



Sexual Harassment Prevention Training

2021



Alicia Davis-Wade, MA, CAE

ISVMA Assistant Executive Director/Finance Manager

- Domestic Violence Counselor
- Anti-Bullying Facilitator
- Develop and facilitate self-esteem/motivational groups
- Develop Curriculum for local schools for prevention/intervention groups
- Level I Alcohol/Drug Group Facilitator – Probation
- Juvenile Offender Group Facilitator
- Public Health Administrator
- 2001 Graduate of University of Illinois – MA in Human Services



Why do I need sexual harassment training?

Because it is the LAW

Workplace Transparency Act – Public Act 101-0221, Sec 2-109 “Sexual Harassment Prevention Training”

- Sexual harassment prevention training shall be provided at least once a year to all employees.

Illinois Department of Financial and Professional Regulations – Sexual Harassment Prevention CE Requirements

Joint Committee on Administrative Rules – Admin Code 68 Section 1130.400 Sexual Harassment Prevention Training



Sexual Harassment is Prohibited in Illinois

- 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.
- The State of Illinois encourages employers to adopt and actively implement policies to ensure their workplaces are safe for employees to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.
- 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).



Sexual Harassment is Prohibited...

- **Employees Ethics Act (“Ethics Act”).** The Act states, “[a]ll persons have a right to work in an environment free from sexual harassment. All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.”
5 ILCS 430/5-65(a).
- **The Illinois Human Rights Act.** It is 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).
- **Personnel Policies.** It is your responsibility to become familiar with and abide by your employer’s policies, including its sexual harassment policy.



JCAR Section 1130.400

Sexual Harassment Prevention Training

- All persons who hold a professional license issued by the Division and are subject to a continuing education requirement shall complete a one-hour course in sexual harassment prevention training. A licensee may count completion of this course as one hour of credit towards meeting the minimum credit hours required for continuing education.
- The sexual harassment prevention training course shall only be provided by existing Division-approved continuing education providers or by persons or entities who become Division-approved continuing education providers.



Employers Required to Provide Sexual Harassment Prevention Training for All Employees

- Every employer in the State of Illinois is required to provide employees with sexual harassment prevention training that complies with section 2-109 of the Illinois Human Rights Act (“IHRA”)
- All employees regardless of their status (i.e., short-term, part-time, or intern) must be trained.
- If an employer has an independent contractor, student worker, teenagers, volunteers, etc working on-site with the employer’s staff, the independent contractor should receive sexual harassment prevention training.



Information That Will be Covered...

- **An explanation of sexual harassment** consistent with the Illinois Human Rights Act;
- **Examples of conduct** that constitute unlawful sexual harassment;
- **A summary of Federal and State statutory laws** concerning sexual harassment including remedies available to victims;
- **A summary of employer responsibilities** in the prevention, investigation, and corrective measures of sexual harassment.



What is Harassment...

Harassment is a form of employment discrimination that violates:

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans with Disabilities Act of 1990 (ADA)



Anti-Discrimination Laws...

- Title VII of the Civil Rights Act of 1964 (Title VII)
- The Equal Pay Act of 1963 (EPA)
- The Age Discrimination in Employment Act 1967
- Rehabilitation Act of 1973
- Civil Rights of 1991



Harassment is...

- Harassment is a form of discrimination that consists of words, signs, jokes, pranks, intimidation, physical actions or violence that is directed at an employee due to any protected characteristics.
 - Harassment includes offensive behavior based on stereotypes about a protected class and behavior that is intended to cause discomfort or humiliation because of a protected characteristic.
 - It also includes any expression of contempt or hatred for the group to which the victim belongs based on a protected characteristic.



Workplace Harassment ...

- “Harassment of an individual on the basis of race, color, sex, national origin, religion, age or disability is a discriminatory practice under Title VII of the Civil Rights Act of 1964, the ADA & ADEA.
- Although much attention has been given in recent years to sexual harassment discrimination, it is important to stress that many of the same principals apply to other types of harassment, and an ***employer should be equally vigilant in preventing such harassment.***



Types of Workplace Harassment ...

- Discriminatory
- Personal
- Physical
- Power
- Psychological
- Visual/Online
- Retaliation
- Sexual
- Quid Pro Quo
- Third Party
- Verbal/Written
- Nonverbal



What is Sexual Harassment?...

The Ethics Act defines sexual harassment... ***“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:***

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment,



What is Sexual Harassment?...

The Ethics Act defines sexual harassment... ***“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:***

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or



What is Sexual Harassment?...

The Ethics Act defines sexual harassment as ... ***“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:***

3. 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.

For the purpose of this definition, the phrase “working environment” is not limited to a physical location an employee is assigned to perform his or her duties, and does not require an employment relationship.

Ethics Act, 5 ILCS 430/5-65(b)



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” can include an off-site location – farm call or mobile veterinary services.



Two Types of Unlawful Sexual Harassment...

- Hostile Work Environment
- Quid Pro Quo



The Ethics Act defines sexual harassment as ... ***“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:***

The key part of the definition is the use of the word “unwelcome”

- Unwelcome or uninvited conduct of communication of sexual nature is prohibited.
- Welcome or invited actions or words are not unlawful.
- Sexual or romantic interaction between consenting people at work may be offensive to observers or may violate company policy, but it is not sexual harassment.
- Some conduct, such as hugging, may be sexual or nonsexual and must be evaluated in context.



Unwelcome Behavior...

- Sexual conduct becomes sexual harassment when the behavior is unwelcome.
- Welcome behavior can quickly become unwelcome behavior.
- Consent can be revoked at any time.



Sexual Harassment can occur in a variety of circumstances, including, but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.



To Understand What Sexual Harassment Is & When It Is Taking Place, You Should Understand the Following:

- Gender is irrelevant
- Sexual harassment and third parties
- The behavior is unwelcome
- Working Environment
- Sexual harassment is not just limited to co-workers and supervisors



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, personal e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to an adult as a “girl,” “hunk,” “doll,” “babe,” “honey,” or other similar term
- Actual or attempted rape or sexual assault



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 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



Myths and Misconceptions About Sexual Harassment:

Myth:

Some people ask to be sexually harassed. They send “signals”.

Reality:

Being subjected to sexual harassment is painful, difficult, and frequently a traumatic experience.



Myths and Misconceptions About Sexual Harassment:

Myth: If a person really wanted to discourage or stop sexual harassment, they could.

Reality: Often, the harasser is in a position to punish the recipient by withholding a promotion, giving a bad evaluation, or giving a low grade. People rationalize their actions by saying that a person's "no" is really a "yes".



Myths and Misconceptions About Sexual Harassment:

Myth: Any unwanted touch, sexual comments, or sexual attention is discriminatory and should immediately be considered sexual harassment.

Reality: Sexual harassment is not about sex, and what bothers one person, won't necessarily bother another person.



Myths and Misconceptions About Sexual Harassment:

Myth: Sexual harassment policies and legislation encourage a fear of sex and demonizes behavior that is normal between people.

Reality: Sexual harassing behavior may be common, but it is not “normal.”



Effects of Harassment, Sexual Harassment & Bullying

- Psychological Effects
- Physiological Effects
- Career-Related Effects

Is my Employer Responsible for Sexual Harassment?:

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

- Manager/Supervisor Harassment
- Co-Worker & Non-employee Harassment

Employer Liability for Harassment:

The employer is automatically liable for harassment by a supervisor that results in a negative employment action:

- Termination
- Failure to promote or hire
- Loss of wages



Employer Responsibilities:

Employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their responsibilities to:

- Prevent
- Investigate
- Correct



Employer Responsibility – Prevention:

- Develop, implement and regularly communicate the employer's sexual harassment policy.
- Provide training for managers and employees on sexual harassment prevention.
- Ensure clear communication on how to report incidents of sexual harassment or, conduct of a sexual nature.



Employer Responsibility – Prevention:

- Managers and supervisors should monitor their work environment to ensure the workplace is free of sexual harassment – supervisors should be aware of the conduct within their supervision.
- Managers and supervisors must lead by example and model appropriate conduct – refrain from engaging in conduct of a sexual nature.
- Managers and supervisors should conduct a sexual harassment climate check throughout the year – discuss the topic at a team or staff meeting, in-service day, or as part of structured communication such as division/unit newsletters.



Employer Responsibility – Investigation:

- Immediately respond to a complaint of sexual harassment and initiate an inquiry or investigation.
- Interview the complainant (victim) and take reasonable action to protect the victim from retaliation, or experiencing further sexual harassment during the investigation.
- Interview all relevant witnesses.

Employer Responsibility – Investigation:

- Interview the alleged perpetrator of the sexual harassment.
- Document the investigation results, and maintain the file as an employment record.
- Take corrective action as appropriate.

Employer Responsibility – Corrective Measures:

- Take appropriate corrective disciplinary action up to and including termination of employment where organizational policy has been violated.
- In situations where conduct in question did not rise to the level of sexual harassment or a violation of policy, but is concerning or may be considered grooming behavior, consider counseling, training and more attentive supervision of the perpetuating employee.



Employer Responsibility – Corrective Measures:

- Take reasonable action within the organization to reduce the likelihood of future sexual harassment incidents by updating policies and communicating them to the workforce; providing supplemental or tailored sexual harassment training; or restructuring the working environment or reporting relationships.
- Follow up with the complainant (victim) at regular intervals to ensure that the workplace remains free from sexual harassment.



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:

- You have the **right to tell the person to stop.**
- You have the **right to report sexual harassment.**



What to Do if you Experience or Witness Unwelcome Sexual Conduct?

- Object
- Document
- Identify Witnesses
- Notify Management
- Call Police
- Report



Supervisor's Responsibilities:

- Monitor workplace behavior, enforce respect.
- Treat all complaints seriously and confidentially. Do not ignore any allegation.
- Post/disseminate EEO Policy.
- Respond to allegations immediately; investigate, as appropriate.
 - Be sensitive, but impartial.
 - Interview parties and relevant witnesses.
 - Ask open questions.
 - Collect relevant documents/evidence.
- Take appropriate corrective action, follow-up.
- Ensure no retaliation.
- Document your actions.



Employee's Responsibilities:

- Employees are expected to maintain a productive environment that is free from harassing or disruptive activity.
- No form of harassment will be tolerated included harassment for the following reasons: race, color, national origin, religion, sex, sexual orientation, disability or age.
- Any employee who believes that he/she is victim of unwelcome harassment has the responsibility to report or file a compliant about the situation as soon as possible.
- The report or complaint should be made to the employee's supervisor; or senior management if the complaint involves the supervisor or manager.



Witness' Responsibilities...

If you are a witness to sexual harassment or unwelcome conduct of a sexual nature:

- 1) You should report it.
- 2) You can tell the person to stop the unwelcome behavior.

Whether you personally experience or are a witness to sexual harassment, you should report the incident.



Reporting an Allegation of Sexual Harassment

The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. An employee may pursue one, or more than one, of the reporting options described below.

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



Reporting an Allegation of Sexual Harassment

Call the State of Illinois Sexual Harassment and Discrimination Helpline

- Calls are confidential and can be made anonymously
 - (877) 236-7703
 - www.Illinois.gov/SexualHarassment



Reporting an Allegation

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

- Your Supervisor
- Human Resource Officers
- Designated Sexual Harassment Reporting Officers

Reporting an Allegation

You can report the instance of sexual harassment or discrimination, and file a complaint with governmental entities.

In the Private or Public Sector

- Contact a Human Resources Department Manager, or Supervisor
- Contact the Illinois Department of Human Rights (IDHR)

- **A discrimination charge can be initiated by:**
 - Calling
 - Emailing
 - Faxing
 - Mailing
 - Appearing in person at the IDHR's Chicago or Springfield office



Reporting an Allegation

- 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.

Reporting an Allegation

- What happens if I report sexual harassment or discrimination?
- What is the process for investigating a complaint of sexual harassment or discrimination at the IDHR?
- How long will it take if I file a charge with IDHR?
- How long will it take if IDHR finds substantial evidence of discrimination, and I file a complaint with the Human Rights Commission or in circuit court?



Whistle Blower Protection...

Retaliation against individuals who report sexual harassment, or who participate in investigations and other proceedings is strictly prohibited by:

- Illinois Human Rights Act – 775 ILCS 5/6-101 (A)
- Illinois Whistleblower Act – 740 ILCS 174/15(b)



Whistle Blower Protection...

Remedies available in a civil lawsuit if retaliation occurs may include:

- Reinstatement of employment
- Two-times back pay
- Interest on back pay
- Reinstatement of fringe benefits and seniority rights; and
- Payment of reasonable costs and attorney's fees



Penalties...

Employees who:

- Engage in sexual harassment
- Make false reports
- Fail to cooperate with investigations

May be subject to significant penalties:

- Including fines
- Discipline up to, and including discharge
- Criminal misdemeanor charges



Prevention...

Employers are encouraged to:

- Take appropriate steps to prevent & correct unlawful harassment
- Communicate to employees that unwelcome harassing will not be tolerated
- Establish an effective complaint or grievance process
- Provide anti-harassment training to managers and employees
- Taking immediate and appropriate action when an employee complains



Illinois Department of Human Rights Offices:

www.illinois.gov/dhr

Helpline (877) 236-7703

Chicago, IL

James R. Thompson Center

100 W. Randolph St

Suite 10-100

Chicago, IL 60601

(312) 814-6200

(866) 740-3953 (TTY)

Springfield, IL

222 South College St.

Room 101 A

Springfield, IL 62704

(217) 785-5100

(866) 740-3953 (TTY)



Things to think about:

- Can I compliment someone?
- I'm not sure if he or she really means "maybe" or if he or she really means "no". What am I supposed to do?
- He or she never told me they didn't like my comment (gesture, hug, etc.), why not?
- He or she just can't take a joke.

A Respectful Workplace

Why Respectful Behavior

- No one wants to work in an environment where he or she feels harassed and uncomfortable.
- Respectful behavior facilitates more productive employees.
- Disrespectful, harassing behavior can cost the perpetrator their job.

How do *WE*
Stop Disrespectful Behavior

S
T
O
P



Source

T
O
P

The *source* of the disrespectful behavior has the responsibility to stop behaving in such a manner.



S

Target

O

P

The *target* must help confront the harassment/harasser!



S
T

Observer

P

Those who *observe* disrespectful or harassing behavior have a responsibility to stop it when it occurs.



S
T
O

Person in Authority

Every person in authority has a duty to keep the workplace free from offensive and harassing behavior.



Source

Target

Observer

Person in Authority

Care about **WHAT** you say.....

HOW you say it ----

Before you say it!



“Coming together is a beginning.

Keeping together is progress.

Working together is success.’

-Henry Ford

Recognize People. Engage People. Treat People like Equals.

Thank you for joining us!

Questions?

Presenter:

Alicia Davis-Wade, MA, CAE

ISVMA Assistant Executive Director/Finance
Manager

(217) 546-8381

info@isvma.org

