



ServSafe Workplace

Sexual Harassment Prevention Online Course

State of Illinois Supplement

Revised July 2022

[servsafe.com/ServSafe-Workplace](https://www.servsafe.com/ServSafe-Workplace)

The information found in this supplement has been taken from the [Workplace Transparency Act](#), the [Illinois Human Rights Act](#), and the [Chicago Human Rights Ordinance](#).

Contents

Introduction	3
Sexual Harassment Policy	3
Unlawful Discrimination	3
Whistle-Blowers.....	3
Manager Liability	3
Reporting	4
Chicago Supplement.....	5

Note: Additional training is required for employees and managers employed in Chicago. See the Chicago Supplement section for details.

Introduction

The Workplace Transparency Act, or SB0075, requires all restaurants and bars operating in Illinois to have a sexual harassment policy that is provided to employees within one week of hire and to provide training to all employees at least once a year. The law will be enforced by the Department of Human Rights.

Sexual Harassment Policy

Every restaurant and bar operating in this State must have a sexual harassment policy provided to all employees, in writing, within the first calendar week of the employee's employment. The policy shall include:

1. a prohibition on sexual harassment;
2. the definition of sexual harassment under the Illinois Human Rights Act and Title VII of the Civil Rights Act of 1964;
3. details on how an individual can report an allegation of sexual harassment internally, including options for making a confidential report to a manager, owner, corporate headquarters, human resources department, or other internal reporting mechanism that may be available;
4. an explanation of the internal complaint process available to employees;
5. how to contact and file a charge with the Illinois Department of Human Rights and United States Equal Employment Opportunity Commission;
6. a prohibition on retaliation for reporting sexual harassment allegations; and
7. a requirement that all employees participate in sexual harassment prevention training.

The policy shall be made available in English and Spanish.

Unlawful Discrimination

The Illinois Human Rights Act seeks to secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment.

Whistle-Blowers

Employees are also covered under the Whistleblower Act. This act covers the following:

- (a) An employer may not retaliate against an employee who refuses to participate in an activity where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.
- (b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, court, administrative hearing, or before a legislative commission where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

Manager Liability

An employer, manager, or other supervisors could potentially be held liable for damages related to sexual harassment, depending on the circumstances of the alleged harassment.

A supervisor is required to seriously address either an observed incident of sexual harassment or a complaint. The supervisor must report such a complaint, take prompt action to investigate it, implement appropriate disciplinary action, take all necessary steps to eliminate the harassment, and observe confidentiality.

In addition, a supervisor is required to take reasonable steps to ensure that an employee will not be subject to retaliation as the result of making a sexual harassment complaint.

Reporting

Victims may report instances of sexual harassment in the following ways:

- **Contact a Human Resources Department, Manager, or Supervisor.** Many employers and agencies have specific policies and processes in place for victims to complain about and report sexual harassment and discriminatory treatment.
- **Contact the Illinois Department of Human Rights (IDHR).** Reports (charges) of sexual harassment and discrimination can be made to the IDHR. IDHR has jurisdiction over complaints of sexual harassment and discrimination in employment, housing, public accommodations, and education.

For more information or to file a complaint (charge) with the IDHR:

- Website: <https://www2.illinois.gov/DHR/Pages/default.aspx>
- Case (Charge) Initiation Form: <https://www2.illinois.gov/DHR/filingacharge/pages/intake.aspx>

Contact information:

Illinois Department of Human Rights

Chicago Office: Intake Unit

100 West Randolph Street, 10th Floor

Chicago, IL 60601

Tel: 312-814-6200

TTY: 866-740-3953

Fax: 312-814-6251

Email: IDHR.ReportSH@illinois.gov or IDHR.Intake@illinois.gov

Springfield Office: Intake Unit

535 W. Jefferson, 1st Floor

Springfield, IL 62702

Tel: 217-785-5100

TTY: 866-740-3953

Fax: 217-785-5106

Email: IDHR.ReportSH@illinois.gov or IDHR.Intake@illinois.gov

Complete, sign, and submit a [Complainant Information Sheet \(CIS\)](#) to the Illinois Department of Human Rights.

- **United States Equal Employment Opportunity Commission (EEOC).** An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action, including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 [TTY]), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

Chicago Supplement

Introduction

Mayor Lightfoot and the Commission on Human Relations amended the city's sexual harassment laws in April 2022 to make them stronger and to uphold zero tolerance of violence and harassment in the workplace.

Definition of Sexual Harassment

"Sexual harassment" means any

- (i) unwelcome sexual advances or unwelcome conduct of a sexual nature.
- (ii) requests for sexual favors or conduct of a sexual nature when
 - (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual.
 - (3) 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.
- (iii) Sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position. (Effective June 4, 2022)

Statute of Limitations

Victims have 365 days to report all forms of discrimination, including sexual harassment.

Penalties

Penalties for all forms of discrimination can include fines ranging from \$5,000 - \$10,000.

Additional Safety Measures

The timeline for notification to the respondent (i.e., person alleged to have caused harm) is 30 days.

Written Policy and Notification Requirements

As of July 1, 2022, all employers in the city of Chicago must have a written policy on sexual harassment. The written policy document shall include at least the following:

- A statement that sexual harassment is illegal in Chicago.
- The definition of sexual harassment as defined in Section 6-010-020.
- A requirement that all employees participate in sexual harassment prevention training annually.
 - o Employees shall participate in a minimum of one hour of sexual harassment prevention training annually.
 - o Anyone who supervises or manages employees shall participate in a minimum of two hours of sexual harassment prevention training annually, and all employees must participate in one hour of bystander training annually
- Examples of prohibited conduct that constitute sexual harassment

- Details on:
 - o how an individual can report an allegation of sexual harassment, including, as appropriate, instructions on how to make a confidential report, with an internal complaint form, to a manager, employer's corporate headquarters or human resources department, or other internal reporting mechanism; and
 - o legal services, including governmental, available to employees who may be victims of sexual harassment.
- A statement that retaliation for reporting sexual harassment is illegal in Chicago.

The written policy must be available in the employee's primary language within the first calendar week of starting employment. Additionally, employers will be required to display a poster advising of the prohibition on sexual harassment where employees can see it.

Model policies and the written notice are available at https://www.chicago.gov/city/en/depts/cchr/supp_info/sexual-harassment.html#

Training Requirements

Completion of the *Sexual Harassment Prevention for Restaurants* course and this supplement is not sufficient to meet the city of Chicago's training requirements. Employees and managers employed in Chicago must complete additional training.

Employee Training

Employees are required to complete two steps to be fully compliant with the new Chicago Commission on Human Relations (CCHR) Sexual Harassment law:

- 1) Complete the ServSafe Workplace (*Sexual Harassment Prevention for Restaurants*) course or an Illinois compliant sexual harassment training course and
- 2) Complete the City of Chicago Bystander course. Training must be renewed annually.

Employees must have both their sexual harassment prevention training certificate and bystander training certificate to prove they are fully compliant with the new law.

Manager/Supervisor Training

Managers are required to complete 3 steps to be compliant with the new CCHR Sexual Harassment law:

- 1) Complete the ServSafe Workplace (*Sexual Harassment Prevention for Restaurants*) course or an Illinois compliant sexual harassment training course and
- 2) Complete the City of Chicago additional Manager training module
- 3) Complete the City of Chicago Bystander course. Training must be renewed annually.

Managers must have their sexual harassment prevention training certificate, additional manager training module certificate and bystander training certificate to prove they are fully compliant with the new law.

City of Chicago Additional Training Modules

City of Chicago training modules are available on this website: https://www.chicago.gov/city/en/depts/cchr/supp_info/sexual-harassment.html

Resources

To view the city of Chicago's ordinance on sexual harassment select [Chicago Human Rights Ordinance \(6-010-040 Sexual harassment\)](#).