

NEW!

Chicago Anti-Sexual Harassment Required Training

# Bystander Intervention

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Friday, September 30, 2022



# Sexual Harassment Prevention: Bystander Intervention Training

**\*\*\*Chicago, Illinois Employees**

Presented By:

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SmithAmundsen LLC

# LEGAL DISCLAIMER

- This program is for educational purposes and should not be construed as legal opinion, advice or guidance.
- It is imperative that attendees and their employers properly document that this training has been received.
- This training focuses solely on bystander issues in light of the Chicago, Illinois ordinance – effective July 1, 2022.
- **The training presented is not designed or intended for any unique or particular employer. Additionally, the training presented shall not be utilized or relied on by anyone working for a “Restaurant” or “Bar” as those terms are defined under the IL Human Rights Act. By registering and/or participating in this training, you and your organization agree to waive any and all rights or claims against and hold harmless from any and all loss or legal claim, the Illinois Manufacturers’ Association, the Presenter and/or the law firm of SmithAmundsen LLC, resulting from the content or delivery of this training material.**
- The material here is related to training recommended and/or required as of September 29, 2022.

# Agenda

- Sexual Harassment Defined
- Bystander Intervention Defined
- When you should intervene
- How to intervene in a safe, productive, and active way

# Sexual Harassment Defined

Per the Chicago Human Rights Ordinance, “Sexual Harassment” means any unwelcome sexual advances or unwelcome conduct of a sexual nature; or requests for sexual favors, or any conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
- b) Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual.
- c) 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.
- d) 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.

# Types of Unlawful Sexual Harassment

## Quid Pro Quo Sexual Harassment:

*“You do something for me, and I’ll do something for you.”*

This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.

# Types of Unlawful Sexual Harassment

## Hostile Work Environment Sexual Harassment:

*“The air at work is full of sexual references and it is impacting me.”*

A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

# Gender Identity & Sexual Orientation Defined

- Gender identity can be defined as one's innermost concept of self as male, female, a blend of both, or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.
- A person can be the victim of sexual harassment **regardless** of the victim's gender identity or the perpetrator's gender identity.
- A person can be the victim of sexual harassment **regardless** of the victim's sexual orientation or the perpetrator's sexual orientation.



# Examples of Inappropriate Conduct

- Pressure for sexual favors or to go out on a date.
- Deliberate touching, leaning over, or cornering another person.
- Sexual looks or gestures or whistling at someone.
- Sending letters, telephone calls, emails, texts, or other materials of a sexual nature.
- Sexual teasing, jokes, remarks, or questions.
- Referring to another as a “girl,” “hunk,” “doll,” “babe,” “honey,” “tootsie”, etc.
- Actual or attempted rape or sexual assault.

# Bystander Intervention in Sexual Harassment

Bystander intervention involves safe and positive actions that may be carried out by a person, or a group of people, to prevent harm or intervene where there is a risk or perceived risk of sexual harassment to another.

Bystander intervention includes:

- Recognizing situations of potential sexual harassment.
- Understanding institutional structures and cultural conditions that facilitate sexual harassment.
- Overcoming barriers to intervening, identifying safe and effective intervention options.
- Taking action to intervene.

# Bystander Effect

## What is a bystander?

- A bystander is someone who observes some incident but chooses not to get involved.

## What is the bystander effect?

- The bystander effect occurs when the presence of others discourages intervening in an emergency situation, against a person bullying, or during an assault or other crime.
- For our purposes today, during an incident of sexual harassment.
- The greater the number of bystanders, the less likely it is for any one of them to provide help to a person in distress.

# When to Intervene

## Notice

- Notice the event: Ask yourself: Does this person seem uncomfortable?

## Recognize

- Recognize the situation as problematic: Ask yourself: What about the situation isn't right, or doesn't sit well with you?

## Assume

- Assume personal responsibility: Ask yourself: What are the potential barriers/consequences of intervening?

## Take Action

- Take action on the situation.

# When to Intervene (cont'd)

- When we intervene, it signals to the perpetrator that their behavior is unacceptable.
- If such messages are constantly reinforced within our community, we can shift the boundaries of what is considered acceptable and problematic behavior can be stopped.

# Important Things to Consider

## Identify the tone of the act

- This will determine how you choose to respond

## Consider your relationship to the offender

- Are they your friends?
- Strangers?
- Coworkers?

# The 4D's of Bystander Intervention

- Delegate
- Distract
- Direct
- Delay

# The 4D's: Delegate

## Purpose:

- It can be intimidating to approach a situation alone. Sometimes the safest way to intervene is to enlist an authority figure.\*
- This option will allow you to have others on your side and can offer additional safety from the perpetrator.

\*Be cognizant that sometimes law enforcement may not be a welcome inclusion.



# The 4D's: Delegate

## What does this look like?

### Delegate Responsibility

- Ask for help from a third party (e.g., supervisor, manager, human resources, etc.).
- Ask the people around you to get help while you monitor the situation.

# The 4D's: Distract

## Purpose:

- Distracting is a subtle and innovative way of intervening. The purpose of distraction is to interrupt the incident, safely, by communicating with the individual at risk and giving them an opportunity to safely exit the potentially dangerous situation. Try creating a distraction as early as possible.
- This technique can be used to de-escalate the situation and re-direct the attention of the aggressor or the individual at risk to something else.

# The 4D's: Distract

## What does this look like?

Engage directly with the perpetrator and/or the person being targeted: talk about anything other than the harassment.

- Ask for the time, directions, etc.
- Get in the way, but continue what you were doing.

# The 4D's: Direct

## Purpose:

- Asking directly to the individual at risk can help you determine if an action needs to be taken immediately to ensure a safe environment. You can address the individual at risk directly.
- Asking them if they need any support or assistance at the moment can help you determine if an authority needs to be contacted.

# The 4D's: Direct

Before choosing to do this, assess your safety. Will direct confrontation make the situation better or worse?

## What does this look like?

- Directly respond to the harasser. You can say things like:
  - “Leave them alone”
  - “This is inappropriate, disrespectful, etc.”
- Ask the person if they need help.
- Make sure to ask the question when the perpetrator is not listening or nearby in order to de-escalate the situation from turning into a crisis.

# The 4D's: Delay

## Purpose:

- After experiencing such a situation, the individual at risk may feel panicked and be unsure about what to do next. Extending a helping hand and an empathetic ear can make a huge difference.
- Extending support is an important part of bystander intervention because it allows the individual at risk to heal and connect with a supportive community for recovery and restoration.

# The 4D's: Delay

## What does this look like?

Check in with the individual afterwards.

- Ask if they're okay, if they need any support, and offer them resources

# Scenario #1

One morning, you walk into the office to find the new intern, Maria sitting at her desk looking uncomfortable as the manager Bob, stands behind her with his hands on her shoulders talking to her about the assignment he gave her.

**What do you do?**



# Scenario #1 Response

- **Delegate:** Tell Bob's supervisor or the Human Resources Manager what's happening.
- **Distract:** Ask the intern, "Hey Maria, would you like to grab a cup of coffee?"
- **Direct:** Tell the manager, "Hey Bob, give Maria some space."
- **Delay:** As soon as Bob walks away, go and ask Maria, "You looked uncomfortable, are you ok? I saw what happened. Do you need to talk to someone in Human Resources about this? I'll go with you."

## Scenario #2

In a meeting of your project group, your manager Sarah welcomes Carlos, a new member to the team. Sarah jokingly tells Carlos, “It’s going to be fun having a new young stud in the office,” as she grabs hold of his hand with a smile. Carlos looks clearly embarrassed.

**What do you do?**

# Scenario #2 Response

- **Delegate:** Tell Sarah's supervisor or the Human Resources Manager what happened.
- **Distract:** Knock over your cup of coffee. Do something to cause a commotion (safely).
- **Direct:** Tell Sarah, "Take it easy on the new guy, it's only his first day."
- **Delay:** After the meeting, tell Carlos, "I saw what just happened. Are you ok? We can report this, you know."

## Scenario #3

Bill is excited to have recently been promoted into a position he had previously applied for but was not selected.

After a couple of weeks in the position, his boss Steve tells him, “I really like you, Bill. You know I pushed for you to get this promotion. I think we’re going to make a great team.” He then leans over in Bill’s ear and says, “I expect that you will show your gratitude at the appropriate time,” while squeezing Bill’s bicep. Bill tells you about the encounter at lunch.

**What do you do?**

# Scenario #3 Response

- **Delegate:** Tell Steve's supervisor or the Human Resources manager what happened.
- **Distract:** This wouldn't be an option this time, since the event is over.
- **Direct:** Tell Steve, "Bill told me about how you welcomed him to the team. I don't think that was appropriate."
- **Delay:** Inform Bill that he should report the incident to Steve's boss or the Human Resources Manager and offer to go with him.

# 4D's: Recap

We all have the power to prevent sexual harassment with the 4D's.

- **Delegate:** Get Help.
- **Distract:** Do something to break the moment. Cough loudly, drop something, be a pest.
- **Direct:** Tell the perpetrator to stop in a way that you feel comfortable doing.
- **Delay:** Check in with the victim of the sexual harassment to make sure they are ok and to offer any help or resources that you can.

**But at all times, before you act, assess your safety.**

# Internal Reporting Procedure

- Creating and publishing a clear reporting process on how to report and who to report to is KEY.

# Company's Reporting Procedure

## EXAMPLE SLIDE

### Ways to Complain/Report to your Employer:

- Report to your direct Supervisor/Manager.
- Report to another Supervisor/Manager.
- Report to Human Resources – especially if a supervisor or manager is involved.
- Report to Upper Management – especially if a supervisor or manager is involved.

**How to Report:** Employee should put in writing and provide as much detail as possible to help the Company in investigating.

Complaints made in good faith are protected.

**BUT** – Knowingly false or frivolous complaints are NOT protected.



# External Reporting Procedure

Victims of sexual harassment can file complaints with the following agencies:

- Chicago Commission on Human Relations (CCHR)

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

312-744-4474

- Illinois Department of Human Rights (IDHR)

[www.Illinois.Gov/DHR](http://www.Illinois.Gov/DHR)

1-800-662-3942

- U.S. Equal Employment Opportunity Commission (EEOC)

[www.EEOC.Gov](http://www.EEOC.Gov)

1-800-669-4000

# CERTIFICATION

I certify that I have carefully read and reviewed the content of this training material and completed the 20\_\_ Sexual Harassment Prevention Training – BYSTANDER INTERVENTION – pursuant to Chicago Ordinance 2022-665.

Participant Information:

\_\_\_\_\_  
(Printed Name – First, Middle Initial, Last)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Training Date/Location:** IL Manufacturers’ Association Live/Recording

**\*\*\*Provide Executed Copy to your Employer’s Designated Representative**

**\*\*\*Copy to be included in Employee’s Personnel File**



Friday, September 30, 2022



Thank you for joining us!

**Attorney Jeffrey A. Risch**  
**SmithAmundsen LLC**