



# Sexual Harassment Prevention

Annual Mandatory Training



2021



## Illinois, Wisconsin and Federal Laws Prohibit Sexual Harassment

- 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.

**Employers are 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.

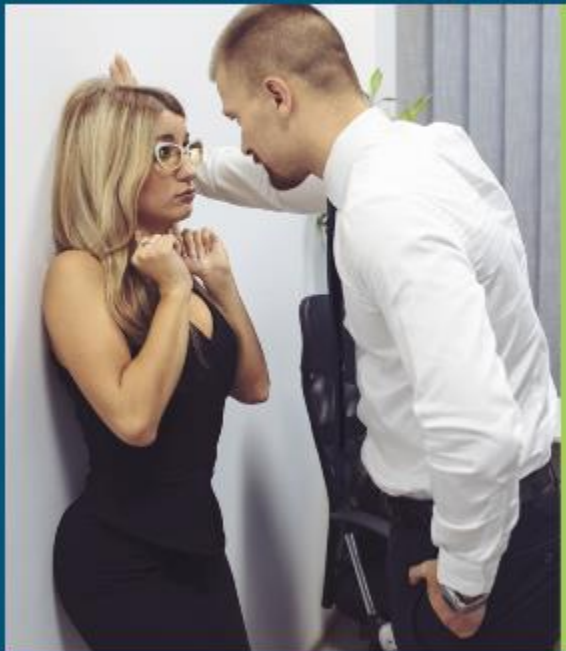
## **In this course you will learn:**

- An explanation of sexual harassment consistent with the Illinois Human Rights Act, Wisconsin Fair Employment Act and Title VII.
- Examples of conduct that may 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 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:

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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



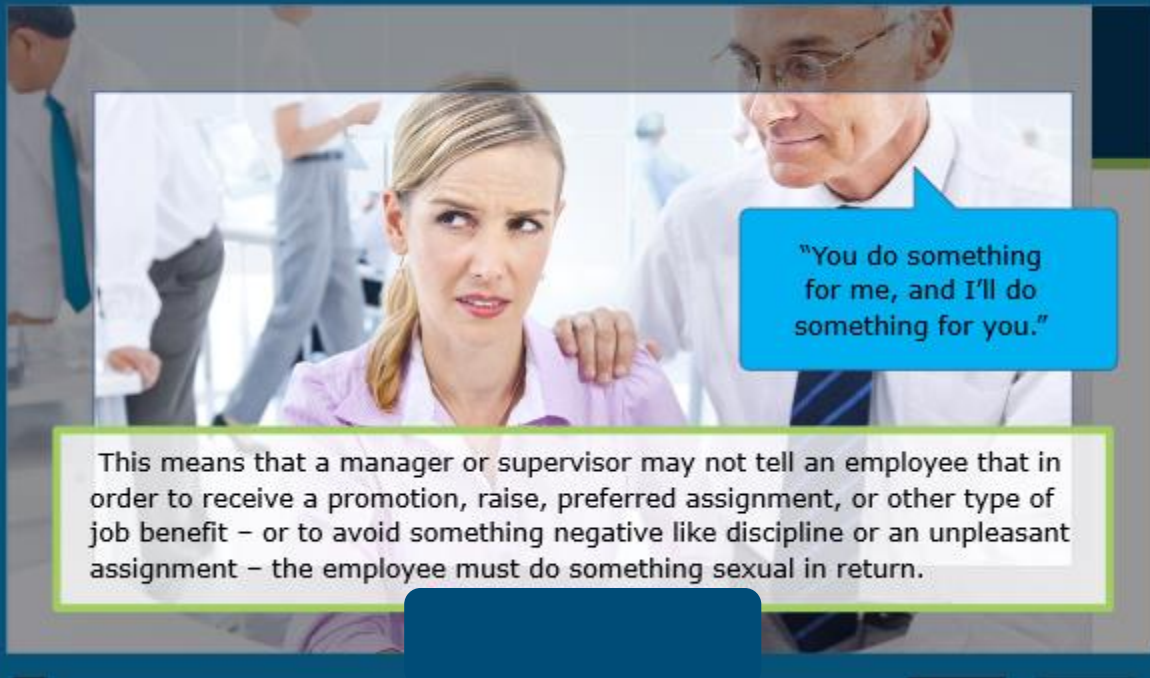


such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.



# What are the Various Types of Unlawful Sexual Harassment?

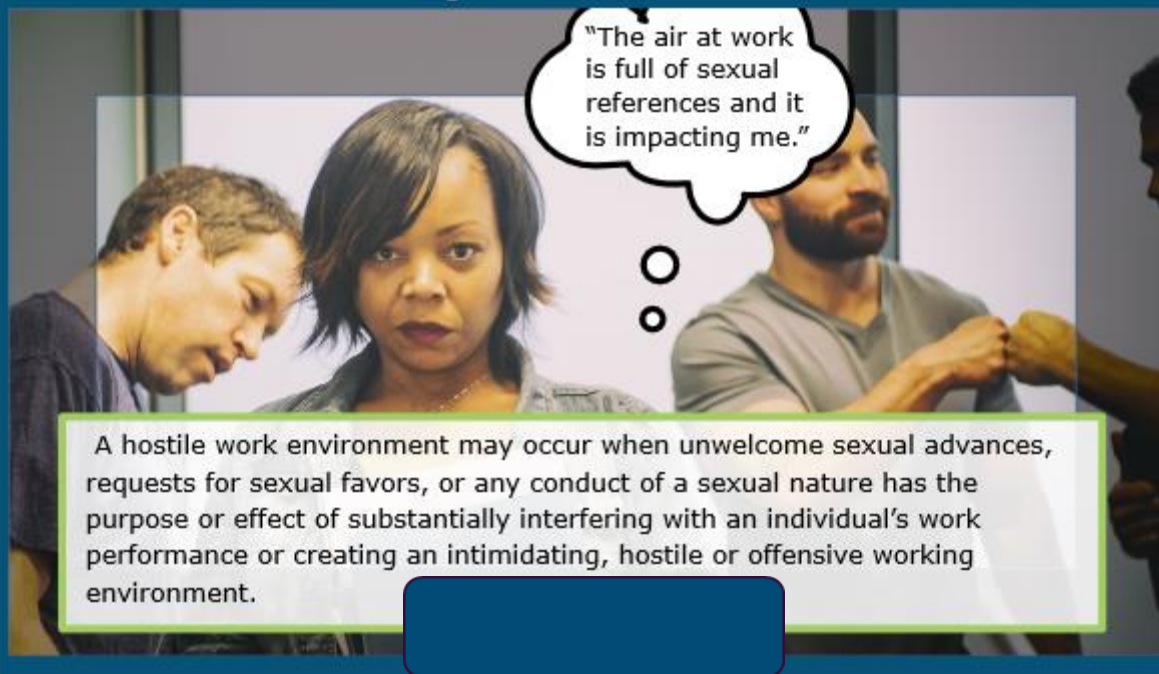
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"You do something for me, and I'll do something for you."

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.

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"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.

## **Unwelcomed Behavior**

**Sexual conduct becomes  
sexual harassment when the  
behavior is unwelcome**

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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**.

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Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (**consensual joking**) can **cross a line** and become unwelcome behavior.

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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."**

# What is a Work Environment?



## Sexual Harassment Environments



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 and 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."

## Sexual Harassment in Online Environments

### Online sexual harassment includes:

- Using e-mail
- Cell phone texts/instant messages
- Internet posting
- Online comments



- Blog posts
- 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

# Who is affected by Sexual Harassment?

**Third Parties**

**Gender Identity**

**Non Employees**

**Sexual Orientation**

## Third Parties

Victims of sexual harassment can include not only the target of the sexual harassment, but also third parties or bystanders.



## Non Employees

The prohibition that supervisors and co-workers not engage in sexual harassment now applies to non-employees such as patrons, vendors, and service providers. Non-employees can be victims of sexual harassment and/or perpetrators of sexual harassment.



## Gender Identity



All persons can be victims of sexual harassment regardless of the victim's gender identity or the perpetrator's gender identity.

## Sexual Orientation



All persons can be victims of sexual harassment regardless of the victim's sexual orientation or the perpetrator's sexual orientation.

## 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.



## What are Examples of Inappropriate Conduct?

### More Examples:

- Actual or attempted rape or sexual assault.
- Turning work discussions to sexual topics.
- Sexual comments, sexual innuendos, or sexual stories.
- Sexual comments about a person's clothing, body, or looks.
- Kissing sounds, howling and smacking lips.

## What are Examples of Inappropriate Conduct?

### More Examples:

- Telling lies or spreading rumors about a person's sex life.
- Massaging neck, shoulders, etc.
- Asking about sexual fantasies, preferences, or history.
- Touching another employee such as their clothing, hair, or body.

## What can I do if I Experience, Witness, or Become Aware of Unwelcomed Sexual Conduct?



You have the right to tell the person to stop. The initiating and participating persons must stop the unwelcomed 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.

## What can I do if I Experience, Witness, or Become Aware of Unwelcomed Sexual Conduct?



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.

# Is my Employer Responsible for Sexual Harassment?

Click on each icon to learn more,  
then click next to continue



Managers/  
Supervisor



Co-worker/  
Non-Employee

**Yes, Employers are  
Responsible for  
Sexual Harassment  
in Two Ways:**

Click on each icon to learn more,  
then click next to continue



Managers/  
Supervisor



Co-worker/  
Non-Employee

## **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.

Click on each icon to learn more,  
then click next to continue



Managers/  
Supervisor



Co-worker/  
Non-Employee

## Co-Worker & Non-employee Harassment

Employers are liable for sexual harassment perpetrated by an employee (co-worker) or non-employees (vendors) only if the employer knew or reasonably should have known of the harassment and failed to take prompt corrective action.



## Employer Responsibilities

We will now discuss employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their responsibilities to take the following actions. **Click on each icon to learn more, then click next to continue.**



**Prevent** the incidence of sexual harassment in their workplaces.



**Investigate** incidents of sexual harassment in their workplaces.



**Correct** the incidence of sexual harassment in their workplaces.



## Employer Responsibility

### Prevention Measures

- 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.



## Employer Responsibility Prevention

- 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.



## Employer Responsibility

### Investigation Measures

- 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.



## Employer Responsibility Investigation

- |    |   |
|----|---|
| 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.  |



## Employer Responsibility

### Corrective Measures

- 1) Appropriate corrective disciplinary action up to and including termination of employment where AAH 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.



## Employer Responsibility

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.

# Reporting Sexual Harassment

**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:**

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



## Reporting Sexual Harassment to Advocate Aurora Health

### Report the incident to one or more of the following Advocate Aurora Health (AAH) Representatives:

- **Your Supervisor or any member of leadership.** Supervisors and members of leadership are responsible for knowing AAH's internal complaint investigation and resolution process under AAH's Harassment Policy. Supervisors can help effect immediate positive change.
- **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.



**Please review AAH's Harassment Policy for further information.**

# How Can a Team Member Report Their Concern of Sexual Harassment to AAH

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Team members who do not feel in danger, and are comfortable doing so, should first speak to the person who has engaged in the inappropriate behavior and ask them to stop engaging in such behavior.

If the inappropriate behavior does not stop or if the team member is not comfortable speaking directly to the person, the team member should contact their leader, another member of leadership, Human Resources or the Advocate Aurora Compliance Hotline.

## Call the State of Illinois Sexual Harassment and Discrimination Helpline or the Wisconsin Equal Rights Division

**Illinois**

**Sexual Harassment  
& Discrimination  
Helpline**

**Wisconsin**

**Wisconsin Equal  
Rights Division**

## 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](http://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.

## WI Equal Rights Division Contact Information

### Call Wisconsin Equal Rights Division:

**Madison Office:** 608-266-6860

201 E Washington Ave, Room A100, Madison, WI 53703

**Milwaukee Office:** 414-227-4384

819 N 6th St; Room 723, Milwaukee, WI 53203

## 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.

## Remedies Available Under The Illinois Human Rights Act

- After IDHR completes its investigation, the Complainant (the employee):
  - May file a lawsuit in civil court, or
  - 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.



## 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](http://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

## **WI Equal Rights Division (Contact Information)**

**In Wisconsin, a complaint can be filed with the  
Wisconsin Equal Rights Division**

**Madison Office:** 608-266-6860

201 E Washington Ave, Room A100, Madison, WI 53703

**Milwaukee Office:** 414-227-4384

819 N 6th St; Room 723, Milwaukee, WI 53203

## 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.

## Remedies Available Under Title VII of the Civil Rights Act of 1964

- **After EEOC completes its investigation:**
  - The Complainant (the employee) may file a lawsuit in federal court.
  - 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.

## 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](http://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

