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128<sup>TH</sup> MAINE STATE LEGISLATURE  
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## **Maine Legislative Council Policy on Harassment**

### **HARASSMENT**

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation and harassment, including sexual harassment. Intimidation or harassment based on race, color, sex, sexual orientation, marital status, physical or mental disability, religion, age, ancestry or national origin, genetic information, whistleblower activity or a previous assertion of a claim or right under the Maine Workers' Compensation Act is a violation of Legislative Council policy. Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assist in an investigation is a violation of this policy. The Legislative Council prohibits harassment of any employee by a supervisor, co-worker, Legislator, lobbyist, contractor or vendor and prohibits retaliation against any employee for making a complaint or cooperating in the investigation of a complaint of harassment. The Legislative Council has adopted this policy to provide a work environment that is free from harassment.

Office directors and supervisors have special responsibility for assuring compliance with this policy with respect to those employees who report to the director or supervisor. It is incumbent upon directors and supervisors to take prompt action to eliminate harassment; employees may perceive that directors or supervisors condone harassing behavior if a director or supervisor fails to intervene and take appropriate corrective action to eliminate harassment. All supervisory and managerial employees are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities of the position.

Harassment is unacceptable conduct and will not be condoned or tolerated in the workplace. It undermines the integrity of the employment relationship, destroys morale, interferes with performance and demeans its victims. Harassment by an employee is grounds for disciplinary action, in accordance with the Legislative Council's policies on employee discipline.

Examples of harassment include but are not limited to the following, and may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments or contact;
- Threats;
- Offensive jokes;
- Ridicule, slurs or derogatory actions;
- Refusal to cooperate with employees in performing work assignments; and
- Basing employment decisions or practices on submission to harassment.

More specifically, sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.”

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

Examples of sexual harassment may include, but are not limited to: (1) repeated offensive sexual flirtations, advances or propositions; (2) continued or repeated verbal abuse of a sexual nature, (3) graphic or degrading verbal comments about an individual or his or her appearance; (4) the display of sexually suggestive objects or pictures; and (5) any offensive or abusive physical conduct.

### **Complaint Procedure**

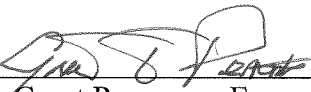
An employee who believes that he or she is being or has been subjected to harassment prohibited by this policy must report the harassment to the appropriate individual in accordance with the applicable personnel policies and guidelines for that employee. A Legislator who believes that he or she is being or has been subjected to harassment prohibited by this policy must report the harassment to his or her caucus leader, presiding officer or the Secretary of the Senate or Clerk of the House. The Legislature has established the following procedures to facilitate a prompt resolution of complaints of harassment.

Upon receipt of a written or oral complaint, the person notified shall immediately notify the human resources director who shall investigate the complaint. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions for employee complaints are generally in consultation with the employee’s office director and the executive director. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions for Legislator complaints are generally in consultation with the caucus leader, presiding officer and executive director. Any employee who is determined, after investigation, to have harassed another employee in violation of this

policy will be subject to appropriate disciplinary action up to and including termination of employment.

Employees have the right to file a complaint of harassment with the Maine Human Rights Commission and the Equal Employment Opportunity Commission as prescribed by law or rule, and are protected by law from retaliation for exercising this right.

This policy is adopted by the Legislative Council on this 8<sup>th</sup> day of December, 2016.

BY:   
Grant Pennoyer, Executive Director  
Legislative Council

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This policy of the Legislative Council is codified in the Personnel Policies and Guideline handbooks for Legislative employees.