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**Maine Protected Classes**

Race, Color, Ancestry, National Origin, Sex, Sexual Orientation (which includes gender identity and expression), Physical or Mental Disability, Religion, Age, Child or Spousal Support Withholding, Military or Veteran Status, Citizenship and/or Immigration Status, Use of Tobacco Products Outside the Course of Employment, Past Workers' Compensation Claims, Exercising Rights Under the Whistleblower's Act and Wage Garnishment for Consumer Debt.

2

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, (**Quid Pro Quo**)
- b) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual, (**Quid Pro Quo**) or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. (**Hostile Environment**)

*(Applies to men and women equally.)*

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Sexual harassment may include a range of explicit and even subtle unwelcome behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these unwelcome behaviors may include, but are not limited to ...

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- Making offensive comments about someone's sexual orientation or gender identity
- Making sexual comments about appearance
- Inappropriate touching, leaning over, massaging shoulders, or purposefully brushing up against another person
- Asking sexual questions about preferences, history, or fantasies
- Sexual teasing, jokes, or remarks
- Displaying inappropriate sexual images or videos
- Pressure to go out on a date or for sexual favors
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Referring to another as a "babe," "honey," or "tootsie", etc.
- Kissing sounds, howling and smacking lips
- Turning work discussions to sexual topics
- Spreading rumors or telling lies about a person's sex life
- Indecent exposure
- Actual or attempted rape or sexual assault

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**PRACTICAL EXAMPLES**

**Gender Identity, Gender Expression and Sexual Orientation**

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**LEGAL/ILLEGAL vs. RIGHT/WRONG**

**Major Federal Protected Classes**

*Civil Rights Act of 1964:  
Race, Color, Religion, National Origin & Sex  
(Now includes Sexual Orientation & Gender Identity)*

*Age In Discrimination Act of 1967*

*Pregnancy Discrimination Act of 1978*

*Americans With Disabilities Act of 1990*




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**Pronouns and Misgendering:  
Equal Employment Opportunity Commission (EEOC) Guidance**

**What does it mean to misgender someone?**

**Gendered**  
(e.g., she/her/hers and he/him/his)

**Nongendered**  
(e.g., singular use of they/them/theirs; ze/hir/hirs)




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***Federal Compensatory & Punitive Damages***


Fifteen or more and fewer than 101 employees:	\$ 50,000
More than 100 and fewer than 201 employees:	\$100,000
More than 200 and fewer than 501 employees:	\$200,000
More than 500 employees:	\$300,000



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***Maine State Law Recovery***


- Cease and Desist Orders,
- Compensatory Damages,
- Emotional Distress Damages,
- Punitive Damages,
- Medical and Psychiatric Expenses and
- Hiring, Promotion or Reinstatement



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***State & Federal Law***


Plaintiffs can recover attorney's fees



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***Maine State Law***

Individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties



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**Take a few minutes to look at your own  
Internal Policy  
&  
Internal Complaint Process**



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**Maine's Retaliation Law**


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 assisting in an investigation is a violation of the Maine Human Rights Act.



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**Maine's Retaliation Law**

Any discriminatory action against any individual because the individual has opposed a practice that would be a violation of the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008 or the Age Discrimination in Employment Act or because the individual has made a charge, testified or assisted in any investigation, proceeding or hearing under the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008 or the Age Discrimination in Employment Act is illegal.




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**Maine's Retaliation Law**

A complainant and any witnesses are protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as complaints of harassment and will be promptly investigated.


*Such retaliatory conduct may be grounds for disciplinary action up to and including discharge.*



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

**1. Inform Your Employer:** Start by informing your employer about the harassment you're facing. This step is crucial because your employer should have an opportunity to address the situation internally.



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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**


**2. File a Harassment Complaint with the Maine Human Rights Commission.**

**Intake hours:** Monday - Friday from noon to 4:00 PM

**PHONE**  
207.624.6290 | Fax: 207.624.8729 TTY: Maine Relay 711

**MAILING ADDRESS**  
#51 State House Station | Augusta, ME 04333

**PHYSICAL LOCATION:**  
19 Union Street | Augusta, ME 04330



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**EEOC & MAINE  
HUMAN RIGHTS  
COMMISSION**

**You have 300 days from the  
last incident to file a  
complaint.**

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**REPORTING A CHARGE OF ILLEGAL HARASSMENT**

**3. Contact the Equal Employment Opportunity Commission (EEOC)**


General information about the laws  
the EEOC enforces and filing a charge:

1-800-669-4000

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers)

or  
[info@eeoc.gov](mailto:info@eeoc.gov)

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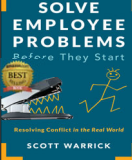
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**Scott's #1 Best Sellers**

**Want Scott as a Trainer or Speaker?**

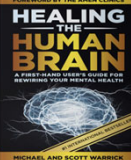
**Need Scott's Help?**

**614-738-8317 scott@scottwarrick.com**



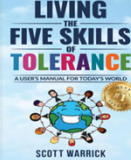
**SOLVE  
EMPLOYEE  
PROBLEMS**  
Before They Start

SCOTT WARRICK



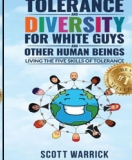
**HEALING  
THE  
HUMAN  
BRAIN**

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**LIVING  
THE  
FIVE SKILLS  
OF  
TOLERANCE**

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**TOLERANCE  
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For more information and further assistance, please contact ...  
Scott Warrick's Human Resource Consulting & Employment Law Services  
(www.scottwarrick.com)  
&  
Scott Warrick's Employment Law Services.  
scott@scottwarrick.com

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