

A Better Choice Home Care
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Sexual harassment

8 Hour Orientation

PURPOSE

To take reasonable measures to prevent incidents of sexual harassment in the workplace and to deal promptly and fairly with any reports of sexual harassment in a confidential and discreet manner.

POLICY

A Better Choice Home Care is committed to protecting the welfare of its employees/clients/families by providing employees with a set of guidelines to prevent sexual harassment.

1. Sexual Harassment

DEFINITIONS Harassment is any unwelcome sexual advance(s), request(s) for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used to determine employment decisions affecting such individual;
- c. such conduct interferes with an individual's work performance; and/or,
- d. such conduct creates an intimidating, hostile or offensive working environment.

2. Consensual Relationship

A consensual relationship is one in which two people are engaged, by mutual consent, in an emotionally (romantic) and physically (sexually) intimate relationship.

PROCEDURES

1. If the sexual harassment is perceived to be of a criminal nature, it shall be reported to the relevant jurisdictional authorities or to the police.
2. The Agency shall apply this policy to the in-home job site, office job-site and other sites.
3. The policy shall apply to sexual harassment by Agency personnel at all levels and clients/families.
4. Actions that the Agency shall consider to be sexual harassment include, but are not limited to:
 - a. sexist jokes or comments that are insulting, demeaning or derogatory toward a person because of sex, which are obviously offensive or which continue after the offended person(s) have advised the speaker they find the remarks offensive;
 - b. persistent, unwanted attention or requests of a sexual nature after a consensual relationship has ended;



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- c. demands for sexual favors in exchange for employment advantages, promises employment advantages or withdrawal of employment advantages;
 - d. unwanted comments about a person's body, sexuality, sexual orientation or sexual conduct;
 - e. sexually suggestive or obscene gestures;
 - f. displays of sexually suggestive material such as posters, printed material or objects;
 - g. unwanted flirtations, sexual propositions or advances; and/or,
 - h. unwanted touching, pinching or fondling.
 - i. sexist jokes or comments that are insulting, demeaning or derogatory toward a person because of sex, which are obviously offensive or which continue after the offended person(s) have advised the speaker they are find the remarks offensive;
 - j. persistent, unwanted attention or requests of a sexual nature after a consensual relationship has ended;
 - k. demands for sexual favors in exchange for employment advantages, promises employment advantages or withdrawal of employment advantages;
 - l. unwanted comments about a person's body, sexuality, sexual orientation or sexual conduct;
 - m. sexually suggestive or obscene gestures;
 - n. displays of sexually suggestive material such as posters, printed material or objects;
 - o. unwanted flirtations, sexual propositions or advances; and/or,
 - p. unwanted touching, pinching or fondling.
5. Any person(s), including clients/families, who have been harassed by an employee, in the course of their employment with the Agency, may initiate a complaint.
 6. Both direct methods and indirect methods of behavior, such as telephone calls or written text, are covered by this policy.
 7. Complainants shall report any sexual harassment as soon as possible after it occurs.
 8. Complaints should be made in writing, signed and given to the Supervisor, who shall consult with the Manager/Administrator. After discussion with the complainant:
 - a. the Manager/Administrator shall give an opinion on whether or not the incident suggests sexual harassment;
 - b. regardless of the advisor's opinion, the complainant may proceed with a formal complaint. When the facts suggest sexual harassment, but the complainant does not wish to pursue the matter:
 - i. the Manager/Administrator may still proceed with the investigation; or,,
 - ii. the Manager/Administrator may take into account the wishes of the complainant. If the complainant wants to resolve the problem informally,



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- then the Manager/Administrator may meet with the alleged harasser to facilitate a mutually agreeable solution.
- c. when a formal complaint is made:
 - i. the investigation will be conducted in a confidential and discreet manner;
 - ii. the complainant will be kept informed at all phases of the investigation and resolution; and,
 - iii. the alleged harasser and/or complainant may have legal counsel as their representative.
 2. When investigating a complaint of sexual harassment:
 - a. the alleged harasser shall be given a copy of the written complaint;
 - b. the alleged harasser will be provided with a disclosure of the nature of the complaint and shall be given an opportunity to respond;
 - c. witnesses will be interviewed to obtain evidence that is relevant to the complaint;
 - d. the investigation findings shall be reviewed by with the complainant and the alleged harasser, with additional information being obtained, as indicated; and,
 - e. the complainant will be asked what outcome he/she would like to see;
 3. Both the complainant and the alleged harasser shall be informed of the findings and intended sanctions as soon as the investigation is complete.
 - a. If it is determined that no sexual harassment occurred, the findings will be communicated to the complainant.
 - b. If it is determined that sexual harassment has occurred, the harasser will be subject to discipline.
 4. Discipline, regardless of position in the Agency, may consist of one or a combination of the following:
 - a. a written apology;
 - b. referral or counseling;
 - c. a reprimand and written report to the employee's file;
 - d. reassignment;
 - e. suspension; and/or,
 - f. discharge from the Agency.
 5. If the investigation reveals that that complainant falsely accused another of sexual harassment, the complainant will be appropriately disciplined and the documentation will be kept in his/her personnel file.
 6. If retaliation is used against a complainant who reports an incident of sexual harassment, appropriate disciplinary action shall be taken against the retaliator.
 7. The Agency shall maintain a written record of each complaint of sexual harassment, how it was investigated and how it was resolved.

GUIDELINES



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1. The Agency shall develop a complaints procedure that will be confidential and discreet to the greatest extent possible.
2. The Agency will maintain a record of all reports of sexual harassment, the procedure(s) taken to deal with each incident and the sanction imposed.
3. Records will be kept under lock in the Agency Office and will only be accessible by current advisors and/or investigators of the complaint(s).
4. The Agency shall impose an appropriate sanction for every substantiated charge of sexual harassment, regardless of the status of the offender in the company.
5. Retaliation against victims of harassment advisors or investigators will not be tolerated.
6. Complainants will be notified promptly of the resolution of the complaint.
7. All employees shall receive training on sexual harassment.
8. A record of training shall be kept for all employees and shall include:
 - a. dates when training was given;
 - b. summary on what training was given;
 - c. names and credentials of person(s) providing the training; and,
 - d. names and positions of people attending the training sessions.Records are to be maintained for 3 years from the date of training.

FORMS

Standards of Conduct

REFERENCES

1. U.S. Equal Employment Opportunity Commission
2. Civil Rights Act of 1964 (Section VII)
3. National Criminal Justice Reference Service

Employee signature: _____ Date: _____

I may request a copy of this document

