

Illinois Implements New Sexual Harassment Policy and Training Requirements

January 2018

As we reported in December, as of January 1, 2018, the Illinois Lobbyist Registration Act requires registered lobbyist employers to adopt a written sexual harassment policy and requires individual lobbyists to undergo sexual harassment training within 30 days following registration. To comply with the law, an organization's sexual harassment policy must contain the following:

- A prohibition on sexual harassment;
- Details on how an individual can report an allegation of sexual harassment, including options for making a confidential report;
- A prohibition on retaliation for reporting sexual harassment allegations, including specific whistleblower protections provided by Illinois state law; and
- The consequences of a violation of the prohibition on sexual harassment, and the consequences for knowingly making a false report.

25 Ill. Comp. Stat. 170/4.7(c). In late December, the Illinois Secretary of State's Office published an emergency rulemaking implementing these changes to the Lobbyist Registration Act. The emergency regulations largely mimic the language in the statute, incorporating the policy and training requirements into the administrative code. New material in the regulations includes the compliance certification language that lobbyist employers will be required to confirm. The certification that appears on the 2018 registration form reads as follows:

Practice Areas

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"Submission of this registration certifies, under penalties pursuant to Section 1-109 of the Code of Civil Procedure, that the registrant is in compliance with the sexual harassment provisions of the Lobbyist Registration Act (25 ILCS 170) and acknowledges that the registrant, at a minimum:

- Has a sexual harassment policy as required by Section 4.7(c) of the Act on the prevention, prohibition and investigation of sexual harassment and retaliation, to include how an individual can report allegations; consequences for violations of the prohibition on sexual harassment or retaliation; availability of whistleblower protections; and the consequences of filing a false report;
- Provide all employees required to register as a lobbyist with a copy of the sexual harassment policy and secure an acknowledgment of receipt;
- Shall inform each employee registered as a lobbyist of his or her requirement to complete the anti-sexual harassment training, provided by the Secretary of State, within 30 days of the employee's registration;
- Shall provide a copy of the sexual harassment policy, within 2 business days, to any individual who has made a written request;
- Has procedures for the registrant and authorized agent to receive allegations of sexual harassment including options for where a report may be filed;
- Has a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections;
- Acknowledges that the Inspector General of the Secretary of State has jurisdiction to review allegations of sexual harassment;
- Acknowledges that violations with regard to sexual harassment are subject to the jurisdiction of the Executive Ethics Commission and are subject to the penalties of the State Officials and Employees Ethics Act (5 ILCS 430).

Acknowledging the points of this certification is not a substitute for being aware of all the provisions within the Lobbyist Registration Act on sexual harassment policy, and other requirements of the Act."

We continue to monitor these developments in Illinois and are available to answer any questions.