



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5074

Introduced 1/27/2022, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-109

Amends the Illinois Human Rights Act. Requires a trade union to provide sexual harassment prevention training to its workers. Provides that any trade union providing sexual harassment prevention training shall use the model sexual harassment prevention training program created by the Department of Human Rights and shall provide that training at least once a year to all workers and maintain a log indicating each worker's yearly training status. Provides that a trade union worker is not required to participate in a sexual harassment prevention training program each time the worker is hired for a new job if the worker has already participated in a sexual harassment prevention training program during that calendar year.

LRB102 25347 LNS 34625 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-109 as follows:

6 (775 ILCS 5/2-109)

7 Sec. 2-109. Sexual harassment prevention training.

8 (A) The General Assembly finds that the organizational
9 tolerance of sexual harassment has a detrimental influence in
10 workplaces by creating a hostile environment for employees,
11 reducing productivity, and increasing legal liability. It is
12 the General Assembly's intent to encourage employers to adopt
13 and actively implement policies to ensure their workplaces are
14 safe for employees to report concerns about sexual harassment
15 without fear of retaliation, loss of status, or loss of
16 promotional opportunities.

17 (B) The Department shall produce a model sexual harassment
18 prevention training program aimed at the prevention of sexual
19 harassment in the workplace. The model program shall be made
20 available to employers and to the public online at no cost.
21 This model program shall include, at a minimum, the following:

22 (1) an explanation of sexual harassment consistent
23 with this Act;

1 (2) examples of conduct that constitutes unlawful
2 sexual harassment;

3 (3) a summary of relevant federal and State statutory
4 provisions concerning sexual harassment, including
5 remedies available to victims of sexual harassment; and

6 (4) a summary of responsibilities of employers in the
7 prevention, investigation, and corrective measures of
8 sexual harassment.

9 (C) Except for those employers subject to the requirements
10 of Section 5-10.5 of the State Officials and Employees Ethics
11 Act, every employer with employees working in this State shall
12 use the model sexual harassment prevention training program
13 created by the Department or establish its own sexual
14 harassment prevention training program that equals or exceeds
15 the minimum standards in subsection (B). The sexual harassment
16 prevention training shall be provided at least once a year to
17 all employees. For the purposes of satisfying the requirements
18 under this Section, the Department's model sexual harassment
19 prevention training program may be used to supplement any
20 existing program an employer is utilizing or develops. An
21 employer is not required to provide sexual harassment
22 prevention training for a trade union worker if the worker has
23 participated in a sexual harassment prevention training
24 program under subsection (C-5).

25 (C-5) A trade union shall provide sexual harassment
26 prevention training for its workers in this State. Any trade

1 union providing sexual harassment prevention training shall
2 use the model sexual harassment prevention training program
3 created by the Department or establish its own sexual
4 harassment prevention training program that equals or exceeds
5 the minimum standards in subsection (B). The sexual harassment
6 prevention training shall be provided at least once a year to
7 all workers and the trade union shall maintain a log
8 indicating each worker's yearly training status. A worker is
9 not required to participate in a sexual harassment prevention
10 training program under subsection (C) each time the worker is
11 hired for a new job if the worker has already participated in a
12 sexual harassment prevention training program during that
13 calendar year.

14 (D) If an employer violates this Section, the Department
15 shall issue a notice to show cause giving the employer 30 days
16 to comply. If the employer does not comply within 30 days, the
17 Department shall petition the Human Rights Commission for
18 entry of an order imposing a civil penalty against the
19 employer pursuant to Section 8-109.1. The civil penalty shall
20 be paid into the Department of Human Rights Training and
21 Development Fund.

22 (Source: P.A. 101-221, eff. 1-1-20.)