

TOWN OF EMBDEN

HARASSMENT & SEXUAL HARASSMENT POLICY

The municipality of Embden is committed to providing its employees with a safe and respectful work environment free from all forms of illegal intimidation and harassment. Illegal harassment and sexual harassment are strictly prohibited. This includes harassment based on race or color, gender, sexual orientation, physical or mental disability, age, ancestry, national origin, marital status, religion, veteran's status, genetic predisposition or whistleblower activity.

This policy applies to all officials and employees of the municipality of Embden, as well as all non-employee guests, customers, invitees, vendors, and suppliers.

Definitions:

Sexual Harassment: Sexual harassment is a form of illegal gender discrimination and is prohibited by Title VII of the federal Civil Rights Act and by the Maine Human Rights Act.

Sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors, or other verbal or physical 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 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.

Sexual harassment can also include conduct that is not sexual in nature, but is gender related or directed at an individual because of gender. It includes harassment of the same or of the opposite sex.

Examples of sexual harassment include, but are not limited to:

- Offensive sexual flirtations, gestures, leering;
- Verbal or physical abuse of a sexual nature or directed at an individual because of gender;
- Advances or propositions;
- Lewd jokes or nicknames;
- Sexually suggestive sounds, writings, comments or gestures;
- Unwelcome touching or advances, sexual practical jokes or horseplay;
- Display of sexually suggestive, lewd or offensive objects, pictures or materials.

Illegal Harassment: Illegal Harassment is defined as unwelcome conduct or behavior based on race, color, gender, sexual orientation, disability, age, ancestry, national origin, marital status, religion, veteran's status, genetic predisposition or whistleblower status when: (1) enduring the conduct becomes a condition of continued employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples include, but are not limited to:

- Physical abuse, such as shoving, punching, tripping, stalking, groping;
- Damage to personal possessions;
- Verbal harassment/abuse, such as threats, innuendoes, foul language;

- Racist comments or derogatory stereotypes;
- Offensive jokes;
- Inappropriate comments, slurs, ridicule or jokes about an employee's accent, disability, age, religion, gender, sexual orientation;
- Inappropriate or offensive nicknames.

Harassment and Sexual Harassment Strictly Prohibited:

The municipality of Embden does not tolerate sexual harassment or harassment based on race, color, gender, sexual orientation, disability, age, ancestry, national origin, marital status, religion, veteran's status, genetic predisposition or whistleblower status. Any such conduct is strictly prohibited and will be grounds for disciplinary action.

All employees and officials are expected and required to treat each other professionally and respectfully. Supervisors are responsible to create and maintain a work environment free of harassment and discrimination. Supervisory staff are responsible to actively stop or prevent inappropriate conduct and are required to take immediate and appropriate action whenever becoming aware of conduct in violation of this policy. Corrective action is required regardless of whether a complaint is filed.

Complaint Process:

The municipality of Embden will promptly and fully investigate any issues of harassment or discrimination in the workplace. Every complaint will be promptly and thoroughly investigated. All employees and officials are required to cooperate fully in any investigation. If warranted, the municipality may take appropriate disciplinary action against any employee or official found to have engaged in harassment, which may include disciplinary action and/or measures to prevent a reoccurrence. Confidentiality will be preserved to the fullest extent possible, consistent with Maine law and our need to respect the rights of all employees involved.

Any municipal employee or official who witnesses, becomes aware of, or is the recipient of, harassment or discrimination in violation of this policy is encouraged and expected to report it to the Town of Embden's Select Board Chairman:

Maine Human Rights Commission:

Any employee or official that believes that he/she has been the subject of illegal discrimination or harassment also has the right to file a complaint with the Maine Human Rights Commission (MHRC). The MHRC is the state agency responsible for enforcing state employment discrimination laws. In most cases, a complaint must be filed with the MHRC within 300 days of the date of the act of illegal discrimination/harassment.

There is no requirement that an employee utilize the municipality's internal complaint process first, nor is it required that any internal process be exhausted before a MHRC complaint is initiated. For more information on how to file a charge with the MHRC, contact the MHRC at 51 State House Station, Augusta, Maine 04333-0051 or by telephone at 624-6050, TTY: 1-888-577-6690. Additional information is available on the MHRC website at: www.maine.gov/mhrc/index.shtml

Retaliation Prohibited:

No employee or official shall be retaliated against for reporting suspected discrimination or harassment or for participating in any part of the complaint process.