

Town of Unity

HARASSMENT POLICY

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It is the policy of the Town that all employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this Policy, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

A. Sexual Harassment

Definition: Harassment on the basis of sex is a violation of Section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is either explicitly or implicitly a term of condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

An employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. With respect to persons other than those mentioned above, an employer is responsible for acts of sexual harassment in the workplace when the employer, or its agents or supervisory employees, knew or should have known of the conduct. An employer may rebut apparent liability of such acts by showing that it took immediate and appropriate corrective action.

Examples: Unwelcome sexual flirtations, advances or propositions; Verbal or written abuse of a sexual nature; Graphic verbal comments about an individual's body; Sexually degrading words used to describe an individual; or the display of sexually suggestive objects or pictures.

Grievance Procedure: Any employee who believes he has been subject to sexual harassment should report all alleged acts to their Department Head or to the Town Manager. Any Department Head or employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline; up to and including discharge. The employee also has the right to contact the Maine Human Rights Commissioner directly at: State House Station 51, Augusta, Me 04333, phone number 289-2326.

Summary of Maine Whistleblower's Protection Act: An employee is protected by the Maine Whistleblower's Protection Act if an employer should threaten to discriminate against an employee who reports what he believes to be a violation of the sexual harassment law. To summarize:

No employer may discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because:

- a. The employee, acting in good faith, reports to the employer what the employee has reasonable cause to believe is a violation of a law or rule of the State of Maine, a political subdivision of the State, or the United States;
- b. The employee, acting in good faith, reports what the employee has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual;
- c. The employee is requested to participate in an investigation, hearing or inquiry held by a public body or in a court action; or
- d. That employee, acting in good faith, refuses to carry out a directive that would expose the employee to a condition that would result in serious injury or death, after having sought and been unable to obtain a correction of the dangerous condition.

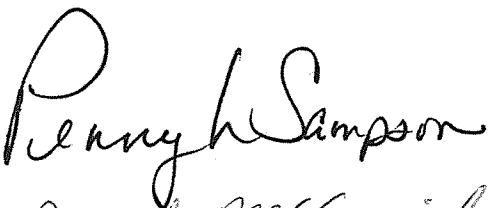

Under the Whistleblower's Protection Act, an employee must first bring the alleged violation to the attention of his Department Head or Town Manager and allow the employer a reasonable opportunity to correct the violation, unless the employee has specific reason to believe that reports to the employer will not result in a prompt correction of the violation, condition, or practice. If that should occur, the employee has the right to contact the Maine Human Rights Commissioner directly at: State House Station 51, Augusta, Me 04333, phone number 289-2326.

Notification: Effective October 19, 1991, the Maine Legislature passed a law regarding Sexual Harassment in the Workplace. In compliance with this law, the Town is required to provide annual written notification to all employees regarding sexual harassment. The Town is also required to provide training to all new employees on sexual harassment before their first anniversary of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.

Verbal Harassment

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic materials having such an effect, are prohibited. Any employee who believes he has been the subject of such harassment should report the alleged conduct to their Department Head or the Town Manager. Any employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, up to and including discharge. Under no circumstances is an employee permitted to return the hostile behaviors to the offending party (push them, threaten them, swear at them, etc.), unless they are in a situation where they must defend themselves.

Town of Unity Selectmen

Penny Sampson 10/2/2018
Daniel McCormick 10/2/2018
  10-2-18