

MAINE STATE GOVERNMENT WORKPLACE BULLYING POLICY

I. Policy Statement

The State of Maine will not tolerate Workplace Bullying by or toward an employee, contractor, vendor, client, customer, or any individual who does business with the State.

II. Definitions

“Workplace Bullying” means conduct a reasonable person could find threatening, intimidating, or humiliating, or conduct that a reasonable person could feel undermines work performance. Generally, it is consistent and repeated conduct, unless the conduct was particularly egregious. Workplace Bullying is more than just a disagreement between employees or a personality conflict and does not include regular supervisory conduct, including performance management and placing an employee on performance improvement plan.

“State Harassment Policy” means the policies prohibiting discrimination and harassment. These policies include, but are not limited to, the Policy on Nondiscrimination in Employment, Policy Against Harassment, and EEO Complaint Policy under the State’s [Policy and Practices Manual](#).

III. State Harassment Policy

This Workplace Bullying Policy does not alter, amend, or abrogate the State’s Harassment Policy. In the event that alleged behavior falls under both this Policy and the State Harassment Policy, the State Harassment Policy shall control. However, certain behavior may be prohibited under this Policy but not the State Harassment Policy.

IV. Coverage of this Policy

This Policy shall apply to all employees, supervisors, managers, directors, Agency/Department heads, and contractors. Workplace Bullying may be committed by a supervisor against a subordinate, by a subordinate against a supervisor, or among employees without a subordinate-supervisor relationship or against members of the public, contractors, vendors, or clients.

This Policy does not prohibit regular supervisory conduct, including but not limited to:

- A. Reasonable constructive feedback and criticism;
- B. Performance Management, including placing an employee on a performance improvement plan.
- C. Reporting alleged misconduct;
- D. Participating in authorized personnel investigations;
- E. Taking disciplinary action against a subordinate for misconduct; and/or
- F. Proposing termination or other employment action.

V. Examples of Workplace Bullying.

Examples of conduct that may constitute Workplace Bullying include, but are not limited to, the following types of conduct:

- A. Conduct a reasonable person could feel undermines work performance, such as:
 - 1. Withholding necessary information;
 - 2. Purposely giving wrong information;
 - 3. Belittling a person's opinions (especially in front of others);
 - 4. Setting unfair expectations;
 - 5. Excluding an employee from meetings and other work events;
 - 6. Sabotaging an employee's work performance, or destroying an individual's work product; and
 - 7. Excessive scrutiny or monitoring of an employee's work beyond constructive criticism that is reasonable and warranted.

- B. Conduct a reasonable person could find threatening, intimidating, or humiliating, such as:
 - 1. Pestering, spying, or intruding on one's privacy (unless authorized);
 - 2. Spreading malicious rumors;
 - 3. Yelling or using profanity;
 - 4. Threatening conduct;
 - 5. Criticizing a person publicly;
 - 6. Blaming someone for something they can't control;
 - 7. Derogatory remarks, insults, and epithets;
 - 8. Physical violence or threats of violence.

VI. Application to In-person and Virtual Workplace Bullying Conduct

The above list includes in-person conduct as well as conduct that takes place by text or e-mail, through the use of social media, or over the internet.

VII. Reporting Workplace Bullying

Employees should report bullying behavior that they experience or witness to their supervisor, any other member of management, or Human Resources. The State of Maine will respond promptly to allegations of Workplace Bullying and will investigate all plausible complaints. The State of Maine will handle all complaints of Workplace Bullying in accordance with its [EEO Complaint Procedure](#).

VIII. No Retaliation

Employees are prohibited from retaliating against individuals who raise complaints of Workplace Bullying or participate in investigations of Workplace Bullying allegations.

IX. Disciplinary Action for Workplace Bullying

The State of Maine will take appropriate disciplinary action, up to and including termination of employment, against any employee who has engaged in Workplace Bullying or retaliated against individuals who have alleged or participated in investigations related to alleged Workplace Bullying.

X. Effective Date

The effective date of this Policy is December 1, 2024.