

# ecomaine

## Anti-Harassment Policy & Complaint Procedure

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### I. A MESSAGE FROM THE GENERAL MANAGER:

Each of us should be able to work in a an environment free of illegal discrimination, and free of any form of harassment, based on race, color, religion, age, gender, sexual orientation, pregnancy, national origin, disability, marital or other protected status.

I wish to ensure that no **ecomaine** employee is subjected to illegal discrimination or harassment. Therefore, any offensive physical, written or spoken conduct, including conduct of a sexual nature, is prohibited at **ecomaine**. It is a violation of this policy for any employee, supervisor, or manager, male or female, to engage in the acts or behavior categorized in our policy.

If any of you believe that you are being subjected to any form of illegal harassment or discrimination based on the factors outlined above, or you witness such behavior, you are required to bring this to the attention of your supervisor or manager immediately. If your supervisor or manager is the person who is responsible for the harassment, or if you are uncomfortable reporting the conduct to your supervisor or manager, you should report such conduct or situations to the Director of Finance and Administration or another member of management.

Common courtesy and decency dictates that we treat each other with respect. I ask each of you to commit to this policy by policing your own behavior which could hurt a co-worker. Should you have any questions, please direct them to the Director of Finance and Administration at (207) 523-3107.

Sincerely,

Kevin H. Roche  
General Manager

## **II. ECOMAINE'S ANTI-HARASSMENT POLICY**

### **POLICY STATEMENT**

It is the policy of this company that all employees have the right to work in an environment free from all forms of illegal discrimination and harassment. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale, and which interferes with a positive and productive work environment. This policy refers not only to supervisor-subordinate actions, but also to actions between co-workers. There will be no intimidation, discrimination, or retaliation against any employee who makes a report of harassment. Harassment, as defined by this policy, is prohibited.

### **A. Sexual Harassment**

Sexual harassment is illegal and, as outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act, includes:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (iii) interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following examples are common types of conduct that may constitute sexual harassment:

- Slurs, jokes, or degrading comments of a sexual nature
- Unwelcome sexual advances
- Suggestive or lewd remarks
- Unwelcome hugging, touching, or kissing
- Requests for sexual favors
- Repeated offensive sexual flirtation or propositions
- The display of sexually suggestive pictures or objects
- Repeated unwelcome physical contact or touching such as patting, pinching, or constant brushing against another's body

Consistent with the above guidelines, it is the policy of this organization that no personnel action be taken affecting an employee (either favorably or unfavorably) on the basis of conduct that is not related to job requirements including such conduct as submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or raising a complaint concerning the alleged violation of this policy.

This policy prohibits any overt or subtle pressure for sexual favors, including implying or threatening an applicant's or employee's cooperation of a sexual nature (or lack thereof) will have any effect on the person's employment, job assignment, wages, promotion, any other condition of employment or future job opportunities. This policy also prohibits any conduct which would tend to create an intimidating, hostile, or offensive work environment.

Supervisors and managers are responsible for monitoring behavior which can be construed to be harassment and must initiate necessary action to eliminate such behavior.

**A. Sexual Harassment** *(continued)*

**Complaint Procedure.** Any employee who feels that he or she is a victim of sexual harassment, or who has knowledge of that kind of behavior, must report the matter to their supervisor or manager immediately. If your supervisor or manager is the person who is responsible for the harassment, or you are uncomfortable reporting the conduct to your supervisor or manager, you should report such conduct or situations to the Director of Finance and Administration or another member of management. No employee will suffer retaliation for complaining about sexual harassment.

The organization will immediately investigate any complaints of sexual harassment and where warranted, take disciplinary action against any employee engaging in sexual harassment. Depending on the circumstances, such disciplinary action may include warning, suspension and/or termination of employment.

In addition, employees should be aware that the Maine Human Rights Commission is the state agency charged with the responsibility of enforcing Maine's anti-discrimination laws. The Commission investigates complaints of unlawful discrimination in employment, including claims involving sexual harassment. The Maine Human Rights Commission will attempt to resolve complaints of discrimination to the mutual satisfaction of those involved. However, the Maine Human Rights Commission Act authorizes the Commission to pursue remedies to unlawful discrimination in court when conciliation fails. The Maine Human Rights Commission can be contacted at the following address and number:

**Maine Human Rights Commission  
State House Station 51  
Augusta, ME 04333  
(207) 624-6290  
Fax: 207-624-8729 | Maine Relay 711**

## **B. Other Harassment**

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic, or national origins, physical appearance, or the distribution of written or graphic material having such an effect are prohibited. Any employee who believes they have been the subject of such harassment or has knowledge of such behavior must immediately report the alleged conduct to their supervisor or manager. If your supervisor or manager is the person who is responsible for the harassment, or you are uncomfortable reporting the conduct to your supervisor or manager, you should report such conduct or situations to the Director of Finance and Administration. Any employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, up to and including termination.

**The following guidelines will be followed in the complaint and investigation process with an emphasis on prompt investigation and resolution.**

## **III. THE COMPLAINT PROCESS**

Any person electing to utilize this complaint resolution procedure will be treated courteously and the problem will be handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action. The registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status. While reporting such incidents may be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure. However, filing groundless complaints is an abuse of this policy.

### **A. RESPONSIBILITIES**

1. All **ecomaine** employees must share the responsibility of understanding and preventing discrimination and harassment. Any employee, who feels that they are a victim of illegal harassment, including sexual harassment, or who has knowledge of that kind of behavior, must report the matter to their supervisor or manager immediately. If your supervisor or manager is the person who is responsible for the harassment, or you are uncomfortable reporting the conduct to your supervisor or manager, you should report such conduct or situations to the Director of Finance and Administration. **ecomaine** will provide education to its employees so that they will be able to identify discriminatory or harassing behavior and know how to address the issue should it arise.
2. Managers and supervisors have the special responsibility as possible agents of the office to act promptly to eliminate any discrimination or harassment which exist in their areas of responsibilities. If a manager, or supervisor knows that discrimination, harassment or retaliation is occurring, or receives information that discrimination, harassment or retaliation might be occurring, he or she must take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the injured person, developing a specific account of the actions, omissions or occurrences that are alleged to be discriminatory, consultation with the Director of Finance and Administration (or designee), and corrective action.

**A. RESPONSIBILITIES** (continued)

- a) If the alleged discrimination, harassment or retaliation is not within their area of responsibility or oversight, managers and supervisors must notify the Director of Finance and Administration (or designee) or other appropriate management employee, who must then take prompt steps to address the allegation.
  - b) Any **ecomaine** employee with supervisory or hiring responsibilities who is found to have engaged in conduct prohibited under this Policy may be subject to disciplinary action, up to and including removal from that position for cause or discharge.
3. The Director of Finance and Administration (or designee) has the primary responsibility of implementing this Policy. In particular, the Director will respond to inquiries and complaints from management and employees regarding discrimination, sexual harassment, other harassment, or retaliation; maintain records of these inquiries and complaints as well as their resolution. Together with the company and other staff, the director will also provide information and education to the employees on recognizing, understanding, and combating unlawful discrimination and harassment.

**B. CONFIDENTIALITY**

1. Before filing a complaint:

- a) **ecomaine** wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The company recognizes that individuals may be concerned about the confidentiality of information they share, and will strive to preserve confidentiality to the fullest extent possible.
- b) However, the anonymity described cannot always be maintained if the individual wishes to have some action taken in a particular case. Moreover, **ecomaine** may be legally obligated to take action once staff is informed that discrimination, harassment, or retaliation has occurred or may be occurring. Confidentiality cannot be guaranteed in such a case.

2. During the complaint process:

- a) While the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the organization cannot be guaranteed in every instance, they will be protected to the extent that is reasonably practical. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act upon the charge and the right of the charged party to obtain information.

**C. COMPLAINT PROCEDURE.** The following complaint procedure will be followed in order to address a complaint regarding, harassment, discrimination, or retaliation.

- 1) Any employee who feels that they are a victim of harassment or sexual harassment, or who has knowledge of that kind of behavior, must report the matter to their supervisor or manager immediately. If your supervisor or manager is the person who is responsible for the harassment, or you are uncomfortable reporting the conduct to your supervisor or manager, you should report such conduct or situations to the Director of Finance and Administration. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager must immediately report it to the Director of Finance and Administration (or designee).
- 2) The Director of Finance and Administration (or designee) will initiate the investigation of the complaint. It will also be determined if the investigation should be conducted internally or externally.
- 3) During the investigation, the Director of Finance and Administration (or designee) will interview the complainant, the respondent, and any witnesses, and review documents or evidence produced by the investigation.
- 4) After the conclusion of the investigation, if it is determined that harassment or discrimination or any conduct in violation of this organization's policies has occurred, the Director of Finance and Administration (or designee) will recommend that appropriate disciplinary action to be taken by the company and the employees involved will be notified of the results of the investigation.

**D. ACCOMMODATIONS.** Accommodations will be made for persons with impaired vision, hearing, or non-English speaking individuals as needed. This could include larger font, written/verbal/spoken narration or description, or translation.

## HARRASSMENT COMPLAINT & INVESTIGATION FORM

The following are intended to be guidelines for questions to utilize in the complaint and investigation process. The complainant may be asked if they would like to put their complaint in writing.

### Complainant's Report

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

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Who committed the alleged or inappropriate behavior? \_\_\_\_\_

Date of Event(s) or indicate if it is ongoing: \_\_\_\_\_

Where did the Event(s) Occur? \_\_\_\_\_

How would you describe the circumstances? \_\_\_\_\_

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Please explain the events that occurred: \_\_\_\_\_

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How did you react? \_\_\_\_\_

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Did you ever indicate that you were offended or somehow displeased by the act or offensive treatment? \_\_\_\_\_

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Were there any witnesses to the events? (If yes, please provide their names)

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How has the behavior affected you and your job? \_\_\_\_\_

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Is there anyone else who may have relevant information? (If yes, please provide their names)

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Do you have any other relevant information? \_\_\_\_\_

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What would be your desired outcome as a result of the investigation? \_\_\_\_\_

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Signature

Please Print Name

Date

(Note: Employee can complete and sign this form or submit their own written document if they choose to put the complaint in writing).