

Illinois Bill Introduced to Require Sexual Harassment Training for All Restaurant Employees

Article By:

Samia M. Kirmani

Edward M. Cherof

Dena E. Epstein

Kristen M. Baylis

Illinois has joined the growing number of states proposing mandatory sexual harassment training with a bill that requires training for restaurant employees. If the Restaurant Anti-Harassment Act is enacted, restaurants must provide sexual harassment prevention training to all employees in Illinois.

In the wake of the #MeToo movement and following the employee-protectionist legislation trend observed at the state and municipal level, a number of states, the District of Columbia, and New York City enacted new sexual harassment prevention legislation in 2018. The new laws included, among other things, mandatory employer training requirements.

Prior to 2018, only California, Maine, and Connecticut had in place statutory training requirements. In 2018, California expanded its training requirement to require that covered employers train all employees, not just supervisory employees, as previously had been the case. Delaware, the District of Columbia, New York State, and New York City also passed laws with specific training requirements.

Requirements

In 2019, the trend continues as numerous states propose bills mandating sexual harassment prevention training. On February 15, 2019, Illinois Representative Ann M. Williams (D) proposed [House Bill 3351](#), creating the Restaurant Anti-Harassment Act. As proposed, the training, at a minimum, should include the following topics for all employees:

1. Definition of sexual harassment and the two forms it can take;
2. Explanation of the harmful impact sexual harassment can have on victims, businesses, and those who harass;
3. How to recognize conduct that is appropriate, and inappropriate, for work; and

4. Explanation of when and how to report sexual harassment.

In addition to the above, employers also must cover the following topics for supervisors and managers:

1. Explanation of employer and manager liability for reporting and addressing sexual harassment;
2. Instruction on how to create a harassment-free culture in the workplace; and
3. Explanation of how to investigate sexual harassment claims in the workplace.

The training program must be specific to the restaurant or hospitality industry and include restaurant- or hospitality-related activities, images, or videos. The training must be available in both English and Spanish. Further, the training may be delivered through a variety of means, including, but not limited to, online, computer, classroom, and remote training.

Under the proposed bill, employers are required to provide the training within 90 days after the effective date of the Act, within 30 days of an employee's employment, and every two years thereafter. The proposed bill is silent as to the required duration of the training.

Finally, the proposed bill requires employers to provide, upon request by the Department of Human Resources, proof of a sexual harassment policy in place and of completing the required training or face a civil violation for failure to do so.

New Jersey Bill

Illinois is the second state in 2019 to propose mandatory sexual harassment prevention training for restaurants. On January 15, 2019, a similar Assembly bill ([A4831](#)) was introduced in New Jersey. That bill, if enacted, will require restaurants that employ 15 or more employees to provide sexual harassment training to all employees.

Under the bill, each new employee must receive sexual harassment training within 90 days of employment. Generally, restaurant employees would be required to receive sexual harassment training at least once every five years. For the training to be compliant with the proposed bill, it must:

1. Include separate courses for supervisors and supervisees, with appropriate topics selected for each course;
2. Include topics specific to the restaurant industry;
3. Be interactive, include practical examples, and explain how to file a sexual harassment complaint; and
4. Be offered in English and Spanish.

While not mandated, employers may want to maintain records on employee sexual harassment training to avoid claims of non-compliance. The bill further would require restaurants to adopt sexual harassment policies and include them in their employee handbooks or otherwise provide copies to their employees.

The proposed bill is at the very early stages of the legislative process. Whether and in what form the bill is enacted remains to be seen. Mandatory harassment prevention training is becoming more

common, creating a patchwork of legal training obligations for many multi-state employers. Employers would be well-served to develop training programs designed to meet all existing requirements. Stay tuned for updates from Jackson Lewis as additional states and municipalities pass such laws in the year ahead.

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