

# Model Sexual Harassment Policy For Small Businesses & Start-Ups



**Leading Change  
in the #MeToo Era**

Below, you will find a model policy for small businesses and start-ups that includes all of the elements an effective sexual harassment policy should contain. While having a sexual harassment policy is not required by law, having a policy is strongly advised. Courts often will look unfavorably upon an employer who doesn't have a policy or who has a policy that is inconsistently applied or enforced. You may use this policy without crediting MaineCanDo.org.

**[Company] opposes illegal harassment. We are committed to preventing such conduct in our workplace and to taking prompt action to stop and to remedy illegal harassment if it occurs.**

[Company] is committed to a workplace free of illegal harassment. It is against our policy, and it is illegal under state and federal law, for any employee, of any gender, to engage in illegal harassment of another employee or group of employees based on characteristics or status of gender, sexual orientation, sexual identity, race, color, ethnicity, age, disability, religion, veteran status or any other protected status. [Company] is committed to preventing illegal harassment and to quickly identifying and remedying illegal harassment if and when it occurs.

## **Sexual harassment is illegal.**

Sexual harassment is a form of sex discrimination. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include conduct toward an employee of [Company] from a third party with whom the employee has to deal as part of their job, such as a client, vendor, or employee of another business. Just as an employee should not have to be exposed to, tolerate, or condone sexual harassment from a co-worker, third party harassment is illegal and unacceptable and is subject to this policy.

## **Some examples of sexual harassment include but are not limited to:**

- Explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties) on the provision of sexual favors;
- Touching or grabbing a sexual part of an employee's body;
- Touching or grabbing any part of an employee's body after that person has indicated, or it is known or should be known, that such physical contact was unwelcome;

## Examples of sexual harassment continued:

- Continuing to ask an employee to socialize on or off-duty when that person has indicated they are not interested;
- Displaying or transmitting sexually suggestive images, objects, graphics, videos or content;
- Texting, emailing, writing or otherwise sending sexually suggestive communications if it is known or should be known that the intended recipient does not welcome such behavior;
- Referring to or calling a person or persons a sexualized name;
- Regularly telling sexual jokes or using sexually vulgar or explicit language;
- Gestures, body language or other non-verbal conduct that is sexually suggestive and offensive;
- Derogatory or provoking remarks relating to an employee's sex, gender, or sexual orientation;
- Off-duty conduct that falls within the definition of illegal harassment and affects the work environment; and
- Retaliation of any kind against someone who has filed or supported a complaint of sexual harassment, including ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.

## Employees at every level of [Company] have a stake in preventing illegal harassment.

In addition to being against the law and [Company's] policy, illegal harassment has a negative effect on productivity, job satisfaction, team work, and an employee's sense of physical and emotional well-being at work. Its impact on those who experience it can be severe. The consequences of engaging in sexual harassment includes serious discipline, up to and including termination. It is in every employee's interest to avoid engaging in illegal harassment and to refuse to tolerate or condone it.

## [Company] expects and requires employees to treat each other with respect.

[Company] expects and requires all employees to treat each other with respect and professionalism. Conduct that does not rise to illegal harassment may nevertheless fall below [Company's] standards and expectations for professional conduct, and such conduct may be the cause of discipline.

## What to do if you think you or another employee are being illegally harassed.

If you believe that you have experienced sexual or other illegal harassment, you are [required] [requested] to inform [supervisor], [Human Resources], [designated manager] or [CEO]. If you believe that another employee is being subjected to sexual or other harassment, the same expectation applies. We will treat the concern with as much confidentiality as possible. We will investigate appropriately and immediately and take prompt and appropriate remedial action if warranted. You are protected by law, by policy, and by our commitment from any retaliation based on your action or cooperation in making a complaint or bringing a concern to our attention.

## What [Company] will do if illegal harassment occurs.

Any employee, supervisor, or manager who has been found by [Company] to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal. [Company] will take appropriate and prompt action to stop illegal harassment from any third party who has been found to have harassed a [Company] employee.

## Maine Human Rights Commission.

While [Company] has an effective complaint process and acts promptly to address any concern or complaint of illegal harassment by any employee, employees have the legal right to file a complaint of sexual harassment with the Maine Human Rights Commission and are protected by law from retaliation for exercising this right:

Maine Human Rights Commission  
State House Station #51  
Augusta, Maine 04333  
(207) 624-6050

**The information contained in this document is not intended to be legal advice and is for informational purposes only. If you need legal advice, please contact an attorney. For additional information and resources, please visit [mainecando.org](http://mainecando.org).**