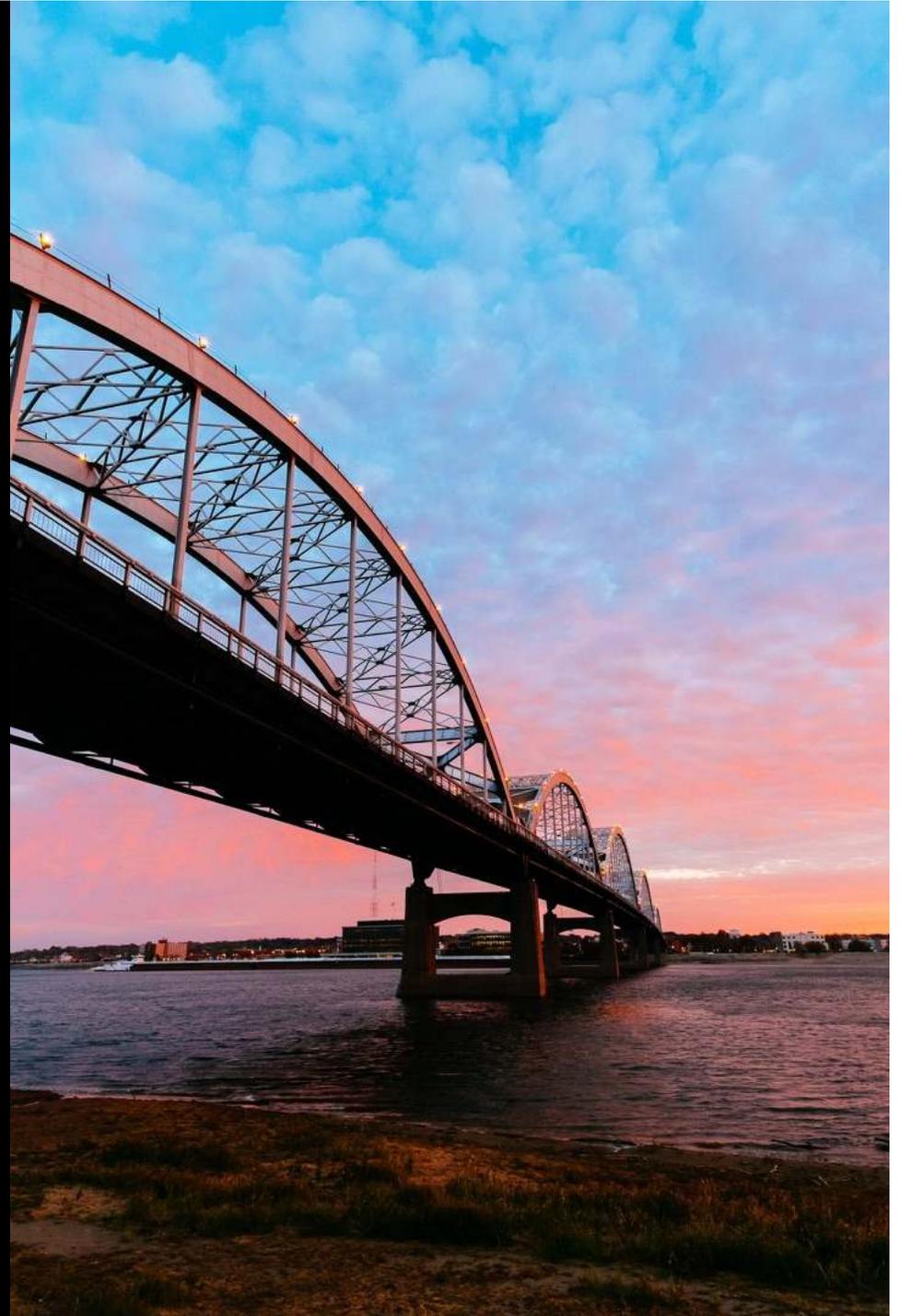


City of Rock Island

Sexual Harassment
Prevention Training



What is Sexual Harassment?

- Sexual harassment is a form of sex discrimination and is unlawful under federal and state law.
- Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when it:
 - makes submission to a request for sexual favors, sexual advances, or any conduct of a sexual nature a term or condition of employment;
 - makes submission to or rejection of a request for sexual favors, sexual advances, or any conduct of a sexual nature a basis for employment decisions;
 - interferes substantially with an employee's work performance; or
 - creates an intimidating, hostile, or offensive work environment. *Effective Jan. 1, 2020*, the “work environment” is not limited to the physical location where employees are assigned to perform their duties.



Hostile Environment

A hostile environment on the basis of sex may be created by any action previously described, in addition to unwanted words, signs, jokes, pranks, intimidation, physical actions or violence, either of a sexual nature or not of a sexual nature, directed at an individual because of that individual's sex.

Hostile environment sexual harassment includes:

- Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic.
 - This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - This also includes sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Hostile actions taken against an individual because of that individual's sex, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults;
 - Physical acts of a sexual nature (including, but not limited to, touching, pinching, patting, grabbing, kissing, hugging, brushing against another employee's body or poking another employee's body);
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Intimidation, Bullying, name-calling.



Quid Pro Quo Sexual Harassment

- Quid pro quo sexual harassment occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.
- Quid pro quo is a legal term meaning a trade.
- This type of harassment occurs between an employee and someone with authority, like a supervisor, who has the ability to grant or withhold job benefits.
- Quid pro quo sexual harassment includes:
 - Offering or granting better working conditions or opportunities in exchange for a sexual relationship
 - Threatening adverse working conditions (like demotions, shift alterations or work location changes) or denial of opportunities if a sexual relationship is refused
 - Using pressure, threats or physical acts to force a sexual relationship
 - Retaliating for refusing to engage in a sexual relationship

Who can be the Target of Sexual Harassment?

- Sexual harassment can occur between any individuals, regardless of their sex or gender.
- Illinois Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace.

Who can be the Perpetrator of Sexual Harassment?

- The perpetrator of sexual harassment can be anyone in the workplace:
 - The harasser can be a **coworker** of the recipient
 - The harasser can be a **supervisor** or **manager**
 - The harasser can be any third-party, including: a **non-employee, intern, vendor, building security, client, customer or visitor.**

Where Can Workplace Sexual Harassment Occur?



- Harassment can occur **whenever and wherever** employees are fulfilling their work responsibilities, including in the field, at any City-sponsored event, trainings, conferences open to the public and office parties.
- Employee interactions during non-work hours, such as at a hotel while traveling or at events after work can have an impact in the workplace.
- Locations off site and off-hour activities can be considered extensions of the work environment.
- Employees can be the target of sexual harassment through calls, texts, email and social media.
- Harassing behavior that in any way affects the work environment is rightly the concern of management.



Sex Stereotyping

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of either sex should act or look.
- Harassing a person because that person does not conform to gender stereotypes as to “appropriate” looks, speech, personality, or lifestyle is sexual harassment.
- Harassment because someone is performing a job that is usually performed, or was performed in the past, mostly by persons of a different sex, is sex discrimination.

Protection from Retaliation

- Any employee who has engaged in “protected activity” is protected by law from being retaliated against because of that “protected activity.”
- “Protected activities” with regard to harassment include:
 - Making a complaint to a supervisor, manager or another person designated by the City to receive complaints about harassment
 - Making a report of suspected harassment, even if you are not the target of the harassment
 - Filing a formal complaint about harassment
 - Opposing discrimination
 - Assisting another employee who is complaining of harassment
 - Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filed with a government agency or in court



What is Retaliation?

- Retaliation is any action taken to alter an employee's terms and conditions of employment (such as a demotion or harmful work schedule or location change) because that individual engaged in any of the above protected activities. Such individuals should expect to be free from any negative actions by supervisors, managers or the City motivated by these protected activities.
- Retaliation can be any such adverse action taken by the City against the employee, that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination.
- The negative action need not be job-related or occur in the workplace, and may occur after the end of employment, such as an unwarranted negative reference.



What is Not Retaliation?

- A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.
- Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity.

The Supervisor's Responsibility

- Supervisors and managers are held to a high standard of behavior. This is because:
 - They are placed in a position of authority by the City and must not abuse that authority.
 - Their actions can create liability for the City without the City having any opportunity to correct the harassment.
 - They are required to report any harassment that is reported to them or which they observe.
 - They are responsible for any harassment or discrimination that they should have known of with reasonable care and attention to the workplace for which they are responsible.
 - They are expected to model appropriate workplace behavior.



Mandatory Reporting

- Supervisors **must report any harassment** that they observe or know of, even if no one is objecting to the harassment.
- If a supervisor or manager receives a report of harassment, or is otherwise aware of harassment, it must be promptly reported to the City, without exception,
 - Even if the supervisor or manager thinks the conduct is trivial
 - Even if the harassed individual asks that it not be reported
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.
- Supervisors and managers will also be subject to discipline for engaging in any retaliation.



What Should I Do If I Am Harassed?

- The City cannot stop harassment in the workplace unless management knows about the harassment. It is everyone's responsibility.
- You are encouraged to report harassment to a supervisor, manager, HR or the City Manager – whichever you feel comfortable so the City can take action.
- You are also encouraged – only if you feel comfortable – to directly and clearly express your objection that the conduct is unwelcome and request that the offending behavior stop.
- Behavior does not need to be a violation of law in order to be in violation of the policy.
- We will provide you with a complaint form to report harassment and file complaints, but if you are more comfortable reporting verbally or in another manner, we are still required to follow the sexual harassment prevention policy by investigating the claims.



What Should I Do If I Am Harassed?

- If you believe that you have been subjected to sexual harassment, you are encouraged to complete the Complaint Form and submit it to:
 - HR Director or the City Manager
- You may also make reports verbally.
- Once you submit this form or otherwise report harassment, the City must follow its sexual harassment prevention policy and investigate any claims.
- You should report any behavior you experience or know about that is inappropriate, as described in this training, without worrying about whether or not it is unlawful harassment.
- Individuals who report or experience harassment should cooperate with management so a full and fair investigation can be conducted and any necessary corrective action can be taken.
- If you report harassment to a manager or supervisor and receive an inappropriate response, such as being told to “just ignore it,” you may take your complaint to the next level.
- Finally, if you are not sure you want to pursue a complaint at the time of potential harassment, document the incident to ensure it stays fresh in your mind.

What Should I Do If I Witness Sexual Harassment?

- Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager or designee.
- It can be uncomfortable and scary, but it is important to tell coworkers "that's not okay" when you are uncomfortable about harassment happening in front of you.
- It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.



Investigation and Corrective Action

- Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- The City will investigate all reports of harassment, whether information was reported in verbal or written form.
- An investigation of any complaint should be commenced immediately and completed as soon as possible.
- The investigation will be kept confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment.
 - It is illegal for employees who participate in any investigation to be retaliated against.



Investigation Process

- Our organization also has a duty to take appropriate steps to ensure that harassment will not occur in the future. Here is how we will investigate claims.
- HR Director or designee will conduct an immediate review of the allegations, and take any interim actions, as appropriate
- Relevant documents, emails or phone records will be requested, preserved and obtained.
- Interviews will be conducted with parties involved and witnesses
- Investigation is documented as outlined in the sexual harassment policy
- The individual who complained and the individual(s) accused of sexual harassment are notified of final determination and that appropriate administrative action has been taken.

Additional Protections and Remedies



Illinois Department of Human Rights (IDHR)

- IDHR has a Helpline 877-236-7703
- IDHR's telephone inquiry line (312) 814-4320 is for persons who have questions about whether their situation falls within the IDHR's jurisdiction, or about how to file a charge. A person may also visit IDHR's offices in Chicago or in Springfield to find out whether his/her concern is covered under the "Act" and whether IDHR can take a charge.
- A complaint alleging violation may be filed with IDHR by submitting a completed Complainant Information Sheet (CIS):
 - In person at IDHR's offices in either Chicago or Springfield;
 - By mail to IDHR at either its Chicago or Springfield addresses; or
 - By email to IDHR.
- Contact information
 - **Chicago Office: Intake Unit**
100 West Randolph Street, 10th Floor
Chicago, IL 60601
Tel: [312-814-6200](tel:312-814-6200)
TTY: [866-740-3953](tel:866-740-3953)
Fax: [312-814-6251](tel: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](tel:217-785-5100)
TTY: [866-740-3953](tel:866-740-3953)
Fax: [217-785-5106](tel:217-785-5106)
E-mail: IDHR.ReportSH@illinois.gov or IDHR.Intake@illinois.gov
- Complaints may be filed with IDHR any time **within 300 days** of the alleged sexual harassment. You do not need to have an attorney to file.

United States Equal Employment Opportunity Commission (EEOC)

An individual can file a complaint with the EEOC anytime within 300 days from the alleged sexual harassment. You do not need to have an attorney to file.

- A complaint must be filed with the EEOC before you can file in federal court.
- Contact Information
EEOC Chicago Office
JCK Federal Building
230 S Dearborn Street
Chicago, IL 60604
1-800-669-4000
www.eeoc.gov.

Other Types of Workplace Harassment & Bullying



- Workplace harassment can be based on other things and is not just about gender or inappropriate sexual behavior in the workplace.
- Any harassment or discrimination based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action against the perpetrator.
 - Protected characteristics include actual or perceived age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics and criminal history.

Bullying

- Bullying is defined by the City as unwelcome behavior occurring over a period of time and that is meant to harm someone who feels powerless to respond - Said behavior unreasonably interferes with employee's job regardless of motivation.
 - **Verbal bullying.** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
 - **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
 - **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
 - **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

Much of the information presented in this training applies to all types of workplace harassment and bullying.

What Should I Do If I Am Harassed or Bullied?



- We cannot stop harassment in the workplace unless management knows about the harassment. It is everyone's responsibility.
- You are encouraged to report harassment to a supervisor, manager, HR or the City Manager – whichever you feel comfortable so the City can take action.
- You are also encouraged – only if you feel comfortable – to directly and clearly express your objection that the conduct is unwelcome and request that the offending behavior stop.
- Behavior does not need to be a violation of law in order to be in violation of the policy.

Example 1: Not Taking “No” for an Answer

Julie's coworker Ralph has just been through a divorce. He drops comments on a few occasions that he is lonely and needs to find a new girlfriend. Julie and Ralph have been friendly in the past and have had lunch together in local restaurants on many occasions. Ralph asks Julie to go on a date with him—dinner and a movie. Julie likes Ralph and agrees to go out with him. She enjoys her date with Ralph but decides that a relationship is not a good idea. She thanks Ralph for a nice time but explains that she does not want to have a relationship with him. Ralph waits two weeks and then starts pressuring Julie for more dates. She refuses, but Ralph does not stop. He keeps asking her to go out with him.

- **Question 1.** When Ralph first asked Julie for a date, this was sexual harassment. True or False?
- **Question 2.** Julie cannot complain of sexual harassment because she went on a date with Ralph. True or False?

Example 1: Not Taking “No” for an Answer (cont.)

- Julie complains to her supervisor, and the supervisor (as required) reports her complaint to the person designated by her employer to receive complaints. Ralph is questioned about his behavior and he apologizes. He is instructed by the designated person to stop. Ralph stops for a while but then starts leaving little gifts for Julie on her desk with accompanying love notes. The love notes are not overtly offensive, but Ralph's behavior is starting to make Julie nervous, as she is afraid he may start stalking her.
- **Question 3.** Ralph's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Julie for dates as instructed. He is just being nice to Julie because he likes her. True or False?

Example 2: The Boss with a Bad Attitude



Sharon transfers to a new location with her employer. Her new supervisor, Paul, is friendly and helps her get familiar with her new job duties. After a few days, when no one else is around, Paul comes over to Sharon's work area to chat. Paul talks about what he did last night, which was to go to a strip club. Sharon is shocked that Paul would bring up such a topic in the workplace and says nothing in response. Paul continues talking and says that all the women in the office are so unattractive that he needs to get out and “see some hot chicks” once in a while. He tells Sharon he is glad she joined the staff because, unlike the others, she is “easy on the eyes.” Sharon feels very offended and demeaned that she and the other women in her workplace are being evaluated on their looks by their supervisor.

- **Question 1.** Because Paul did not tell Sharon that she is unattractive, he has not harassed her. True or False?
- **Question 2.** By bringing up his visit to the strip club, Paul is engaging in inappropriate workplace behavior. True or False?
- **Question 3.** Paul should be instructed to stop making these types of comments, but this is not a serious matter. True or False?



Example 3: No Job for a Woman?

Carla works as a licensed heavy equipment operator. Some of her male coworkers think it is fun to tease her. Carla often hears comments like “Watch out, here she comes—that crazy woman driver!” in a joking manner. Also, someone keeps putting a handmade sign on the only port-a-potty at the worksite that says, “Men only.”

- **Question 1.** Women in traditionally male jobs should expect teasing and should not take the joking comments too seriously. True or False?
 - **Question 2.** Carla cannot complain, because the site supervisor sometimes joins in with the joking behavior, so she has nowhere to go. True or False?
- Some of Carla's other coworkers are strongly opposed to her presence in the traditionally all-male profession. These coworkers have sometimes said things to her like, “You're taking a job away from a man who deserves it,” “You should be home with your kids,” and “What kind of a mother are you?” Also, someone scratched the word “bitch” on Carla's toolbox.
- **Question 3.** These behaviors, while rude, are not sexual harassment because they are not sexual in nature. True or False?

Example 3: No Job for a Woman? (cont.)

 Carla complains about the jokes and other behaviors, and an investigation is conducted. It cannot be determined who defaced Carla's toolbox. Her coworkers are told to stop their behavior or face disciplinary charges. The supervisor speaks with Carla and tells her to come to him immediately if she has any further problems. Carla then finds that someone has urinated in her toolbox.

- **Question 4.** There is nothing Carla can do because she can't prove who vandalized her toolbox. True or False?

Example 4: Too Close for Comfort



Keisha has noticed that her new boss, Sarah, leans extremely close to her when they are going over the reports that she prepares. She touches her hand or shoulder frequently as they discuss work. Keisha tries to move away from her in these situations, but she doesn't seem to get the message.

Question 1. Keisha should just ignore Sarah's behavior. True or False?

Before Keisha gets around to complaining, Sarah brushes up against her back in the conference room before a meeting. She is now getting really annoyed but still puts off doing anything about it. Later Sarah "traps" Keisha in her office after they finish discussing work by standing between her and the door of the small office. Keisha doesn't know what to do, so she moves past her to get out. As she does so, Sarah runs her hand over Keisha's breast.

Question 2. Sarah's brushing up against Keisha in the conference room could just be inadvertent and does not give Keisha any additional grounds to complain about Sarah. True or False?

Question 3. Sarah touching Keisha's breast is inappropriate but is probably not unlawful harassment because it only happened once. True or False?



A Distasteful Trade

The following scenario will explain many aspects of quid pro quo sexual harassment.

Tatiana is hoping for a promotion to a position that she knows will become vacant soon. She knows that her boss, David, will be involved in deciding who will be promoted. She tells David that she will be applying for the position, and that she is very interested in receiving the promotion. David says, "We'll see. There will be a lot of others interested in the position."

A week later, Tatiana and David travel together on state business, including an overnight hotel stay. Over dinner, David tells Tatiana that he hopes he will be able to promote her, because he has always really enjoyed working with her. He tells her that some other candidates "look better on paper" but that she is the one he wants. He tells her that he can "pull some strings" to get her into the job and Tatiana thanks David. Later David suggests that they go to his hotel room for "drinks and some relaxation." Tatiana declines his "offer."



A Distasteful Trade (cont.)

Question 1. David's behavior could be harassment of Tatiana. True or False?

David's behavior, at this point, may or may not constitute quid pro quo harassment; David has made no threat that if Tatiana refuses his advance he will handle her promotion any differently. However, his offer to "pull some strings" followed by a request that they go to his hotel room for drinks and relaxation might be considered potentially coercive. Certainly, if David persists in his advances—even if he never makes or carries out any threat or promise about job benefits—then this could create a hostile environment for Tatiana, for which the employer could be strictly liable because David is her supervisor.

After they return from the trip, Tatiana asks David if he knows when the job will be posted so that she can apply. He says that he is not sure, but there is still time for her to "make it worth his while" to pull strings for her. He then asks, "How about going out to dinner this Friday and then coming over to my place?"

Question 2. David engaged in sexual harassment. True or False?

Tatiana, who really wants the position, decides to go out with David. Almost every Friday they go out at David's insistence and engage in sexual activity. Tatiana does not want to be in a relationship with David and is only going out with him because she believes that he will otherwise block her promotion.

Question 3. Tatiana cannot complain of harassment because she voluntarily engaged in sexual activity with David. True or False?

Tatiana receives the promotion.

Question 4. Tatiana cannot complain of harassment because she got the job, so there is no discrimination against her. True or False?

Tatiana breaks off the sexual activities with David. He then gives her a bad evaluation, and she is removed from her new position at the end of the probationary period and returns to her old job.

Question 5. It is now "too late" for Tatiana to complain. Losing a place of favor due to the breakup of the voluntary relationship does not create a claim for sexual harassment. True or False?

Example 6: An Issue about Appearances



Leonard works as a clerk typist for a large employer. He likes to wear jewelry, and his attire frequently includes earrings and necklaces. His boss, Margaret, thinks it's "weird" that, as a man, Leonard wears jewelry and wants to be a clerical worker. She frequently makes sarcastic comments to him about his appearance and refers to him "jokingly" as her office boy. Leonard, who hopes to develop his career in the area of customer relations, applies for an open promotional position that would involve working in a "front desk" area, where he would interact with the public. Margaret tells Leonard that if he wants that job, he had better look "more normal" or else wait for a promotion to mailroom supervisor.

- **Question 1.** Leonard's boss is correct to tell him wearing jewelry is inappropriate for customer service positions. True or False?

Margaret also is "suspicious" that Leonard is gay, which she says she "doesn't mind," but she thinks Leonard is "secretive." She starts asking him questions about his private life, such as "Are you married?" "Do you have a partner?" "Do you have kids?" Leonard tries to respond politely "No" to all her questions but is becoming annoyed. Margaret starts gossiping with Leonard's coworkers about his supposed sexual orientation.

- **Question 2.** Leonard is the recipient of harassment on the basis of sex and sexual orientation. True or False

Example 6: An Issue about Appearances (cont.)



Leonard decides that he is not going to get a fair chance at the promotion under these circumstances, and he complains to the employer's designee about Margaret's behavior. The designee does an investigation and tells Margaret that Leonard's jewelry is not in violation of any workplace rule, that she is to consider him for the position without regard for his gender, and that she must stop making harassing comments, asking Leonard intrusive questions, and gossiping about his personal life.

Margaret stops her comments, questions, and gossiping, but she then recommends a woman be promoted to the open position. The woman promoted has much less experience than Leonard and lacks his two-year degree in customer relations from a community college.

Question 3. Leonard has likely been the target of discrimination on the basis of sex, sexual orientation and/or retaliation. True or False?



Summary

- After this training, all employees are should understand what we have discussed, including:
 - How to recognize harassment as inappropriate workplace behavior
 - The nature of sexual harassment
 - That harassment because of any protected characteristic is prohibited
 - The reasons why workplace harassment is employment discrimination
 - That all harassment should be reported
 - That supervisors and managers have a special responsibility to report harassment.
- With this knowledge, all employees can achieve appropriate workplace behavior, avoid disciplinary action, know their rights and feel secure that they are entitled to and can work in an atmosphere of respect for all people.



Thank You

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