

# The Who, What, and When on Illinois's Mandatory Sexual Harassment Prevention Training

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Now a little more than one month into the new year, Illinois employers are under pressure to comply with [several new laws](#) increasing protections against discrimination and harassment. Among them, [amendments](#) to the Illinois Human Rights Act require employers to provide sexual harassment prevention training before December 31, 2020, and each calendar year after that. [New guidance published January 31, 2020, by the Illinois Department of Human Rights \(IDHR\)](#) clarifies key aspects of the new law.

## *Who Must Provide Annual Harassment Prevention Training*

All employers with one or more employees working in Illinois must provide training. The law applies supplemental training requirements to restaurants and bars.

## ***Who Must Receive Training***

Unsurprisingly, the IDHR states that employers must train all employees, including part-time employees, temporary employees, and interns who work or will work in Illinois. But according to the IDHR's [frequently asked questions](#), the law also applies to employers and employees outside Illinois. Employers both in Illinois and out of state are required to:

- Train employees who work or will work in Illinois.
- Train employees who do not work in Illinois but regularly interact with other employees in Illinois—for example, a supervisor located out of state who supervises employees in Illinois.

The IDHR states that training independent contractors is not required. Yet, the agency said it is “strongly advised” that independent contractors receive training if they work on-site or interact with employees.

## ***What the Training Must Include***

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Training must be accessible to employees with disabilities and non-English speakers. Employers do not have to use the IDHR model training (expected to be available in February 2020), but must provide training that meets the IDHR's minimum training requirements for [all employers](#) and supplemental training for [restaurants](#) and bars.

All employers' training must:

- explain and provide examples of sexual harassment,
- summarize federal and state law and remedies for victims of sexual harassment, and
- summarize employers' obligations to prevent and investigate sexual harassment and take prompt corrective action.

Restaurants and bars must also:

- establish a sexual harassment prevention policy and provide a copy to their employees that meets or exceeds [the IDHR's minimum requirements](#); and
- provide training in Spanish and in English that includes industry-specific conduct, activities, or videos, and an explanation of manager liability.

Finally, employers must keep paper or electronic records showing employees attended the trainings, and must provide those records to the IDHR upon request.

### ***When the Training Must Be Provided***

The deadline for providing the training is December 31, 2020, and annually by December 31. But the IDHR encourages employers to:

- train new employees as soon as possible after hire; and
- retrain employees who have received training from a prior employer. Each employer is responsible for ensuring that training received elsewhere is compliant with the law.

### **Key Takeaways**

- Consider whether existing training programs already comply with the minimum requirement published by the IDHR.
- If existing training does not meet minimum standards, consider using the IDHR's model sexual harassment prevention training program, expected in February 2020, as a stand-alone training program or to supplement the employer's existing training programs.
- Consider proactively identifying which personnel should receive training, including individuals who are independent contractors or who do not work in Illinois but regularly interact with employees in Illinois.

- Provide compliant training no later than December 31, 2020, and annually thereafter by December 31, and keep accurate attendance records.

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