

# **Sexual Harassment Training for Illinois Structural and Professional Engineers: 2024 thru 2026 Renewal Cycle**

**An Online Continuing Education Course for Engineers**

**Course Number: L-1048**

**Credit: 1 Hour / 1 PDH / 1 CPD**

# Sexual Harassment Training for Illinois Structural and Professional Engineers: 2024 thru 2026 Renewal Cycle

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## Introduction

In recent years, the topic of sexual harassment in the workplace has been brought into the national spotlight, bringing with it renewed awareness about the serious and unacceptable nature of these actions and the severe consequences that follow. The term “sexual harassment” may mean different things to different people, depending on your life experience.

Just because you think certain conduct is acceptable or was acceptable in the past does not mean it is currently acceptable to the people you work with. The purpose of this training is to set forth a common understanding about what is and what is not acceptable in the workplace.

## What is Sexual Harassment?

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The defining characteristic of sexual harassment is that it is unwanted. It is important to clearly let an offender know that certain actions are unwelcome.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One example of sexual harassment is a case where a qualified individual is denied employment opportunities and benefits after rejecting the supervisor's sexual advances or request(s) for sexual favors or the individual is terminated. Another example is when an individual is subjected to unwelcome sexual conduct by co-workers because of his or her gender which makes it difficult for the employee to perform his or her job.

Other conduct, which may constitute sexual harassment, includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyberstalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

While the most commonly recognized forms of sexual harassment involve the types of conduct described above, non-sexual conduct can also constitute a violation of the applicable laws when that conduct is directed at the victim because of his or her gender (for example, a female employee who reports to work every day and finds her tools stolen, her work station filled with trash and her equipment disabled by her male co-workers because they resent having to work with a woman).

Note that unlawful sexual harassment may occur without economic or physical injury to the victim.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

For this reason, every manager, supervisor and employee must remember that seemingly "harmless" and subtle actions may lead to sexual harassment complaints. The use of terms such as "honey", "darling" and "sweetheart" is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

And while use of these terms by an individual with authority over a female employee will rarely constitute an adverse employment action, it may lead to the creation of a hostile work environment.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace:

"That's an attractive dress you have on."

"That's an attractive dress. It really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach or to err on the side of caution.

Sexual harassment is unacceptable misconduct, which affects all genders. Sexual harassment will often involve a man's conduct directed at a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

## Types of Sexual Harassment

**GENDER HARASSMENT** (most common): Generalized sexist statements and behavior that convey insulting or degrading attitudes about women or men. Examples: insulting remarks, obscene jokes, or humor about sex, etc.

**SEDUCTIVE BEHAVIOR**: Unwanted, inappropriate, and offensive sexual advances. Examples include repeated and unwanted sexual invitation; insistent requests for dates/dinner/drinks; persistent letters, phone calls, etc.

**SEXUAL BRIBERY**: Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.

**SEXUAL COERCION**: Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotion, threat of termination.

**SEXUAL IMPOSITION**: Gross sexual imposition (such as forceful touching, feeling, grabbing), or sexual assault/battery. (Source: American Psychological Association)

Any of the following unwanted behavior may constitute sexual harassment:

- Leering
- Tales of sexual exploitation
- Sexually Explicit Gestures
- Wolf Whistles
- Pressure for dates
- Unwelcome touching/hugs
- Discussion of one's partner's sexual inadequacies
- 'Accidentally' brushing sexual parts of the body
- Comments about women's/men's bodies
- Sexual innuendo
- Sexist jokes/cartoons
- Lewd & threatening letters
- Obscene phone calls
- Public humiliation
- Graphic descriptions of/displaying pornography

- Inappropriate invitations (e.g. Hot tubs)
- Sabotaging of work
- Stalking
- Sexual assault
- Soliciting sexual services
- Leaning over, invading a person's space
- Insisting that workers wear revealing clothes
- Inappropriate gifts (ex. Lingerie)
- Indecent exposure
- Pressing or rubbing
- Hooting, animal noises, etc.

## Where Can Workplace Sexual Harassment Occur?

- Harassment can occur **whenever and wherever** employees are fulfilling their work responsibilities, including in the field, at any employer-sponsored event, trainings, conferences open to the public and office parties.
- Employee interactions during off 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.
- Harassing behavior that in any way affects the work environment is rightly the concern of management.

## What is Retaliation?

Retaliation is any action taken to alter an employee's terms and conditions of employment (such as a demotion or sudden work schedule or location change) because that individual engaged in any of the protected activities listed below. Such individuals should expect to be free from any negative actions by supervisors, managers or the employer motivated by these protected activities. In fact, 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 your employer to receive complaints about harassment
- Making a report of suspected harassment, even if you are not the recipient
- 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

Retaliation can be any such negative action taken by the employer 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 an employee engages in protected activity. Employees continue to be subject to the employer's disciplinary rules after being protected from retaliation, and an individual must show that the negative action was taken because of the protected activity.

### Retaliation a

Many states in the U.S. have laws that prohibit an employer from firing an employee because there are exceptions signed into law on

Pursuant to the Whistleblower Act

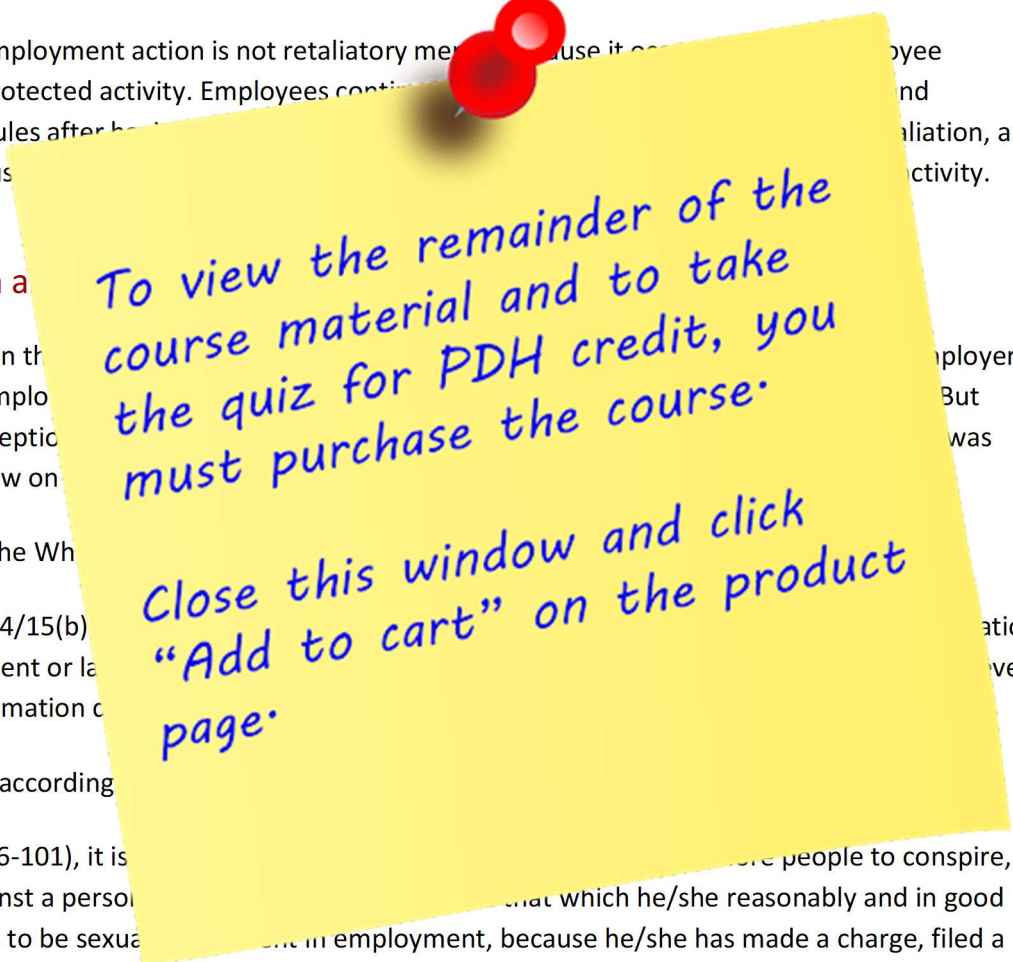
“(740 ILCS 174/15(b)) An employer may not threaten, discriminate against, or take any adverse action against an employee who reports information to a government or law enforcement agency that the information concerns

Additionally, according to the Whistleblower Act

“(775 ILCS 5/6-101), it is unlawful for any person to threaten, discriminate against, or take any adverse action against another person who reports information to a government or law enforcement agency that the information concerns sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act.”

Thus, an employer cannot retaliate against an employee who reports a sexual harassment complaint to the IDHR or the EEOC. Additionally, an employer cannot threaten retaliation either per Section 20.2 of the Whistleblower Act:

“(740 ILCS 174/20.2) Threatening retaliation. An employer may not threaten any employee with any act or omission if that act or omission would constitute retaliation against the employee under this Act.”



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