

Know Your Rights: Sexual Harassment



Your right to be free from sexual harassment.

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination, defined as a pattern of repeated and unwelcome:

- Sexual advances;
- Requests for sexual favors;
- Verbal or physical harassment of a sexual nature (e.g., offensive remarks about women in general).
- Comments, gestures or pictures that are suggestive or lewd in nature (e.g., sexually explicit jokes or materials);
- Touching or physical contact (e.g., groping, hugs, kisses).

These unwelcome advances do not have to come from your boss or supervisor to be considered

sexual harassment. They may also come from your co-worker, client, customer, housing manager, etc., regardless of whether he or she is of the opposite sex.

This type of harassment is prohibited by Maine's Human Rights Act and Title VII of the Federal Civil Rights Act of 1964, and these laws protect you against retaliation for complaining about sexual harassment. If sexually-suggestive comments or actions are making you uncomfortable, there are steps that you can take to end the harassment. See the *What to Do* section of this handout for more information.

What Should I Do if I am Being Sexually Harassed?

If you are being sexually harassed, there are steps you can take to assert and protect your right to be free from the offensive conduct. To ensure your rights are protected, be sure to:

Make your feelings known. Tell your harasser that his or her behavior is offensive, unwanted and needs to stop.

Document the harassment. If your harasser continues the offensive behavior, write down specific details about each offensive action, comment or contact, including the time, date and place of the incident, and the names of any potential witnesses.

Tell someone in charge. Inform your employer in accordance with your employer's reporting policy* or inform your housing manager (whichever is applicable) about the harassment.

Make others aware. Talk to co-workers or neighbors and tell them what is happening to you.

Use your union. Talk to your union steward and use your grievance procedure.

Get help. Contact the Maine Human Rights Commission to file out an intake questionnaire for a sexual harassment complaint. The Commission will investigate your claim, and will work to resolve the situation either through negotiations or a civil lawsuit. If the Commission has not acted within 180 days, you may request a right-to-sue letter that will end their investigation and allow you to sue on your own behalf.

For more information about your options, contact the Maine Human Rights Commission or one of the contacts listed on the back of this handout.

What if I am Being Harassed Where I Live?

If the person in charge of your building is making offensive comments, gestures, or advances that make it difficult for you to enjoy your own home, you may have a sexual harassment claim. Just as in the workplace, Maine law prohibits harassment in housing that is based on a number of discriminatory grounds, including sex, sexual orientation, race, color, ancestry, national origin, physical or mental disability, religion, family status, or receipt of public assistance.

Examples of sexual harassment in housing may include:

- Abusive name-calling (such as using the word "bitch" or "slut");
- Unwanted sexual advances (such as repeatedly being asked out or subjected to comments about your appearance);
- Offers to trade rent for sexual favors;
- Refusals of repair requests if you do not give in to sexual demands.

Consult our *What to Do* section for more information about fighting this harassment.



Maine Women's Policy Center

THE VOICE OF MAINE WOMEN

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Hallowell, Maine 04347
(207) 622-0851
MaineWomensPolicyCenter.org

The Maine Women's Policy Center is a nonprofit organization dedicated to improving the lives of women and girls.

What If I am Being Harassment at Work?

Sexual harassment in the workplace is a type of employment discrimination that can make it uncomfortable to go to work every day and can create barriers to your advancement.

Regardless of your harasser's gender or position with the company, unwelcome sexual advances, requests for sexual favors, and other verbal or physical, sexually-geared conduct is sexual harassment when:

- You are expected to go along with the harassment in order to keep your job, even if that is not directly stated;
- Whether you reject or go along with the harassment is used as the basis for employment decisions like pay raises, promotions, or vacation time;
- The harassment creates an intimidating, hostile, or offensive working environment which unreasonably interferes with your work performance.

There are two types of workplace sexual harassment: hostile-work environment and quid pro quo. A hostile work environment can occur when you are subject to severe and pervasive (frequent), unwelcome verbal or physical sexual behavior (e.g., if co-workers or customers repeatedly make comments about your body).

Quid pro quo sexual harassment occurs when an employment decision is based on whether you satisfy a sexual demand (e.g., if you are demoted for refusing to date your boss). Your employer may also be liable for unlawful sex discrimination if another employee is granted opportunities or benefits because he or she has submitted to your employer's sexual advances or requests.

Maine law makes it illegal for your employer to punish or discriminate against you because you have opposed or filed a complaint about sexual harassment, or assisted in an investigation brought by you or someone else.

What Does My Employer Need to Do?

Maine Law requires that your employer take steps to prevent sexual harassment in the workplace. As part of that obligation, your employer is required to:

- Give each employee an annual written notice (e.g., information included with your paycheck) that includes:
 - The definition of sexual harassment under Maine law;
 - A description of sexual harassment (with examples);
 - An outline of the complaint process through the Maine Human Rights Commission.
 - An explanation of the company's internal procedures for reporting and handling harassment complaints;
 - A notice that you are protected from retaliation from your employer, who cannot punish or penalize you for exercising your civil rights by filing a complaint or testifying in any proceedings.
- Post informational materials about sexual harassment in a prominent and accessible location;
- Hold an education and training program for all new employees within one year of starting work, if the company employs more than 15 people.
- Hold additional training for supervisors and managers within one year of their employment, including information about their specific responsibilities and ways to ensure that sexual harassment complaints are dealt with immediately and appropriately.



A list of professional trainers can be found here: Maine.gov/mhrc/resources/sexualharassmenttrainerlist.pdf

Get More Information



U.S. Equal Employment Opportunity Commission (EEOC)

EEOC.gov 800-669-4000

Get Help



Maine Civil Liberties Union (MCLU)

MCLU.org 207-774-5444



Maine Lawyer Referral and Information Service

MaineBar.org/lawyer_need.asp 800-860-1460



Pine Tree Legal Assistance

PTLA.org



U.S. Department of Education Office of Civil Rights (OCR)

Ed.gov/about/offices/list/ocr 800-421-3481



If you think you have a sexual harassment claim, contact:

The Maine Human Rights Commission

51 State House Station

Augusta, Maine 04333-0051

207-624-6050

MHRC complaints must be filed within 300 days of the incident, which is a required step before a case can be taken to court.

To learn how to file a complaint and what steps will be taken by the Commission, visit Maine.gov/mhrc.

Note: Under Maine law, it is illegal to fire or discipline an employee for filing a complaint or assisting in an investigation.

These materials are for informational purposes only, and do not constitute legal advice. Please contact an attorney for specific questions or if you feel your rights have been violated.

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