

HARASSMENT POLICY FOR THE CITY OF SACO

§ 34-14 Harassment policy.

A. The City of Saco prohibits all forms of discrimination and harassment including harassment based upon race, color, religion, national origin, age, gender, sexual orientation, and disability. In addition, this policy prohibits sexual harassment.

B. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. "Sexual harassment" can be defined as the attempt to control, influence, or effect the career, salary, or job of an individual in exchange for sexual favors or the creation of an intimidating, hostile, or offensive working environment based on unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

C. The definitions of sexual harassment under the Regulations of the Maine Human Rights Commission are:

1. 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 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 employment decisions effecting such individual;
 - c. Such conduct has a the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

D. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is unwelcome.

1. Examples of sexual harassment include, but are not limited to:
 - a. repeated unwelcome sexual flirtations, advances, or propositions;

- b. continued or repeated verbal abuse of a sexual nature;
- c. graphic or degrading comments about an individual or his or her appearance;
- d. the display of sexually suggestive objects or pictures;
- e. any offensive physical contact; and
- f. any retaliation or threat of retaliation against one who has made a complaint of harassment.

2. In addition, no one should suggest, imply, or threaten that an applicant or employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

E. All supervisory or managerial personnel at City of Saco are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities and duties of the position.

F. Employees shall report, in writing, all instances of sexual harassment directly to the City Administrator. The incident report must include any witnessed harassment or harassment directed at the employee. Female employees may report incident to the Personnel Officer, female supervisor or department head. The City Administrator or his/her designated representative shall investigate thoroughly and respond to the appropriate parties as soon as possible, not to exceed 15 working days. The response to the party (employee) shall be general and will not divulge the contents of the investigations. There will no retaliation measures taken against any employee who makes a complaint of harassment. If you become aware that any employee is being harassed, it is your responsibility to bring this the attention of the City of Saco management immediately.

G. If the harassment allegations are found to be true, the City Administrator or his/her designated representative shall take the appropriate corrective action, including the suspension or discharge of the offending employee(s). Any repeated conduct with regard to the harassment shall be grounds for immediate termination of employment. If the investigation leads the Mayor and City Council to the conclusion that the City Administrator is the offending employee, the Mayor and City Council shall appoint a Personnel Board to review the facts of the investigation and shall recommend the appropriate corrective action to the Mayor and City Council.

H. Employees may file a complaint of sexual harassment with the Maine Human Rights Commission at State House Station 51, Augusta, Maine 04333, (207) 289-2326. Employees are protected by law from retaliation for filing a complaint of harassment with the Commission.

I. Employees who have suffered harassment in the workplace may be eligible for recovery of civil penal damages and other monetary damages, through the courts, the Commission, or the Workers Compensation Commission.

**THE MAINE HUMAN RIGHTS ACT
PROHIBITS SEX DISCRIMINATION**

**SEXUAL HARASSMENT
ON THE JOB
IS ILLEGAL**

1. Unwelcome Sexual Advances
2. Suggestive or Lewd Remarks
3. Unwanted Hugs, Touches, Kisses
4. Requests for sexual favors
5. Retaliation for complaining about sexual harassment

Maine Human Rights Commission.....**624-6050**

If you feel you have been discriminated against, contact the commission office at 51 State House Station, Augusta, Maine 04333

Or contact your Personnel Department, Tammy Lambert, representative.

City of Saco

Annual Written Notification of Sexual Harassment Policy

SEXUAL HARASSMENT IS ILLEGAL UNDER STATE AND FEDERAL LAW

It is illegal for any employee to sexually harass another employee and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

DEFINITION OF SEXUAL HARASSMENT UNDER STATE LAW

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 made either explicitly 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 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..

DESCRIPTION OF SEXUAL HARASSMENT

The following type of conduct is considered to be sexual harassment and is not permitted:

- A. Physical assaults of a sexual nature such as:
 - 1. rape, sexual battery, molestation or attempts to commit these assaults; and
 - 2. intentional physical conduct which is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
 - 1. sexually-oriented gestures, noises, jokes, or comments about

- a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome.
2. preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
 3. subjecting, or threats of subjecting, an employee to unwelcome sexual intention or conduct or intentionally making performance of that employee's job more difficult because of that employee's sex.
- C. Sexual or discriminatory displays or publications any where in the city by employees, such as:
1. displaying pictures, posters calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work;
 2. reading or other otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
 3. displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

INTERNAL COMPLAINT PROCEDURE

Any employee who believes he or she has been the subject of sexual harassment should report the incident or act immediately to his or her supervisor or to one of the following individuals: City Administrator or Personnel Officer. The City will promptly investigate all complaints. Each employee alleging sexual harassment will be requested to put his or her complaint in writing. All information will be held in confidence and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. Any employee who the City determines has engaged in sexual harassment will be promptly disciplined.

LEGAL RECOURSE THROUGH THE MAINE HUMAN RIGHTS COMMISSION

The Commission can be contacted at 51 State House Station, Augusta, Maine 04333, telephone: (207) 624-6050. Any employee who believes he or she has been subjected to sexual harassment may call or write the Maine Human Rights Commission to register a complaint. Any complaint must be filed with the Commission within 180 days of the act of harassment. Once a signed charge form has been received by the Commission, an investigation will be conducted and a determination will be made by the commission of whether or not there are reasonable grounds to believe sexual harassment occurred.

If the Commission determines that sexual harassment did occur, it will attempt to resolve the situation between you and your employer through informal means. If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on your behalf in the Superior Court, seeking appropriate relief.

MAINE HUMAN RIGHTS ACT PROTECTION AGAINST RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

Under the law, you may not be punished or penalized in any way for reporting, complaining about or filing a claim concerning sexual harassment, or for testifying in any proceeding brought by anyone else.

This notice is provided to all employees in compliance with 26 M.R.S.A. §807(2). If you have any questions regarding this notification, please ask your supervisor or contact the Personnel Office.