

New Law Means Change for Maine Employers

Written by Janet Judge in the Maine Business & Employment Law

This past November, voters in Maine decided *not* to repeal a law establishing anti-discrimination protection to individuals regardless of sexual orientation or gender identity. By “Voting No on 1”, Maine became the last of the New England states to extend anti-discrimination protections to its citizens. The new law is incorporated into the existing employment, education, housing, credit, and public accommodation provisions.

The law prohibits any sort of discrimination against an employee who is straight, gay or bisexual and also those who are transsexual, transvestites or have had sexual reassignment surgeries.

Sexual orientation now joins the list of protected classifications including race, color, sex, physical or mental disability, religion, ancestry, or national origin. The new law also prohibits certain pre-hire actions on the part of employers:

- ✗ Eliciting or attempting to elicit information pertaining to sexual orientation.
- ✗ Making or keeping a record of the sexual orientation of employees.
- ✗ Printing or publishing any notice or advertisement relating to employment indicating any preference in regard to sexual orientation.
- ✗ Establishing, announcing or following any policy or procedure denying or limiting employment opportunities to any person based on sexual orientation.

The law also applies to educational institutions. It prohibits such institutions from excluding participation in, denying benefits of, or discriminating against any individual because of their perceived sexual orientation in any academic, extracurricular, research, occupational training or any other program or activity. It also protects:

- ✗ Equal participation in athletic programs;
- ✗ Admission to the institution or program through recruitment; and
- ✗ Financial assistance availability and opportunity.

Employers need to make sure that each employee understands and follows the new rules and guidelines outlined by the new law and act in accordance with its provisions. ***One quick and strong statement is to add sexual orientation to the company’s harassment avoidance policy.*** In addition, employees should attend harassment avoidance training that incorporates the protections set forth in the new law. Training is especially important for supervisors and those involved in hiring, evaluation and termination decisions.

Updating policies and conducting effective training is a good way to incorporate the law’s new protections into the workplace. Treating employees fairly is the best way to comply with the employment provisions act of the MHRA, per Janet Judge.

Need help adjusting your business to the new law?
Call our offices today, at (207) 773-4800, for more information on how D. Gallant Management Associates can help bring your business into compliance.



DID YOU KNOW...

*Source: Human Resource Executive
December 2005*

The 10 best companies for people management according to *Fortune* magazine’s annual

“Most Admired Companies” rankings:

- ❖ **Kinder Morgan Energy Partners**
- ❖ **General Electric**
- ❖ **American Express**
- ❖ **FedEx**
- ❖ **Anheuser-Busch**
- ❖ **Starbucks**
- ❖ **Berkshire Hathaway**
- ❖ **Fortune Brands**
- ❖ **Procter & Gamble**
- ❖ **UnitedHealth Group**

Interesting, these companies are also the ones with the best **profitability overall** ...

Treating your employees well and managing them correctly increases the success of your business!





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D. Gallant Management Associates has been asked to assist our clients with the following searches:



Patient Accounts Manager
Strafford Health Alliance – Somersworth, NH

Director of Human Resources
Maine Turnpike Authority – Portland, ME

Director of Human Resources
Pine State Trading Company – Augusta, ME

Director of Human Resources
Emery Waterhouse Co. – Portland, ME

VP of Lending & Branch Administrator
York County Federal Credit Union

Senior Cost Analyst
Pioneer Plastics – Auburn, ME

Physicians Assistant
Small Portland-based Specialty Medical Practice

VP Director of Clinical Operations
Intellicare, Inc. – So. Portland, ME

General Manager
Portland House of Pizza – Portland, ME

Call our offices today at (207) 773-4800, for more details, and/or to give us a name of someone you might recommend for one of these openings.



Check out our new website!

www.dgallant.com

Our new and improved website is a great resource to find information on:

- ▶ Current Job Postings
- ▶ Detailed Descriptions of our Services
- ▶ Our Hugely Successful Interactive Customer Service Training Game
- ▶ What's New in the World of HR
- ▶ Important Contact Information
- ▶ Up-to-date Listing of Our Many Clients

the *President's Corner...*

Recruiting & Retaining Talent

Few managerial decisions are as important as finding the right people for the jobs. In a world where human assets have become the key differentiator between competing firms, the quality and capabilities of the people you bring onto your team will determine its success – and yours as a manager.

Before you can make a good hiring decision, you need to know exactly what you are looking for. It is important to determine which skills and personal attributes will be a good "fit" with the requirements of the job and the organization.

- Review the job description, job scope and "real" candidate requirements.
- Develop a selection model for this job in your culture.
- Establish a strategy for recruitment.
- Effectively screen the resumes and applications.

Gaining access to qualified candidates is critical to the success of your hiring effort. You can accomplish this by getting the word out through as many appropriate channels as possible. However, a large pool of mediocre candidates isn't nearly as valuable as a small pool of *qualified* candidates. Using targeted, relevant channels to get the word out about your position can help ensure that the proportion of qualified candidates in your pool is as high as possible.

Tips for Finding the Right Person:

- Consider current employees.
- Look outside your organization to bring in new outlooks, skills, and experiences.
- Know what kind of person you are looking for in order to locate a good fit.
- Remember that the best predictor of future performance is past performance.
- Remember that the right education + the right experience + a compatible personality = a good fit.

We would welcome the opportunity to review an existing recruitment plan or to write a brand new plan from scratch, whichever is applicable. Our approach would be specifically tailored to your organization's needs.

~ Deb



FYI

Section

A California jury awarded \$172 million in a class-action lawsuit to employees of Wal-Mart, the world's largest retailer. Employees claimed they were illegally denied a 30-minute, unpaid lunch break after working at least six hours in a row. This is the first of nearly 40 lawsuits alleging workplace violations against Wal-Mart to make it to court. Wal-Mart settled a similar suit in Colorado last year for \$50 million, without trial.