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Illinois Passes Bill Requiring Anti-Harassment Training



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The Illinois General Assembly has passed SB 75, a bill that would require all employers in the state to provide workplace sexual harassment training to employees annually, following the trend of California, New York, Delaware, Connecticut and Maine, who have passed similar laws. Failure to train employees would result in a \$500 penalty to businesses with fewer than four employees and a \$1,000 penalty to those with more than four employees.

The act requires the Illinois Department of Human Rights to provide a model sexual harassment prevention training program that would be available free to employers and the public. Employers may use the model program or develop their own. At a minimum, the training must provide an explanation of sexual harassment, examples of unlawful sexual harassment, a summary of relevant federal and state statutory provisions, and a summary of employers' responsibilities.

The act also allows victims of domestic or sexual violence to take unpaid leave from work to seek medical, psychological or other services. Additionally, the act limits the use of non-disclosure agreements and arbitration clauses intended to prevent an employee from reporting unlawful employment practices, such as sexual harassment or discrimination claims.

Employers who wish to include arbitration clauses in employment contracts would not be able to enforce them as it relates to harassment and discrimination claims. Finally, the bill provides special considerations for hotel and casino workers, requiring the establishments to adopt anti-sexual harassment policies and make panic buttons available to certain employees.

If signed by Governor J.B. Pritzker, the legislation would take effect on July 1, 2020.

Please don't hesitate to contact one of the HR attorneys at Gould & Ratner to discuss any questions you might have or other information you might need in light of the act.