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.
SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- UNWELCOME SEXUAL ADVANCES
- SUGGESTIVE OR LEWD REMARKS
- UNWANTED HUGS, TOUCHES, KISSES
- REQUESTS FOR SEXUAL FAVORS
- 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

OR CONTACT YOUR PERSONNEL DEPARTMENT: DEPARTMENT / AGENCY CONTACT
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:
  – 1st violation: up to $25 per day, not to exceed $1,000
  – 2nd violation within 3 years: $25 to $50 per day, not to exceed $2,500
  – 3rd 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:
  – 1st violation: $1,000
  – 2nd violation: $2,500
  – 3rd 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:
• 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.
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.
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.
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.
CAMPS TEACH RESPECTFUL BEHAVIOR

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