

# SEXUAL HARASSMENT

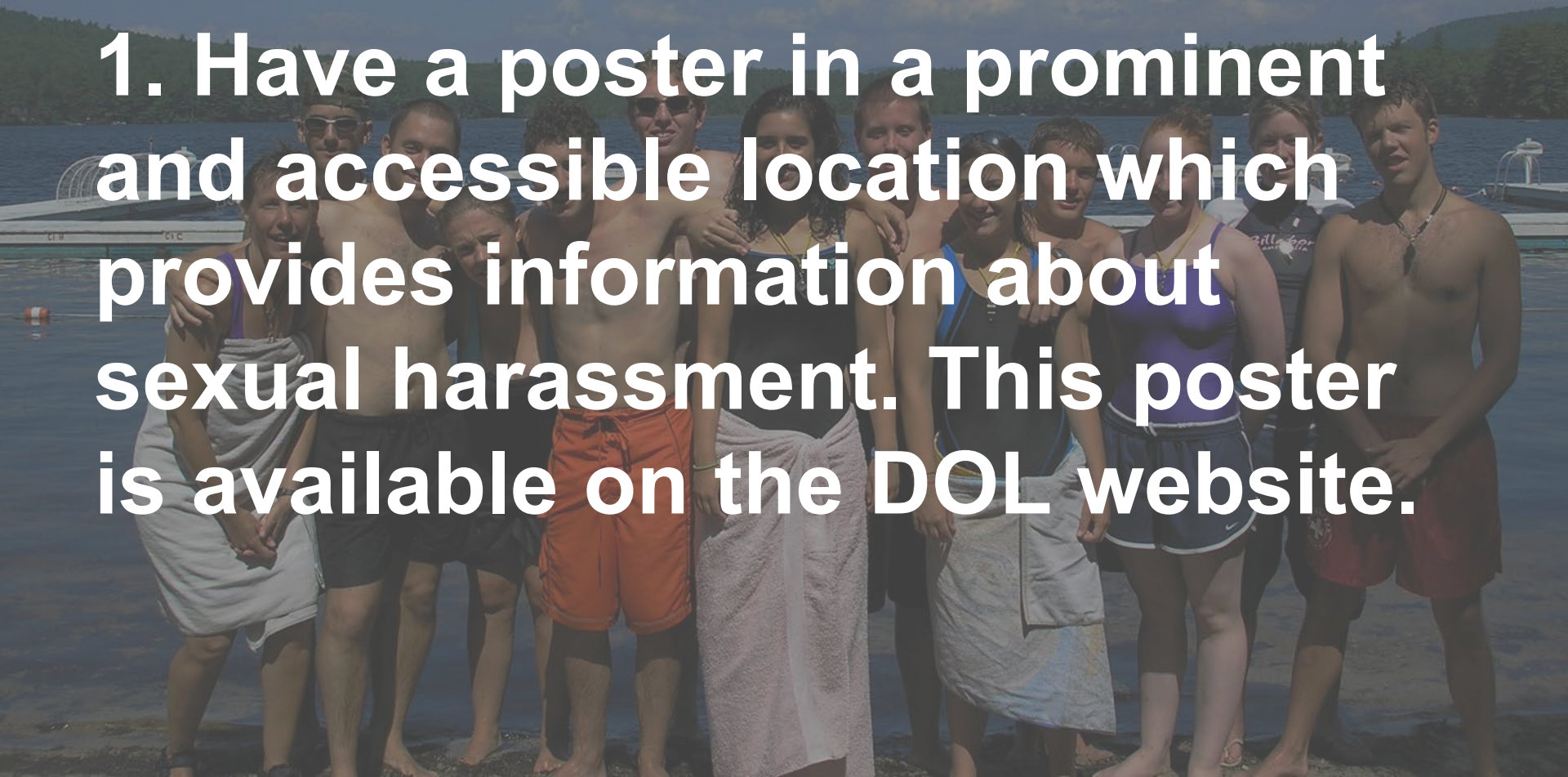


Why do you need to know  
about this?

**Because in Maine it**  
**is illegal in the**  
**workplace!**

# Camps as employers are required to:

1. Have a poster in a prominent and accessible location which provides information about sexual harassment. This poster is available on the DOL website.







## THE MAINE HUMAN RIGHTS ACT PROHIBITS SEX DISCRIMINATION

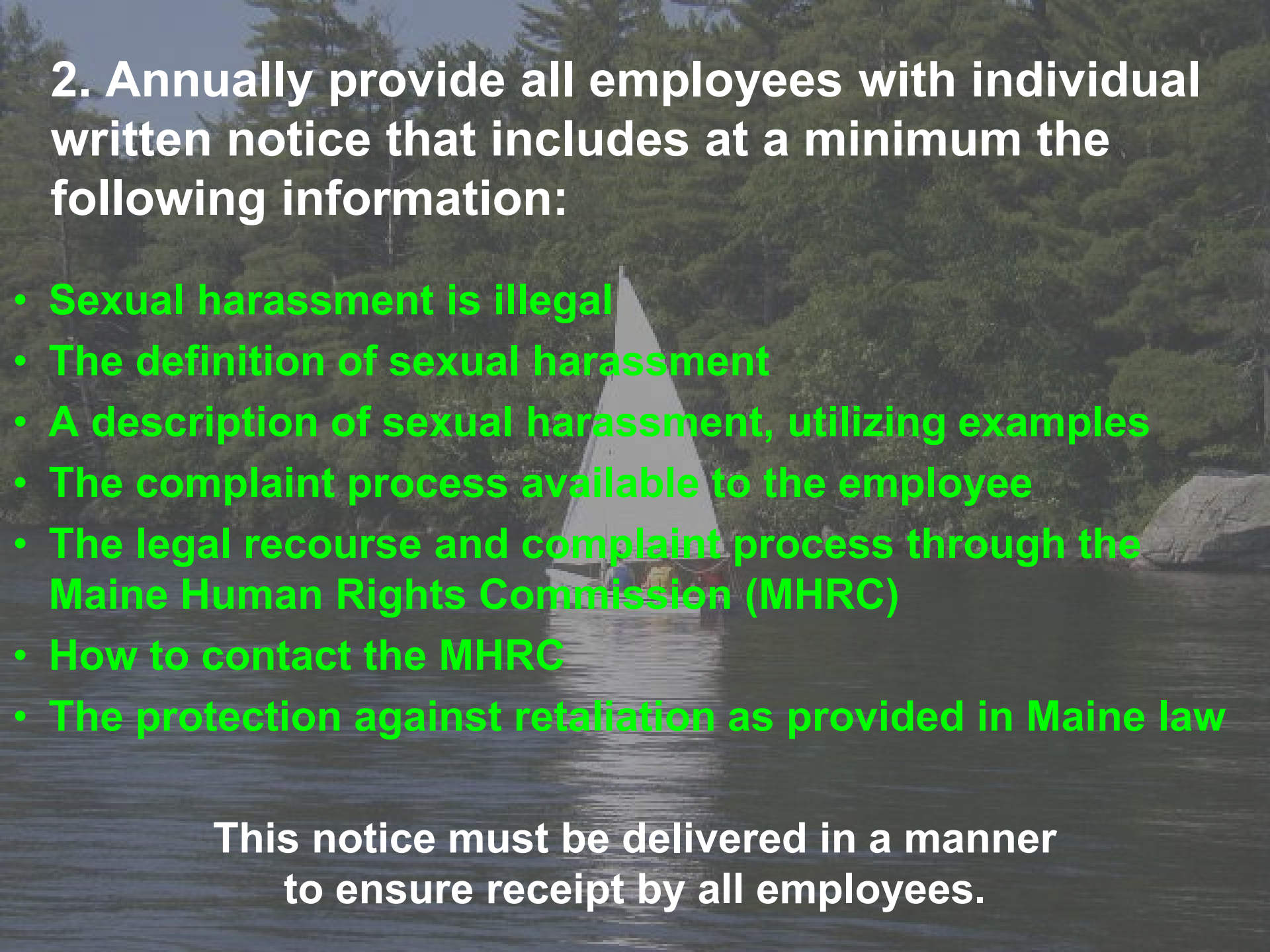
### SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- x UNWELCOME SEXUAL ADVANCES
- x SUGGESTIVE OR LEWD REMARKS
- x UNWANTED HUGS, TOUCHES, KISSES
- x REQUESTS FOR SEXUAL FAVORS
- x RETALIATION FOR COMPLAINING  
ABOUT SEXUAL HARASSMENT

**IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:**

**MAINE HUMAN RIGHTS COMMISSION**  
51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051  
PHONE (207) 624-6290 FAX (207) 624-8729 TTY: MAINE RELAY 711  
[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

OR CONTACT YOUR PERSONNEL DEPARTMENT: \_\_\_\_\_ DEPARTMENT / AGENCY CONTACT

A sailboat with a white sail is on a calm body of water, likely a lake or river. The background is a dense forest of green trees. The water reflects the boat and the surrounding environment.

## 2. Annually provide all employees with individual written notice that includes at a minimum the following information:

- Sexual harassment is illegal
- The definition of sexual harassment
- A description of sexual harassment, utilizing examples
- The complaint process available to the employee
- The legal recourse and complaint process through the Maine Human Rights Commission (MHRC)
- How to contact the MHRC
- The protection against retaliation as provided in Maine law

This notice must be delivered in a manner to ensure receipt by all employees.

### **3. Provide appropriate training to employees and supervisors.**

- A. Train all new employees within one year of their employment date, concerning the same sexual harassment elements described in the preceding slide.**
- B. Conduct additional training for supervisory and managerial employees (within the same one year period) regarding their specific responsibilities and the methods they must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.**

**An employer's compliance checklist for these requirements is available on the DOL website.**



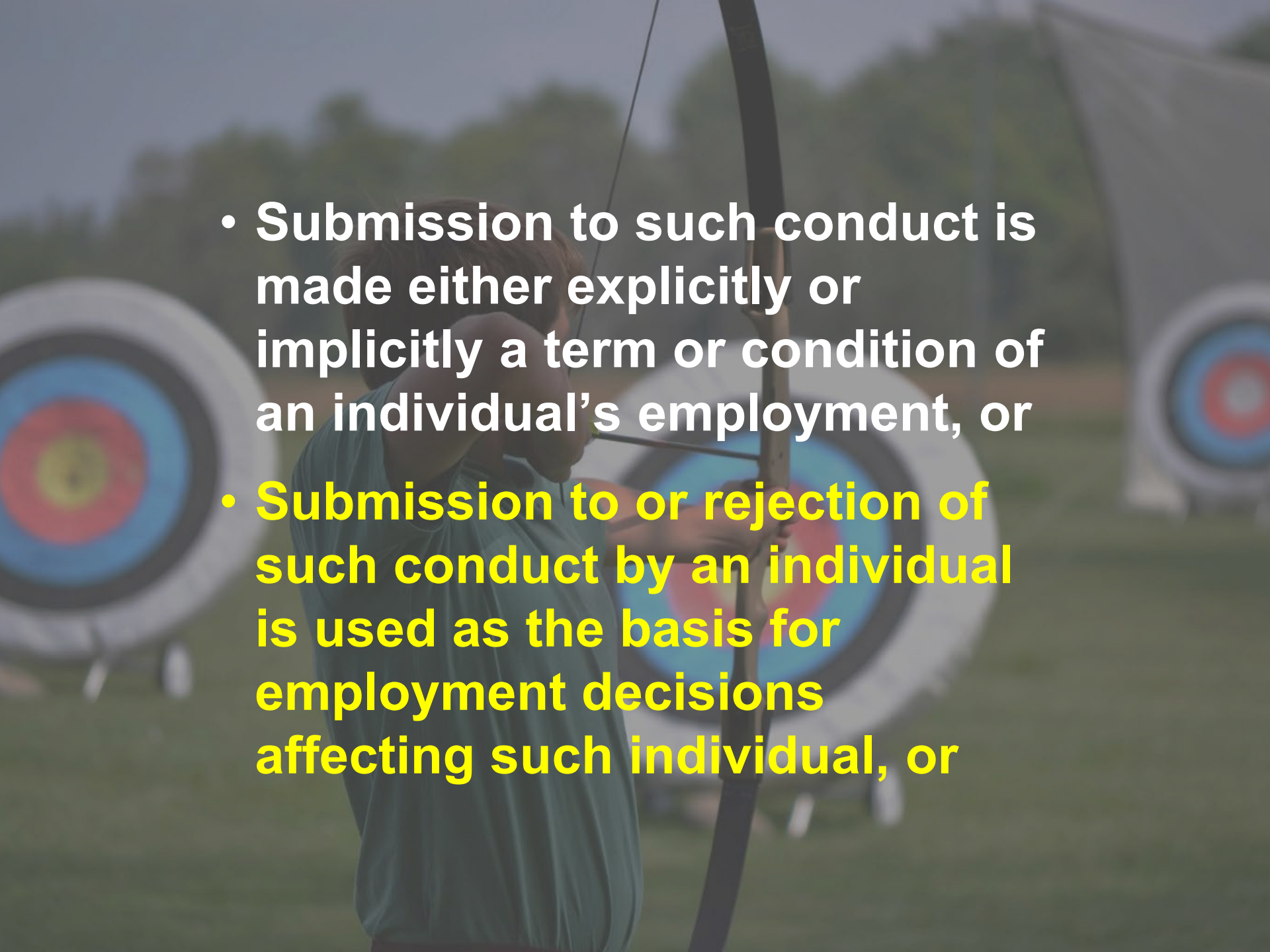
# There are penalties for violating this notice and training requirements law:

- **Failure to post notice:**
  - 1<sup>st</sup> violation: up to \$25 per day, not to exceed \$1,000
  - 2<sup>nd</sup> violation within 3 years: \$25 to \$50 per day, not to exceed \$2,500
  - 3<sup>rd</sup> and subsequent violations within 3 years: \$25 to \$1,000 per day, not to exceed \$5,000
- **Failure to provide individual notice and/or training:**
  - 1<sup>st</sup> violation: \$1,000
  - 2<sup>nd</sup> violation: \$2,500
  - 3<sup>rd</sup> and subsequent violations: \$5,000



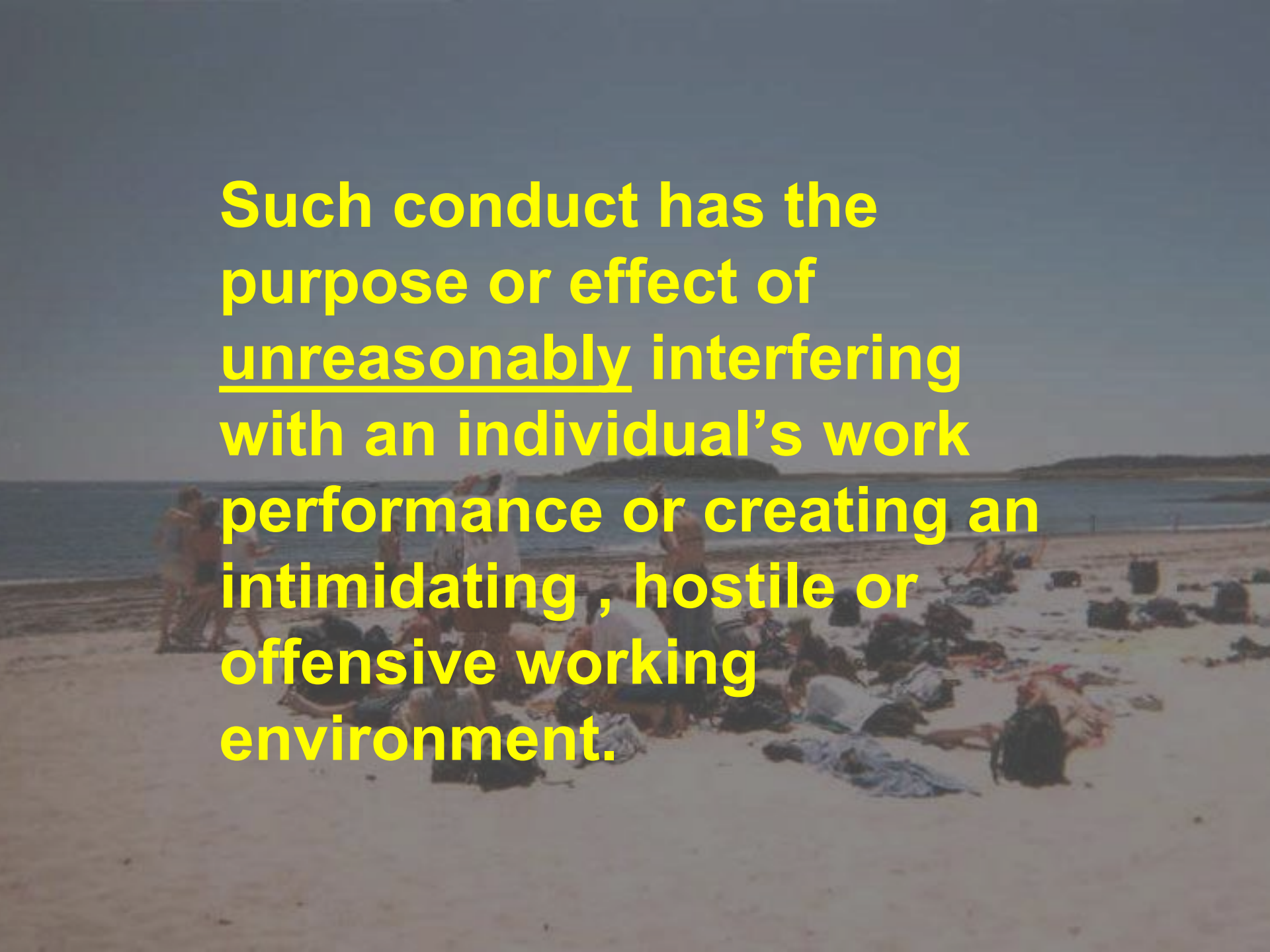
**SEXUAL HARASSMENT**  
is defined as **UNWELCOME**  
sexual advances, requests  
for sexual favors, and  
other verbal or physical  
conduct of a sexual nature,  
when:



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- A person in a green shirt is shown from the side, aiming a bow at a target. The background is an outdoor archery range with several targets visible. The text is overlaid on the image.
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or



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.



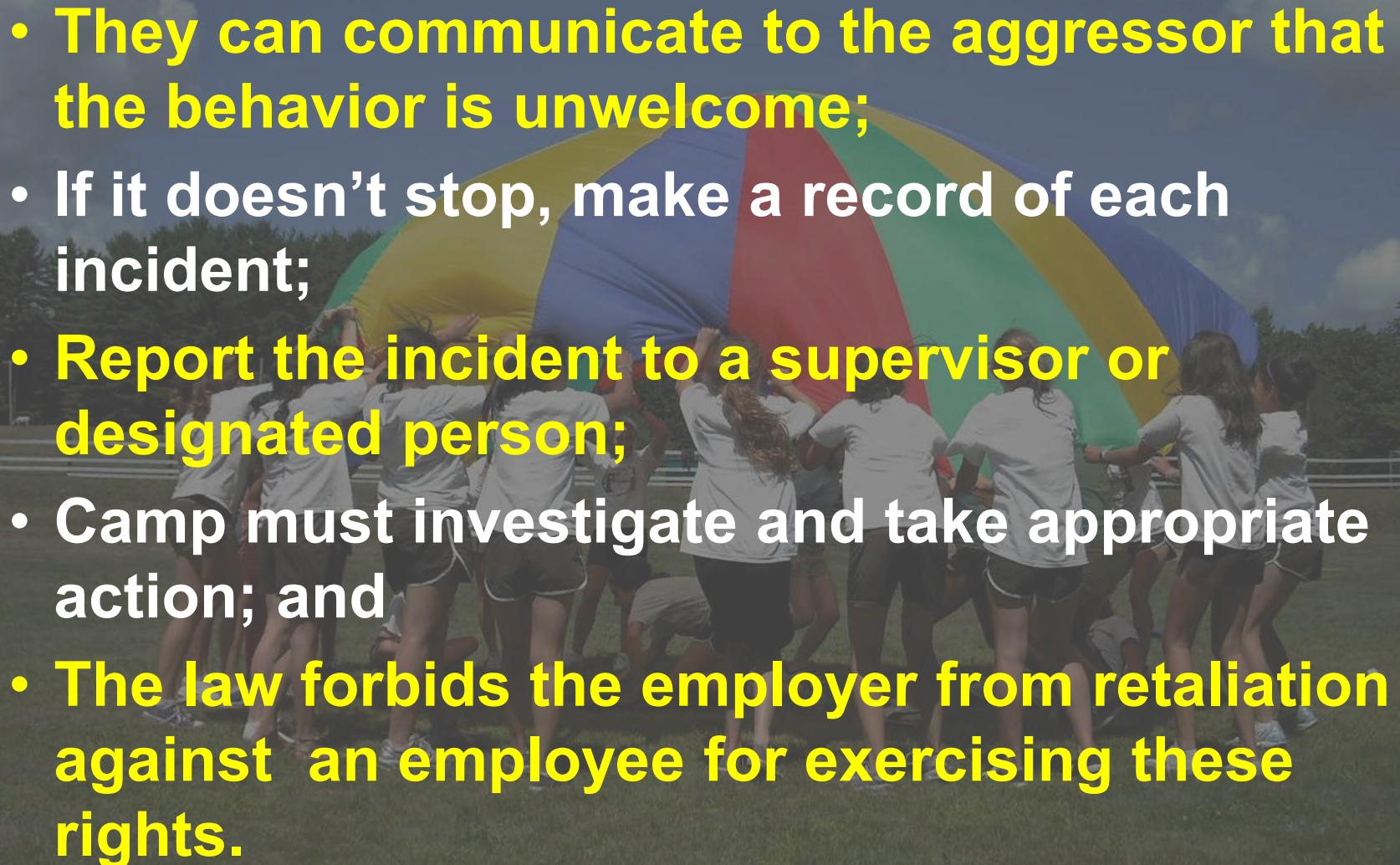
The background of the slide is a photograph of three people in a pool, each wearing a snorkel mask and a snorkel. They are positioned horizontally across the frame. The text is overlaid on this image. The title is in green, underlined, and italicized. The list items are in white and yellow, with some items being bolded.

## *Examples of a hostile work environment:*

- Leering or whistling
- **Unwanted physical contact**
- Jokes of a sexual nature
- **Sexually explicit pictures or cartoons**
- Demands or repeated requests for sexual favors
- **Obscene gestures**
- Suggestive or insulting comments



# What the TARGET should know:

- They can communicate to the aggressor that the behavior is unwelcome;
  - If it doesn't stop, make a record of each incident;
  - Report the incident to a supervisor or designated person;
  - Camp must investigate and take appropriate action; and
  - The law forbids the employer from retaliation against an employee for exercising these rights.
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# A target may file a complaint with the Maine Human Right Commission (MHRC)

- A complaint must be filed within 300 days of the incident.
- The employer will respond to the complaint.
- MHRC will investigate and report its findings.
- If reasonable grounds are found, then the MHRC will attempt conciliation.
- If no conciliation, MHRC and/or the employee may bring legal action in court.



# What the CAMP should know as an employer:

- Defining respectful and appropriate behavior should begin long before an incident of harassment occurs.
- With a multicultural staff, be aware that not everyone will understand sexual harassment issues through the same lens.
- Set a behavior standard that everyone knows about and agrees with.
- This makes it easier for co-workers to recognize inappropriate behavior and speak up to the aggressor.

## When you learn about an incident:

- **PROMPTLY** respond to a harassment report.
  - Get legal assistance;
  - Conduct an investigation;
  - Decide a course of action; and
  - Follow through.
- This will not only help solve the problem before it grows, but will provide you with a legal defense.
- Timely action also demonstrates to your employees that this is a serious matter and may reduce future inappropriate behavior.

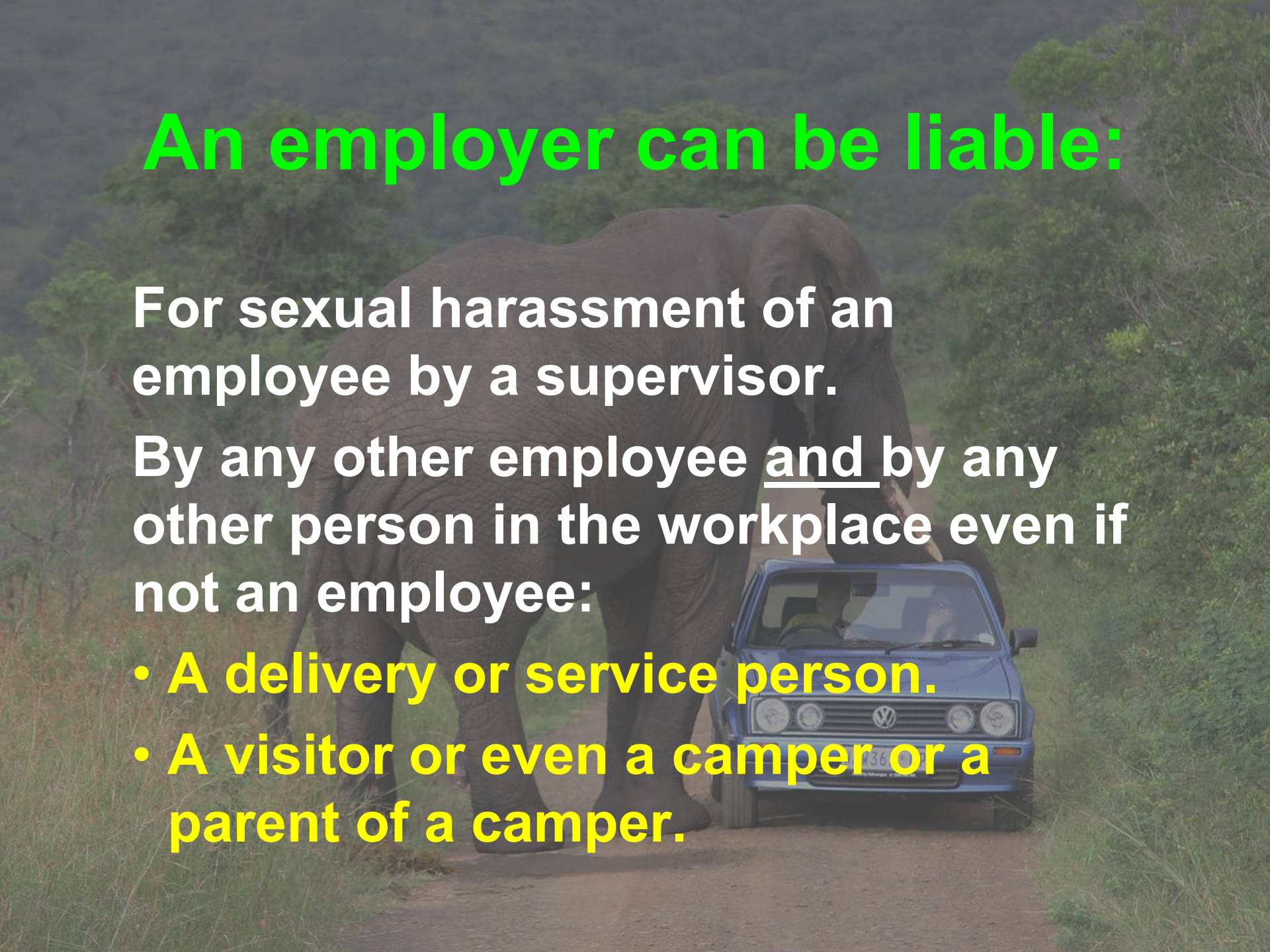


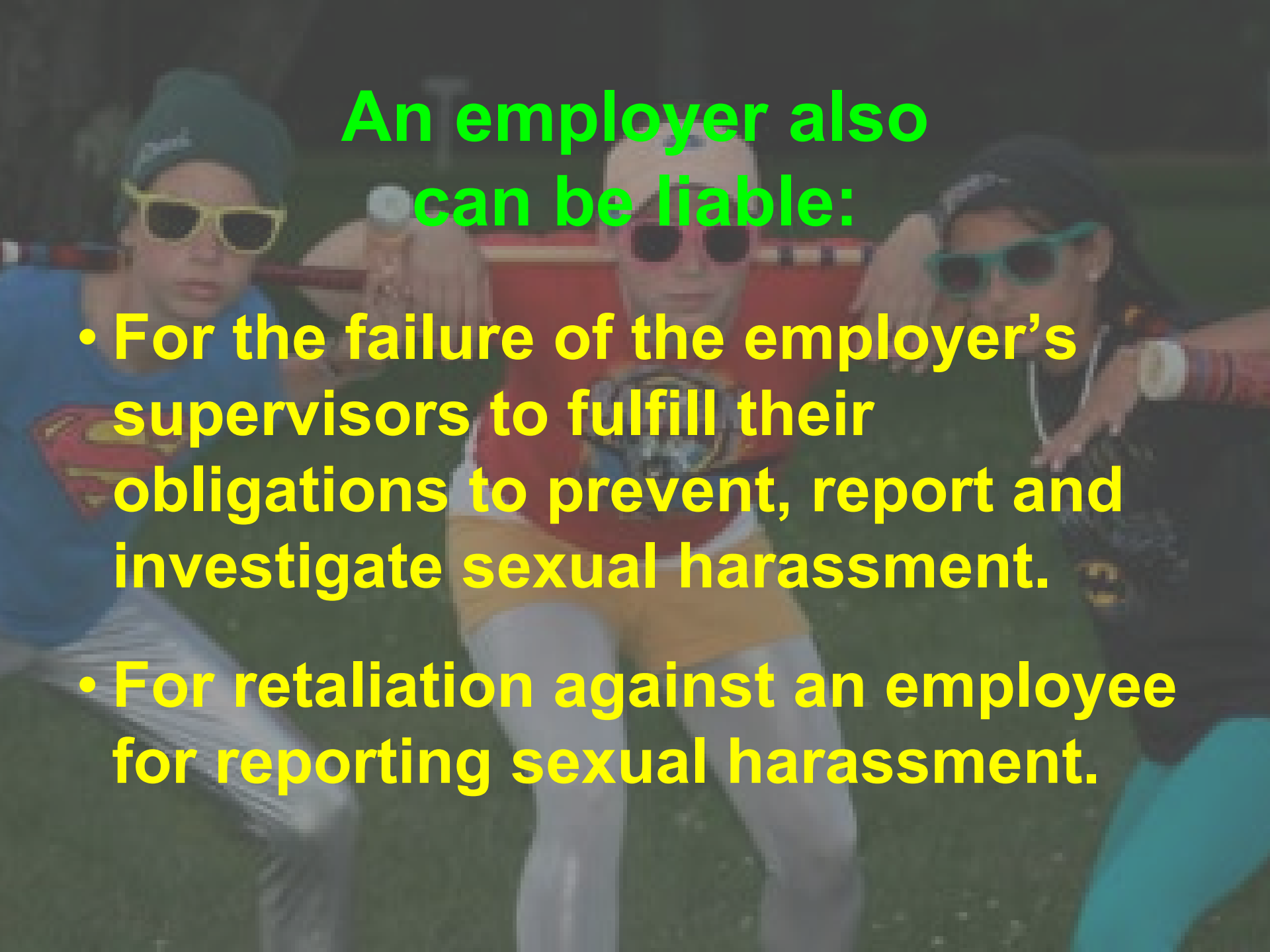
# An employer can be liable:

For sexual harassment of an employee by a supervisor.

By any other employee and by any other person in the workplace even if not an employee:

- A delivery or service person.
- A visitor or even a camper or a parent of a camper.



A photograph of three women sitting on a red and white striped lawn chair outdoors. The woman on the left is wearing a blue Superman t-shirt, a grey beanie, and yellow-rimmed sunglasses. The woman in the middle is wearing a red Superman t-shirt, a white beanie, and black-rimmed sunglasses. The woman on the right is wearing a black t-shirt, a black beanie, and teal-rimmed sunglasses. They are all looking towards the camera. The background is a grassy area.

## **An employer also can be liable:**

- **For the failure of the employer's supervisors to fulfill their obligations to prevent, report and investigate sexual harassment.**
- **For retaliation against an employee for reporting sexual harassment.**



# Employers who are found liable by a court for sexual harassment in their workplace can face:

- **A court order to cease and desist from the unlawful practices**
- **Compensatory and punitive damages**
  - up to \$50,000 (15-100 employees)
  - up to \$100,000 (101-200 employees)
  - up to \$300,000 (201-500 employees)
- **Reasonable attorneys' fees and costs**
- **Reputational damage**



# What SUPERVISORS should know:

- They are required to actively prevent and stop inappropriate conduct in the workplace, even if they are not sure it is sexual harassment.
- **Even an off-hand comment about harassment should be taken as a complaint.**
- They must take action.
- **Their first step is to consult the appropriate person up the chain of command.**
- They cannot guarantee confidentiality to someone who reports an incident.



# What BYSTANDERS to incidents of sexual harassment should know

- **Speak up because remaining silent normalizes sexual harassment.**
  - Also speaking up lessens the burden on the target.
- **Use humor, verbal or nonverbal expressions of disapproval, interrupt by changing the subject, insert yourself into the situation.**
- Depending on the situation, confront the aggressor; sometime after the situation is over is better.
- **Support the target.**
- Report the incident to a supervisor, even if the target requests silence.

# EVERYONE AT CAMP SHOULD KNOW:

- Working at camp is a job, not a summer opportunity to hit on someone.
- Sexual harassment is NOT acceptable behavior at camp (or anywhere else).
- Make sure your conduct is not UNWELCOME to someone else.
- It's NOT what your intent is. It's the effect of your conduct on the target or other co-workers!
- Nothing is more destructive to a team than sexual harassment.



A group of children and adults are splashing in water, with their arms raised in celebration. The scene is set outdoors, likely at a beach or pool, with a body of water and a distant shoreline visible in the background. The children are wearing swimwear, and the adults are shirtless. The overall mood is joyful and energetic.

# **CAMPS TEACH RESPECTFUL BEHAVIOR**

**Webinar by attorneys  
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