



New state law requires companies to train employees on how to recognize, prevent sexual harassment

COMPANIES WILL BE required to provide annual workplace training on how to recognize and prevent sexual harassment or face hefty fines under a new state law that takes effect Jan. 1.

The mandate is part of an omnibus bill called the Workplace Transparency Act, which Illinois lawmakers passed in response to the growing number of sexual misconduct allegations being made in a variety of industries.

The law initially requires companies with more than 15 workers to provide annual training aimed at preventing sexual harassment in the workplace. Starting July 1 next year, businesses with at least one worker will have to comply.

“A lot of employers are panicking,” said Kimberly Ross a Chicago-based attorney for FordHarrison LLP, a law firm focused on labor and employment.

Ross said some businesses are worried about how they should set up their training programs and who they need to train.

The new law specifies that, at a minimum, training include definitions of sexual harassment, examples of conduct that is unlawful, and examples of appropriate and inappropriate conduct by a supervisor. The training sessions should also review federal and state laws, employees’ rights and available remedies, and a list of responsibilities companies have in handling claims.

According to the U.S. Equal Employment Opportunity Commission, more than 500 sexual harassment charges were filed in Illinois last year compared to about 350 charges made in the state in 2017.

Under the law, the Illinois Department of Human Rights is tasked with creating a curriculum that will be available free of charge to businesses that can use it for training or as a model when developing their own training.

Mo Green, the department’s director of public affairs, said the curriculum will be released by end of the first quarter. The department is also looking to create online training videos, which will be revealed at a later date, he said.

Only employers — a category that includes both companies and nonprofits — with employees working in the state will be required to offer training, Green said. Additional guidance will be issued later next year regarding how quickly a company should train a new hire, he said.

Businesses can face steep fines for not complying with the law. An employer that has fewer than four workers could pay \$500 for a first offense. The fine can climb to \$3,000 on the third offense. For companies with more than four workers, the penalties for the first offense start at \$1,000 and go up to \$5,000 on the third offense.



Actor Irene Currie, left, slaps the behind of fellow actor, Ron Anderson, during a rehearsal for a training about harassment in the workplace on Dec. 20, 2019, in Bartlett. The actors work for a company called Valuable Resources Co., which trains employees about workplace harassment, sexual harassment, bullying and discrimination. (Stacey Wescott / Chicago Tribune)

Companies have until December 31, 2020 to provide training, and the human rights department said it has several ways of determining compliance. Any time it investigates charges against a company, the department will verify whether or not onsite training is taking place. It will also confirm a training program is in place when companies register to compete for state public contracts. Employees can also report companies that aren’t complying.

The law also calls for the training to be “interactive,” and one local human resources firm that offers harassment prevention training using skits said the requirement could spur business.

“The way it’s been done in the traditional sense hasn’t been effective,” said Laurie Huspen, the owner of Valuable Resources Co. in Gilbert. “We are cautiously optimistic. It’s always an important topic.”

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The company has provided harassment, bullying and discrimination prevention training to manufacturing companies, schools, insurance companies, municipal park districts and private equity firms.

Since 2012, Huspen has been offering a 90-minute workplace training session in the form of live theater called Taboo Topix. Huspen hires a small group of actors who reenact workplace conduct considered unlawful or inappropriate. Huspen starts the training by going over legal definitions and laws, and actors perform the skit.

Workers are put in small groups to discuss issues raised in the performance, and Huspen's team suggests techniques employees can use to prevent harassment, bullying or discrimination.

"Ours is very interactive. Ours is very engaging. It's an experience rather than watching a video," Huspen said. "We are not here to just check the box."

Amy Cramer, a managing partner who works on employment discrimination cases for Cramer Law Group in Chicago, said the law gives victims more of a voice.

"There is now more power placed back into the employees hands," she said.

In addition to the mandated training, the law extends protections to contract workers, limits the use of arbitration and nondisclosure agreements, and requires restaurants and bars to equip certain staff with sexual harassment prevention training, Cramer said.

"It has a lot of opportunities to make changes," Cramer said.



Actors Diana Oshiro, left, and Irene Currie, right, joke using ethnic slurs during a rehearsal for a training about harassment in the workplace on Dec. 20, 2019, in Bartlett. They work for a company called Valuable Resources Co., which trains employees about workplace harassment, sexual harassment, bullying and discrimination. (Stacey Wescott / Chicago Tribune)

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