

Illinois Department of Human Rights Issues Model Sexual Harassment Training

Labor & Employment Law Update

By Peter Hansen on May 6, 2020

Recent changes to the Illinois Human Rights Act (IHRA) require all Illinois employers to provide sexual harassment prevention training to all employees by December 31, 2020, and once per year thereafter – and tasked the Illinois Department of Human Rights (IDHR) with creating a model sexual harassment training program employers could use to meet that requirement.

After several delays, the IDHR released its model sexual harassment prevention training program along with an FAQ. Now that we have the IDHR's model training, all Illinois employers should begin planning on how they will administer the training to all employees – including part-time employees, short-term or temporary employees, interns, and so on – especially since the IDHR announced that it will not extend the December 31, 2020 deadline due to the COVID-19 pandemic.

Minimum Standards

Employers may wish to develop or continue using their own anti-harassment training, especially if it covers more than just sexual harassment prevention. They are free to do so, provided the training includes the following:

- An explanation of sexual harassment consistent with the IHRA;
- Examples of conduct that constitutes unlawful sexual harassment;
- A summary of relevant state and federal laws 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.

Illinois restaurants and bars have additional obligations, including an explanation of the internal complaint process available to employees and information on how to contact and file a charge with the IDHR and U.S. Equal Employment Opportunity Commission.

Otherwise, as long as the training is accessible for employees with disabilities or with limited English proficiency, there is no required format. The training may be live or recorded, there is no minimum or maximum duration, and it need not be

interactive.

Recordkeeping

Employers must keep records demonstrating compliance with the sexual harassment prevention training requirement, either electronically or in paper format. The records should, at a minimum, include:

- Names of the employees who received training;
- Training date and location;
- Sign-in worksheets, signed employee acknowledgements, certificate of participation, etc.;
- A copy of all written/recorded materials used in the training; and
- The name of the trainer.

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