

Harassment Prevention Training for Illinois Employees and Managers Frequently Asked Questions (FAQs)

Question: What is sexual harassment?

Answer: The Illinois Human Rights Act (IHRA) protects Illinois employees and others from sexual harassment. In employment, sexual harassment is any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- 1) submission to such conduct is either explicitly or implicitly made a term or condition of employment, and submission to or rejection of the conduct is used as a basis for making decisions about your employment; or
- 2) such conduct interferes with your job performance or creates an intimidating, hostile, or offensive working environment.

The U.S. Equal Employment Opportunity Commission (EEOC) provides this basic definition of sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Question: What are examples of conduct that may be sexual harassment?

Answer: The two types of unlawful sexual harassment are quid pro quo and hostile work environment.

Quid pro quo. "You do something for me, and I'll do something for you." This means that a manager or supervisor may not tell a subordinate that in order for them 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 subordinate must do something sexual in return.

Hostile work environment. 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.

Sexual harassment can include conduct other than sexual advances and requests for sexual favors. Other conduct of a sexual nature can be part of quid pro quo sexual harassment or can contribute to a hostile work environment that would be sexual harassment. These other types of conduct can include unwelcome physical acts, verbal conduct, or visual. Examples of conduct that may be sexual harassment include:

- Actual or attempted rape or sexual assault
- Pressure for sexual favors
- Deliberate touching, leaning over, or cornering
- Sexual looks or gestures
- Letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature
- Pressure for dates
- Sexual teasing, jokes, remarks, or questions
- Referring to an adult as a "girl," "hunk," "doll," "babe," "honey," or other similar term
- Whistling at someone
- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories
- Sexual comments about a person's clothing, anatomy, or looks
- Kissing sounds, howling and smacking lips
- Telling lies or spreading rumors about a person's personal sex life
- Neck and/or shoulder massage
- Touching an employee's clothing, hair, or body

Information contained in this document should not be regarded as a substitute for legal counsel in specific areas. This document is copyrighted by MRA – The Management Association, Inc. The document may be reprinted for internal use, but may not be republished without the prior permission of MRA.

For further assistance call or visit www.mranet.org, © MRA – The Management Association, Inc.

Wisconsin: 800.488.4845 • Minnesota 888.242.1359 • Northern Illinois: 800.679.7001 • Iowa & Western Illinois: 888.516.6357

To understand what sexual harassment is and when it is taking place, you should know that gender is irrelevant. Both men and women can be victims of sexual harassment. The harassing behavior may be by someone of the opposite gender or by someone of the same gender. Men can sexually harass other men, and women can sexually harass other women.

Question: What federal and state laws protect me from sexual harassment?

Answer: The state law prohibiting sexual harassment is the Illinois Human Rights Act. It states it is 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). It can provide remedies to employees who file a complaint, which could 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.

The federal law prohibiting sexual harassment is the Civil Rights Act of 1964 and is enforced by the EEOC. Title VII of the Civil Rights Act of 1964 states that sexual harassment is a form of sex discrimination. Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. EEOC remedies may include compensatory and punitive damages, such as paying victims for out-of-pocket expenses caused by the discrimination (such as costs associated with a job search or medical expenses) and compensating them for any emotional harm suffered (such as mental anguish, inconvenience, or loss of enjoyment of life).

Question: Where do I go to report a complaint?

Answer: You have three main resources:

- 1) Your Employer. Your employer’s policy will outline the process for reporting allegations of sexual harassment.
- 2) Illinois Department of Human Rights (IDHR) is your state resource. The [IDHR website](#) provides information about sexual harassment, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions. The phone number for IDHR is 1-800-662-3942.
- 3) Equal Employment Opportunity Commission (EEOC) is your federal resource. See EEOC's [How to File a Charge of Employment Discrimination](#). You can also meet with the EEOC to discuss your situation and options. This conversation is confidential.