State of Illinois Sexual Harassment Prevention Training

APRIL 2020

Sexual Harassment Is Prohibited in Illinois

- 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).
- 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.

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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 working on-site with the employer's staff, the independent contractor should receive sexual harassment prevention training.

What Information Will Be Covered

I. an **explanation of sexual harassment** consistent with the Illinois Human Rights Act;

II. **examples of conduct** that may constitute unlawful sexual harassment;

III. a **summary of Federal and State statutory laws** concerning sexual harassment including remedies available to victims; and

IV. a **summary of employer responsibilities** in the prevention, investigation, and corrective measures of sexual harassment.

I. What is Sexual Harassment?

Under the Illinois Human Rights Act, "Sexual harassment" means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- 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.

I. Types of Unlawful Sexual Harassment

1. **Quid Pro Quo Sexual Harassment.** *"You do something for me, and I'll do something for you."* This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.
2. **Hostile Work Environment Sexual Harassment.** *"The air at work is full of sexual references and it is impacting me."* A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

I. Unwelcome Behavior

- Sexual conduct becomes sexual harassment when the behavior is unwelcome. Behavior may be unwelcome in the sense that the victim did not solicit or invite it, or in the sense that the victim regarded the conduct as undesirable or offensive.
- Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.
- Also, consent can be revoked at any time. When someone experiencing sexual harassment behavior says, "stop talking to me like this" **it must stop.** The perpetrator cannot use as a defense "Well you started it." or "You were ok with it at first."

I. Working Environment & Nonemployees

- An employee's "working environment" is not limited to the physical location where the employee is assigned. The "working environment" extends to other work sites including off-site, mobile or moving work sites/locations.
- The prohibition that supervisors and co-workers not engage in sexual harassment now applies to nonemployees such as patrons, vendors, and service providers. Nonemployees can be victims of sexual harassment and/or perpetrators of sexual harassment.

I. Gender Identity, Sexual Orientation, and Third Parties (Bystanders)

- All persons can be victims of sexual harassment regardless of the victim's **gender identity** or the perpetrator's gender identity.
- All persons can be victims of sexual harassment regardless of the victim's **sexual orientation** or the perpetrator's sexual orientation.
- Victims of sexual harassment can include not only the target of the sexual harassment, but also **third parties or bystanders**.

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II. What are 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, e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to another as a "girl," "hunk," "doll," "babe," "honey," "tootsie", etc.
- Actual or attempted rape or sexual assault

II. continued - Examples of Inappropriate Conduct

More examples of conduct that may constitute sexual harassment include:

- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories
- Sexual comments about a person's clothing, body, or looks
- Kissing sounds, howling and smacking lips
- Telling lies or spreading rumors about a person's sex life
- Massaging neck, shoulders, etc.
- Touching another employee such as their clothing, hair, or body

II. 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 (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) 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

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III. 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:

1. You have the **right to tell the person to stop**. The initiating and participating persons must stop the unwelcome behavior upon request. If they continue the behavior or retaliate against you because you asked them to stop, they can be found to have violated the law by engaging in sexual harassment or retaliation.
2. You have the **right to report the sexual harassment**. Several reporting options are available. The option you choose may depend on the nature and severity of the unwelcome conduct of a sexual nature. Persons who report sexual harassment or participate in investigations are protected from retaliation.

III. Reporting Sexual Harassment – Several Options

The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. You may pursue one or more of the following reporting options:

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

III. Call the State of Illinois Sexual Harassment and Discrimination Helpline

If you or someone you know has experienced or witnessed unwelcome conduct of a sexual nature in the workplace, please call the *State of Illinois Sexual Harassment and Discrimination Helpline* for assistance. Calls are confidential and can be made anonymously.

Call: 1-877-236-7703

Visit www.Illinois.gov/SexualHarassment

Helpline representatives can help callers navigate their numerous reporting options and share additional information related to counseling, legal assistance, and frequently asked questions.

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III. Reporting Sexual Harassment to an Employer

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

1. **Your Supervisor** or any member of management you trust. Supervisors and members of management are responsible for knowing the employer's internal complaint investigation and resolution process. Supervisors can help effect immediate positive change.
2. **Human Resources Officers** can work with management to investigate and resolve sexual harassment complaints. This option may be preferred, if the perpetrator of the sexual harassment is a supervisor or manager.
3. **Designated Sexual Harassment Reporting Officers** are often established by employers to specifically receive and investigate sexual harassment complaints. Consult your employer's sexual harassment policy for specific reporting contact information.

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III. Reporting Sexual Harassment to the Illinois Department of Human Rights (IDHR)

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

- 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.

III. Remedies Available Under The Illinois Human Rights Act

- **After IDHR completes its investigation, the Complainant (the employee):**
  1. May file a lawsuit in civil court, or
  2. May file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found "substantial evidence" of a violation.
- Complainants who prevail in the HRC or Court may receive an **order awarding remedies** allowed by the Illinois Human Rights Act to make the Complainant "whole."
- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney's fees and costs.

III. Reporting Sexual Harassment to the IDHR (Contact Information)

To file a charge, call IDHR or visit them online:

1-800-662-3942 | www.ILLINOIS.GOV/DHR

IDHR Offices Locations:

- **Chicago.** Office: 312-814-6200 | 866-740-3953 (TTY), 100 W Randolph St, Suite 10-100, Chicago, IL 60601
- **Springfield.** Office: 217-785- 5100 | 866-740-3953 (TTY), 535 W. Jefferson, 1st Floor, Intake Unit, Springfield, IL 62702
- **Marion.** Office: 618-993-7463 | 217-740-3953 (TTY), 2309 W Main St, Marion, IL 62959

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2. Report the Incident to Your Employer
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4. **File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)**

III. Reporting Sexual Harassment to the U.S. EEOC

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that make it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees.
- To start the process, call the EEOC or visit their website.

III. Remedies Available Under Title VII of the Civil Rights Act of 1964

- **After EEOC completes its investigation:**
  1. The Complainant (the employee) may file a lawsuit in federal court.
  2. The EEOC may help parties reach a settlement through an informal process called "conciliation" if the EEOC finds "reasonable cause" to believe discrimination occurred.
- Complainants who prevail in federal court may receive an **order awarding remedies** allowed by Title VII to make the employee "whole."
- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney's fees and costs.

III. Reporting Sexual Harassment to the U.S. EEOC (Contact Information)

To file a charge, call or visit online:

1-800-669-4000 | www.EEOC.GOV

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)
1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

U.S. EEOC Offices Serving Illinois

- **Chicago District Office.** JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604
- **St. Louis District Office.** Robert A. Young Federal Building, 1222 Spruce St., Rm. 8.100, St. Louis, MO 63103

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IV. 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.

IV. Employer Responsibilities

We will now discuss employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their 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.

IV. Employer Responsibility - Prevention

1. Develop, implement and regularly communicate the employer's sexual harassment policy.
2. Provide training for managers and employees on sexual harassment prevention.
3. Ensure clear communication on how to report incidents of sexual harassment or conduct of a sexual nature.
4. 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.
5. Managers and supervisors must lead by example and model appropriate conduct – refrain from engaging in conduct of a sexual nature.
6. 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.

VI. Employer Responsibility - Investigation

1. Immediately respond to a complaint of sexual harassment and initiate an inquiry or investigation.
2. Interview the complainant (victim) and take reasonable action to protect the victim from retaliation or experiencing further sexual harassment during the investigation.
3. Interview all relevant witnesses.
4. Interview the alleged perpetrator of the sexual harassment.
5. Document the investigation results and maintain the file as an employment record.
6. Take corrective action as appropriate.

IV. Employer Responsibility – Corrective Measures

1. Take appropriate corrective disciplinary action up to and including termination of employment where organizational policy has been violated.
2. In situations where the 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 closer supervision of the employee.
3. 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.
4. Follow up with the complainant (victim) at regular intervals to ensure they and the workplace remains free from sexual harassment.

Dudek & Bock Anti-Harassment & Anti-Discrimination Policy

Objective

Dudek & Bock strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Dudek & Bock will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Dudek & Bock will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment without regard to other progressive discipline policies.

Managers and supervisors who ignore, tolerate, allow, or commit discrimination, harassment or retaliation, including the failure to report such misconduct to Human Resources, are in violation of this policy and subject to discipline, termination, and compensation to the company for any loss the violation causes the company.

Prohibited Conduct Under This Policy

Dudek & Bock, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, will enforce this policy in accordance with the following definitions and guidelines.

Harassment

Dudek & Bock prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. Dudek & Bock will not tolerate harassing conduct that affects tangible job benefits; that interferes unreasonably with an individual's work performance; or that creates an intimidating, hostile, or offensive working environment. Harassment applies to the conduct of one or more employees toward one or more other employees or toward a third party or independent contractor. Harassment can apply to conduct outside the workplace as well as on a work site or in the workplace.

Discrimination

Dudek & Bock prohibits discrimination in the provision of employment opportunities, benefits or privileges or discriminatory work conditions. Dudek & Bock prohibits discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's gender; race; color; national origin; age; religion; disability status; sexual orientation; preference or identity; or genetic predisposition.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in applicable federal, state and local anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures, up to and including termination.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act, and is prohibited by Dudek & Bock's Anti-Harassment policy. According to the Equal Employment Opportunity Commission, sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature…when… submission to or rejection of such conduct is used as the basis for employment decisions…or such conduct has the purpose of effect of…creating an intimidates, hostile or offensive working environment."

Sexual Harassment (continued)

Sexual harassment can take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy.

- Verbal sexual harassment includes innuendos, suggestive comments; jokes of a sexual nature; sexual propositions; lewd remarks; threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates).

- Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual because of sex; suggestive or insulting sounds; leering; whistling; obscene gestures; content in letters, notes, faxes, e-mails, photos, text messages, tweets and internet postings; or other form of communication that are sexual in nature and offensive.

- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, grabbing, holding, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Investigation

Dudek & Bock requires employees to report incidents of harassment. Individuals who believe they have experienced, or who have witnessed harassment, should promptly notify their supervisor or another supervisor or manager, or make a report directly to Human Resources. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment and of any unlawful discrimination must immediately advise Human Resources so it can be investigated in a timely manner.

The Company will investigate all complaints of harassment thoroughly and promptly. If a complaint is justified, corrective action, including the discipline or discharge of the perpetrator(s), will be implemented, depending on the severity of the offense; prior complaints made by the complainant; prior complaints made against the respondent; the quality of the evidence (e.g., first-hand knowledge, credible corroboration); or other circumstances. While harassing conduct, if found, is certainly cause for discipline, the Company reserves the right to discipline any employee who it concludes has engaged in offensive or improper conduct, regardless of whether harassment has been found.

To the fullest extent possible the Company will keep harassment complaints and the terms of their resolution confidential. The identity of the complainant is usually revealed to the parties involved in the investigation, and the Company will take steps to ensure that the complainant is protected from retaliation during and after the investigation. A complaining employee will be made aware of the result of the investigation and any discipline imposed.

No Retaliation

All complaints of harassment in any form will be taken seriously. No employee will be retaliated against in any manner for reporting a suspected incident or harassment, participating in an investigation of a harassment complaint, or for otherwise assisting the Company in its efforts to prevent harassment from occurring. Any employee who engages in such retaliation may be subject to disciplinary action, up to and including discharge. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Completion & Certification

Thank you for completing the

2020 Annual Sexual Harassment Prevention Training

You MUST certify that you have completed training
by clicking on this link and filling out the form:

https://www.surveymonkey.com/r/WL22GY2