

Upcoming Reporting and Training Deadlines for Illinois Employers

October 22, 2020

KEY POINTS

- Illinois Department of Human Rights (IDHR) has not issued a COVID-19-related moratorium or extension on the requirements that all Illinois employers, regardless of size: (1) provide annual sexual harassment prevention training to all employees, and (2) report any adverse judgments or administrative rulings involving unlawful discrimination, harassment, and retaliation.
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- Training must be conducted and documented by December 31, 2020.
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- Adverse judgments and administrative rulings for 2019 must be reported to the IDHR by October 31, 2020, and those from 2020 must be reported by July 1, 2021.
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Annual Sexual Harassment Training Required by December 31, 2020

Effective this year, the Illinois Human Rights Act (IHRA) requires that all Illinois employers, regardless of size, provide annual sexual harassment prevention training to all employees. Notably, the Illinois Department of Human Rights (IDHR) has **not** issued any moratorium or extension on this requirement due to the COVID-19 pandemic. Therefore, this year's training must be delivered to employees by **December 31, 2020**.

The training must include the following elements:

1. an explanation of sexual harassment consistent with the IHRA;
2. examples of conduct that constitutes unlawful sexual harassment;
3. a summary of relevant federal and state statutory provisions concerning sexual harassment, including remedies available to victims of sexual harassment; and
4. a summary of the employer's responsibilities for the prevention, investigation and corrective measures of sexual harassment.

Employers may develop their own sexual harassment prevention training program so long as it equals or exceeds the standards of the [IDHR's model training program](#), or they may use the IDHR's model training program (which is presented as a PowerPoint). Either way, an employer should conduct a live session (whether remote or socially distanced) or implement a self-guided program for its workforce to review the required content, supplemented

by company-specific information regarding reporting procedures, etc. An employer also must maintain a record of the training, to include the date, names of all attendees, any written materials covered and identity of the presenter.

Annual Reporting of Adverse Judgments or Administrative Rulings by October 31, 2020

Also new to the IHRA this year is a requirement that employers annually report to the IDHR any adverse judgments or administrative rulings involving unlawful discrimination, harassment, and retaliation. Specifically, employers must provide the following information:

1. the total number of adverse judgments or administrative rulings during the preceding year;
2. whether any equitable relief was ordered against the employer; and
3. a breakdown of the number of adverse judgments or administrative rulings against the employer by category: age, disability, sex, race, color, national origin, religion, military status, sexual harassment, sexual orientation or gender identity, and any other characteristic protected under the IHRA.

An employer's report may also need to include adverse judgments or administrative rulings from jurisdictions outside of Illinois.

Note that employers are **not** required to report settlements, but the IDHR has the right to request the number of settlements from "the preceding five years or less." Any information submitted to the IDHR **must not** contain the names of the alleged victims of harassment or discrimination.

With respect to employers' timeline for reporting, the IDHR has identified the following reporting periods and deadlines:

- For adverse judgments and administrative rulings from January 1, 2019 through December 31, 2019, employers must provide the necessary reporting to the IDHR by **October 31, 2020**;
- For adverse judgments and administrative rulings from January 1, 2020 through December 31, 2020, employers must provide the necessary reporting to the IDHR by **July 1, 2021**.

If an employer has had no adverse judgments or administrative rulings, then it is not required to report any information to the IDHR. For those employers that do have adverse judgments or administrative rulings to report, the IDHR has provided [Form IDHR 2-108](#). For the 2019 reporting period, employers can email the completed form to IDHR.webmail@illinois.gov on or before the disclosure deadline of **October 31, 2020**.

Katten's experienced Employment Litigation and Counseling attorneys are available to help companies comply with these new sexual harassment training courses by providing live, interactive sessions that are tailored to meet your needs. We can provide virtual sessions to train employees remotely during the COVID-19 pandemic. Additionally, our attorneys are available to assist with all aspects of the adverse judgments and administrative rulings reporting.

CONTACTS

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