligations, the IDHR can issue a notice to show cause giving the employer 30 days to comply. The IDHR is authorized to extend that date.

If the employer fails to comply within 30 days, or by a later date set by the IDHR, the Illinois Human Rights Commission is authorized to assess civil penalties based on the employer's size and history of offenses. Employers with fewer than four employees may face penalties of up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$3,000 for three or more offenses. For employers with at least four employees, the maximum penalties increase to \$1,000, \$3,000, and \$5,000, respectively.

For more information on the new training requirements and other amendments to the IHRA, please contact the Jackson Lewis attorney with whom you regularly work.

Jackson Lewis attorneys offer in-person and web-based training programs that satisfy the Illinois requirements. Additionally, programs can be designed for larger remote workforces to accommodate training needs during, and after, the COVID-19 pandemic.

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