



Special Considerations For:  
**ILLINOIS and CHICAGO**

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**Illinois Protected Classes**

**Race, Color, Religion, Sex, National origin, Citizenship Status (with regard to employment), Ancestry, Age (40 and over), Hereditary data, Marital Status, Familial Status (with regard to housing), Physical or Mental Disability, Arrest Record, Military Status, Sexual Orientation and Unfavorable Discharge from Military Service.**

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Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, (**Quid Pro Quo**)
- b) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual, (**Quid Pro Quo**) or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. (**Hostile Environment**)

*(Applies to men and women equally.)*

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**"Sexual harassment" also means any ...**

**Unwelcome sexual advances or unwelcome conduct of a sexual nature and**

**Any sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.**

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**Conduct online and through social media can constitute sexual harassment even when it occurs "off the clock," "off-site," or even "out of state." Online sexual harassment includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) to send communications of a sexual nature.**

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**Sexual harassment may include a range of explicit and even subtle unwelcome behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these unwelcome behaviors may include, but are not limited to ...**

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- Making offensive comments about someone's sexual orientation or gender identity
- Making sexual comments about appearance
- Inappropriate touching, leaning over, massaging shoulders, or purposefully brushing up against another person
- Asking sexual questions about preferences, history, or fantasies
- Sexual teasing, jokes, or remarks
- Displaying inappropriate sexual images or videos
- Pressure to go out on a date or for sexual favors
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Referring to another as a "babe," "honey," or "tootsie", etc.
- Kissing sounds, howling and smacking lips
- Turning work discussions to sexual topics
- Spreading rumors or telling lies about a person's sex life
- Indecent exposure
- Actual or attempted rape or sexual assault

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**PRACTICAL EXAMPLES**

## Gender Identity, Gender Expression and Sexual Orientation

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**LEGAL/ILLEGAL vs. RIGHT/WRONG**

Major Federal Protected Classes

*Civil Rights Act of 1964:  
Race, Color, Religion, National Origin & Sex  
(Now includes Sexual Orientation & Gender Identity)*

*Age In Discrimination Act of 1967*

*Pregnancy Discrimination Act of 1978*

*Americans With Disabilities Act of 1990*

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**Pronouns and Misgendering:  
Equal Employment Opportunity Commission (EEOC) Guidance**

What does it mean to misgender someone?

**Gendered**  
(e.g., she/her/hers and he/him/his)

**Nongendered**  
(e.g., singular use of they/them/theirs; ze/hir/hirs)

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**Civil Rights Violations: Reasonable Accommodation for Pregnancy**

It is a civil rights violation for an employer ...

- Not make a reasonable accommodation for any medical or common condition of an applicant or employee related to pregnancy or childbirth.
- Require an applicant or employee to accept an accommodation when that individual did not request one.
- Require an employee to take leave, if another reasonable accommodation can be provided.
- Not reinstate the employee to her original job or equivalent position upon her signifying her intent to return or when the need for the reasonable accommodation ends.
- Deny employment opportunities or benefits, or take adverse action because an individual needs a reasonable accommodation. Exception: where the employer can demonstrate that it would impose an undue hardship on the ordinary operation of the business.

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**Civil Rights Violations: Immigration-Related Practices**

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- To require more or different documents than those that are required under federal law.
- To refuse to honor documents that on their face appear to be genuine.
- For employers participating in the federal E-Verify Program, to take unfavorable employment actions without following the procedures required under the E-Verify Program.




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**Federal Remedies**

Complainants who prevail in federal court may receive an order awarding remedies allowed by Title VII to make the employee “whole.”

Remedies may include:


back pay, lost benefits, clearing of a personnel file, compensatory and punitive damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney’s fees and costs.



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**Federal Compensatory & Punitive Damages**


Fifteen or more and fewer than 101 employees:	\$ 50,000
More than 100 and fewer than 201 employees:	\$100,000
More than 200 and fewer than 501 employees:	\$200,000
More than 500 employees:	\$300,000



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**State & Federal Law**

**Plaintiffs can recover attorney’s fees**



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**Chicago Statute of Limitations**


Victims will now have 365 days,  
instead of 300 days,  
to report all forms of discrimination,  
including sexual harassment.



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**LIABILITY**



Individuals who engage  
in acts of illegal harassment  
may be subject to  
civil penalties.



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**Chicago Statute of Limitations**

Increased penalties for all forms of discrimination  
from the previous  
\$500 - \$1,000 per violation  
to \$5,000 - \$10,000




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Take a few minutes to look at your own  
Internal Policy  
&  
Internal Complaint Process



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What Should A SUPERVISOR  
Do If He or She Is Accused Of  
Illegal Harassment?





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CASE SCENARIO:  
Age and Naturalized Citizenship





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**CASE SCENARIO:  
Age and Naturalized Citizenship**





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**CASE SCENARIO:  
Pregnancy**





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**CASE SCENARIO:  
Pregnancy**





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**CASE SCENARIO:  
Military Status and Disability**





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**CASE SCENARIO:  
Military Status and Disability**





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**CASE SCENARIO:  
Religion**





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**CASE SCENARIO:  
Religion**





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**CASE SCENARIO:  
Sexual Harassment Hostile Environment**





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**CASE SCENARIO:  
Sexual Harassment Hostile Environment**





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**CASE SCENARIO:  
Sexual Harassment Quid Pro Quo**



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**CASE SCENARIO:  
Sexual Harassment Quid Pro Quo**



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

**1. Inform Your Employer:** Start by informing your employer about the harassment you're facing. This step is crucial because your employer should have an opportunity to address the situation internally.



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

2. File a Harassment Complaint with the Illinois Department of Human Rights (IDHR) or the Illinois Human Rights Commission (IHRC)

State of Illinois Sexual Harassment and Discrimination Helpline for assistance.  
Calls are confidential and can be made anonymously.

1-877-236-7703

You can also visit [www.Illinois.gov/SexualHarassment](http://www.Illinois.gov/SexualHarassment)

Please see handout listing all of the various phone numbers you can call to file a charge of illegal harassment.



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

3. File a Harassment Complaint with the Chicago Commission on Human Relations

Chicago Commission on Human Relations  
740 N. Sedgwick, 4th Floor  
Chicago, IL 60654

312-744-4111

[cchr@cityofchicago.org](mailto:cchr@cityofchicago.org)

[www.chicago.gov/cchr](http://www.chicago.gov/cchr)



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

4. Contact the Equal Employment Opportunity Commission (EEOC)

General information about the laws the EEOC enforces and filing a charge:


1-800-669-4000

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers)

or

[info@eeoc.gov](mailto:info@eeoc.gov)



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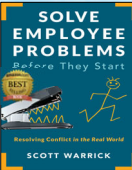
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**Scott's #1 Best Sellers**

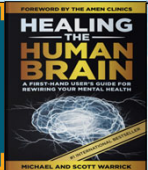
Want Scott as a Trainer or Speaker?  
Need Scott's Help?

614-738-8317 [scott@scottwarrick.com](mailto:scott@scottwarrick.com)

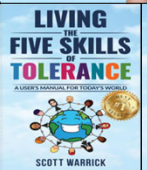




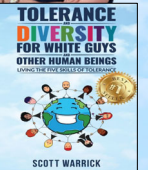
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Before They Start



**HEALING THE HUMAN BRAIN**  
A PROBLEM-SOLVING GUIDE FOR REPAIRING YOUR MENTAL HEALTH





**LIVING THE FIVE SKILLS OF TOLERANCE**  
A USER'S MANUAL FOR TODAY'S WORKPLACE



**TOLERANCE DIVERSITY FOR WHITE GUYS**  
OTHER HUMAN BEINGS HAVE THE RIGHT TO BELONG

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This information is provided for educational purposes only. It is intended to be generic in nature and should not be applied nor relied upon in any particular situation without the advice of your attorney.

For more information and further assistance, please contact ...  
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