

HB3351



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3351

by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

New Act

Creates the Restaurant Anti-Harassment Act. Requires restaurants to have a sexual harassment training policy and provide training to all employees. Requires restaurants to prohibit sexual harassment, establish an incident reporting protocol, and require all employees to participate in training. Provides for enforcement by the Department of Human Rights. Authorizes a civil penalty of \$500 for the first violation and \$1,000 for each subsequent violation. Effective January 1, 2020.

LRB101 09350 JLS 56436 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the
5 Restaurant Anti-Harassment Act.

6 Section 5. Definition. In this Act, "Employee" includes any
7 individual performing services for remuneration within this
8 State for an employer. "Employee" also includes an unpaid
9 intern or apprentice and those employees with supervisory
10 responsibilities.

11 Section 10. Sexual harassment policy required.

12 (a) Every restaurant must have a sexual harassment policy.
13 The policy shall include:

14 (1) a prohibition on sexual harassment;

15 (2) the definition of sexual harassment under
16 applicable State and federal law;

17 (3) examples of prohibited conduct that would
18 constitute unlawful sexual harassment;

19 (4) the internal complaint process of the employer
20 available to the employee;

21 (5) the legal remedies and complaint process through
22 the Department of Human Rights;

1 (6) a prohibition on retaliation for reporting sexual
2 harassment allegations; and

3 (7) a requirement that all employees participate in
4 sexual harassment training.

5 (b) Every restaurant shall provide sexual harassment
6 training to all employees, regardless of employment
7 classification. The training shall include, at a minimum, the
8 following topics for employees, supervisors, and managers:

9 (1) Topics required for employee training:

10 (A) Definition of sexual harassment and the 2 forms
11 it can take.

12 (B) Explanation of the harmful impact sexual
13 harassment can have on victims, businesses, and those
14 who harass.

15 (C) How to recognize conduct that is appropriate,
16 and that is not appropriate, for work.

17 (D) Explanation of when and how to report sexual
18 harassment.

19 (2) Topics required for supervisor and manager
20 training:

21 (A) Definition of sexual harassment and forms it
22 can take.

23 (B) Explanation of the harmful impact sexual
24 harassment can have on victims, businesses, and those
25 who harass.

26 (C) How to recognize conduct that is appropriate,

1 and that is not appropriate, for work.

2 (D) Explanation of when and how to report sexual
3 harassment.

4 (E) Explanation of employer and manager liability
5 for reporting and addressing sexual harassment.

6 (F) Instruction on how to create a harassment-free
7 culture in the workplace.

8 (G) Explanation of how to investigate sexual
9 harassment claims in the workplace.

10 (c) Training programs must be specific to the restaurant or
11 hospitality industry and include restaurant or hospitality
12 related activities, images, or videos.

13 (d) Training must be available in English and Spanish.

14 (e) Training may be conducted by any means available,
15 including, but not limited to, on-line, computer, classroom,
16 live trainers, and remote trainers.

17 (f) The training shall be created and guided by an
18 instructional design model and processes that follow generally
19 accepted practices of the training and education industry.

20 (g) All employees shall receive training within 90 days
21 after the effective date of this Act or within 30 days of
22 employment and every 2 years thereafter.

23 (h) Upon request by the Department of Human Rights,
24 employers shall provide proof of a sexual harassment policy and
25 proof of training for all employees. The Department of Human
26 Rights shall have rulemaking authority to enforce this Act and

1 may impose a civil penalty not to exceed \$500 for the first
2 violation and \$1,000 for each subsequent violation.

3 Section 99. Effective date. This Act takes effect January
4 1, 2020.