

## **HARASSMENT & RETALIATION PREVENTION POLICY**

**No Harassment Or Retaliation Tolerated.** The County will not tolerate harassment, bullying, or workplace violence based on sex (with or without sexual conduct), sexual orientation, race, color, religion, national origin, age or disability, for speaking out against discrimination, or for participating in the complaint investigation process.

The County also will not tolerate retaliation for speaking out against discrimination, participating in the complaint investigation process, or for good faith reporting to the County or a public body a violation of law, rule, condition, or practice that would put at risk the health or safety of any employee or other individual.

This Policy applies to supervisors, co-workers, vendors, and other non-employees.

The County fully supports this Policy and its management is committed to the prevention of any form of harassment or retaliation.

**Prompt Reporting Is Required.** All employees must promptly report any harassing behavior or retaliation before it becomes severe or interferes with their work. The County will make every effort to stop any harassment or retaliation before it amounts to a violation of law. It can only do so if it is promptly reported.

**No Punishment for Reporting.** The County will not tolerate adverse treatment of an employee because he or she reported harassment or provided information relating to such a complaint or in good faith reported to the County or a public body a violation of a law, rule, condition, or practice that would put at risk the health or safety of any employee or other individual.

**Definition Of Harassment/Retaliation.** Unwelcome comments, jokes, acts, social media postings (including maliciously false statements) and other verbal or physical conduct related to sex, sexual orientation, race, color, religion, national origin, age, disability, or protected activity (speaking out against discrimination, participating in the complaint investigation process, or good faith reporting to the County or a public body a violation of law, rule, condition, or practice that would put at risk the health or safety of any employee or other individual) is harassment or retaliation 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;
- 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; or

- d. The challenged action would discourage a reasonable employee from making or supporting a charge of discrimination or engaging in protected activity.

Employment decisions (tangible employment action) linked with harassment or retaliation could include:

- hiring and firing;
- promotion and failure to promote;
- demotion;
- reassignment;
- a decision causing a significant change in benefits;
- compensation decisions; and
- an unappealing work assignment.

None of these actions, linked with harassment or retaliation, will be tolerated.

**Description Of Sexual Harassment.** Maine law requires that illustrations of sexual harassment be provided. The following are some examples of sexual harassment. Such behavior 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 contact, 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, remarks, jokes, or comments about a person's appearance, sexuality, sexual experience, or sexual orientation directed at or made in the presence of any employee who indicates or has indicated 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 gain or reward; and

3. subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex, sexual experience, or sexual orientation.

C. Sexual or discriminatory displays or publications anywhere in the County 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; and
2. 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 locker/changing rooms).

**Description Of Bullying:** Workplace bullying refers to repeated, unreasonable actions of individuals or a group directed toward an employee, or a group of employees, which is intended to intimidate and creates a risk to the health and safety of the employees.

**Description Of Workplace Violence:** Workplace violence refers to any verbal or physical conduct that threatens property or personal safety or that reasonably could be interpreted as intent to cause harm.

**Complaint Process.** Any individual who believes he or she has been the subject of any form of harassment should immediately report the incident or act to one or more of the following individuals:

Carrie Kipfer, County Administrator, (207) 882-6311    ckipfer@lincounty.me  
Michelle Richardson, Finance Director, (207) 882-6311    mrichardson@lincounty.me  
William Blodgett, Chair, County Commissioners, (207) 882-6311  
wblodgett@roadrunner.com

Reports can be verbal or written. You are not required to report to anyone harassing or retaliating against you. The County will promptly investigate any and all complaints. All supervisors have been trained and are required to immediately report complaints of harassment to one of the individual listed above.

**Confidentiality.** The County will protect the confidentiality of harassment and retaliation allegations as much as possible. All information provided will be kept confidential and maintained in a separate confidential file. It will be discussed only with those who have a need to know in order to investigate or resolve the complaint.

**Investigation Process – Corrective Action.** The County will promptly conduct a thorough and impartial investigation into any alleged harassment or retaliation. Steps which the County may take will be designed to stop the harassment or retaliation, correct its effects, and ensure that it does not happen again. Any remedial measures will not punish anyone who has come forward with a legitimate complaint of harassment or retaliation. Corrective action may include warning, training and monitoring of harasser, transfer or reassignment, suspension, or discharge of involved coworkers. The focus is upon prevention, not punishment. Any employee who reports harassment or retaliation will be informed of the general results of the investigation and corrective action taken.

**The Maine Human Rights Commission Is Also Available To Investigate A Complaint.** The Maine Human Rights Commission (“MHRC”) can be contacted at 51 State House Station, Augusta, ME 04333, (207) 624-6290. Any employee having a complaint of harassment or retaliation has a right to bring it directly to the attention of the MHRC. You may call or write. If you call, you should ask to speak with an intake worker. He or she will assist you with your complaint and will place in writing the information you provide. This will then be typed up on a charge which you will have to sign. Once the MHRC has received the signed charge form, an investigation will be conducted. You will be advised of the results of this investigation. Any complaint must be filed within 300 days of the act of harassment or retaliation.

**You Must Report Harassment.** The purpose of this Policy is to encourage you to report any harassment or retaliation. You should not assume that the County is aware of any harassment or retaliation which you may encounter. It is your responsibility to bring your complaints and concerns to the County's attention.

This Notice is annually given by the County to all employees in compliance with 26 M.R.S. §807(2) and EEOC Enforcement Guidance.