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TAX REFORM



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**Answers to
your questions
from inside the
Capitol**

Illinois Being Proactive with Sexual Harassment Task Forces



State Senator
Jil Tracy

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Over the past months, it has been nearly impossible to watch the news and not see accusations of sexual harassment by celebrities, legislators, TV news anchors and other high-profile individuals. The Illinois General Assembly decided to be proactive and worked to pass legislation to address the critical issue in November 2017. Both the Illinois House and the Illinois Senate have put together Task Forces on Sexual Discrimination and Harassment Awareness and Prevention.

State Senator Jil Tracy has represented the 47th District since 2016 and previously served as a member of the Illinois House of Representatives from 2006 to 2014. She is one of Senate Minority Leader Bill Brady’s appointees to the Senate Task Force and serves as Co-Chair.

“There had been an allegation of sexual harassment against a state senator that came to light last fall,” Sen. Tracy says. “A complaint had been filed with the Ethics Legislative Commission, but that commission had been without an Inspector General for some time. After this news broke, there was swift action to instate a special legislative Inspector General in November 2017 and pass more legislation to combat sexual harassment. The women of the General Assembly also asked for the task forces to be formed so we could gather ideas and input on current processes and practices in place within State Government—and to explore where

there might be shortcomings. While all state agencies have sexual harassment training and policies in place, and have for years, we still continue to see this problem grow instead of lessen. The task force is a valuable opportunity to study and focus on different areas of sexual harassment, sexual misconduct and criminal misconduct—and make actionable strides in sexual harassment awareness and prevention.”

State Rep. Stephanie Kifowit has represented the 84th district since 2013. She is a member of the House Task Force on Sexual Harassment and Discrimination.

“We are gathering information, evaluating current practices, and proposing legislation,” Rep. Kifowit says. “In our first meeting, we had testimony from non-profit groups and individuals who had direct knowledge of what sexual harassment is, what the law says, what pertains to sexual harassment, and what protections exist. It was really a good overview of the subject matter. Last weekend, we asked Ford and General Motors to present.”

Future meetings for both will focus on more education and exploration.

“On the Senate side, we have developed a six-month plan and are currently forming working groups to gather as much information as possible,” Sen. Tracy says. “At this time, we are working on spreading awareness.”

“I think we need to explore more of the role of the inspector generals,” Rep. Kifowit says. “We need to ensure that the victim is heard and acknowledged, that it is properly addressed and procedurally how the complaint is processed. The current process is counterproductive. We have the ethics commission of legislators deciding whether a complaint should move forward. It needs to be more independent in that flow of the complaint process, in my opinion.”

Laws highlighting the problem were passed during veto session and both legislators agree that more needs to be done.

“We inserted sexual harassment and discrimination into the human rights act because it wasn’t in the law,” Rep. Kifowit says. “We also mandated sexual harassment training. I know several lobbyists who have gone through the training already. House and senate members have been through training to promoting awareness. Some off color jokes may not have previously been viewed as harassment, so we want people realizing that anything that makes someone uncomfortable can be hostile. Those were some immediate steps we took and now we are looking at some broader policy issues we can take on as well.”

Sen. Tracy noted that putting Julie Porter in place as the special legislative Inspector General was just the first step.

“Her role is to do an initial review of any reported ethics violation of a General Assembly member,” Sen. Tracy says. “She then makes a recommendation to the commission if further investigation is warranted. She has agreed to speak to the task force at one of our next meetings.”

The task force members also recognize that employers need to have a policy in place to deal with harassment issues.

“Any employer would benefit by reviewing the sexual harassment prevention presentation created by the Human Rights Commission,” Sen. Tracy says. “The agency also offers training for employees.”

“If someone believes he or she has been a victim of sexual harassment, discrimination or assault, there are several avenues one can pursue,” Sen. Tracy says. “The person can file a complaint with the Illinois Human Rights Commission—a complaint under Title VII of the Federal EEOC. In cases of sexual assault, the person would contact law enforcement directly. It depends on the type of conduct. The Human Rights Commission will also have a hotline available this month.”

“Our task force is due to make a recommendation by December 2018, but we hope to do so before then,” Sen. Tracy says. “The task forces share information, so we can routinely coordinate our findings and learn from one another. Whatever our recommendations may be, any



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proposed law changes will still have to pass both Chambers and be signed by the Governor.”

This topic remains prominent in the news and is not isolated to one gender.

“It involves inappropriate behavior, and not just in the workplace,” Sen. Tracy says. “I would like to see a focus on prevention and awareness, and effective enforcement if ethics rules are broken. We are all finding the task force to be a significant learning experience so far. If constituents are interested in learning more about our progress and activity, all of the documents and presentations given to the Senate Task Force are available on the ILGA.Gov website under the Senate Committees section.

Julie Proscia is a partner with the law firm of SmithAmundsen LLC. She is one of Leader Brady’s appointees to the Senate Task Force.

“Sexual harassment in the workplace is neither new nor unique to Hollywood,” Proscia says. “What is new is the #metoo movement and the TimesUP initiative and the profile to which they have raised awareness of

the issue. The increased dialogue has given individuals a level of security to present allegations. With this awareness, employers are seeing an increase in discussions regarding appropriate workplace behavior, as well as questions and concerns regarding interactions.”

She continues, “As such, it is more important than ever for employers to not just have Sexual Harassment and Anti-Discrimination policies and procedures in place, but also to train employees on what the policy is and train managers on what their obligations are under these policies. Specifically, it is critical that managers understand what to do if they witness prohibited behavior or hear formally or informally about behavior that violates the policy. This is a time for employers to review and possibly reevaluate their policies and culture to ensure that the working environment is safe and positive. In doing so, they have the opportunities to ensure that they have productive space that is beneficial to everyone.”