

Policy Against Workplace Harassment

The Company and the Worksite Employer are committed to maintaining a work environment that is free from all forms of harassment including but not limited to sexual harassment. Accordingly, any employee who is found to have engaged in any form of conduct that could be viewed as harassment sexual or otherwise, will be subject to appropriate disciplinary action, up to and including termination of employment.

Definition of Harassment

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Harassment is verbal or physical conduct that denigrates or demonstrates hostility or aversion towards an individual because of race, color, religion, age, sex, sexual orientation, national origin, handicap, marital status, veteran status or any other legally protected condition. The Company will not tolerate behavior that is inappropriate or offensive and has the purpose of creating an intimidating or hostile work environment, unreasonably interferes with an individual's work performance or adversely affects an individual's employment opportunity.

Examples of harassing conduct include epithets, slurs, taunts, negative stereotyping, graphic material, jokes or pranks that relate to race, color, religion, age, sex, sexual orientation, national origin, handicap, marital status, veteran status or any other legally protected condition.

Definition of Sexual Harassment

Sexual Harassment is unwelcome or unwanted verbal or physical conduct, such as sexual advances, requests for sexual favors, sexually explicit material or statements and other verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment

While it is not possible to list all types of conduct that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment (depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness):

- Unwelcome sexual advances, whether they involve physical touching or not

- Sexual epithets, jokes, written or oral references to sexual conduct gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

The types of behavior described above as examples of harassment are unacceptable not only in the workplace, but also in other work-related settings such as business trips or business-related social events. Moreover, harassment will not be tolerated whether the offender is a supervisor, co-worker, vendor or client and will be dealt with accordingly.

Complaint Procedure

Any employee who believes that he or she is being, or has been, harassed or otherwise subjected to inappropriate conduct by a supervisor, co-worker, vendor, client or anyone else associated with the Worksite Employer, should immediately alert the President/CEO of the Worksite Employer who is designated to receive all such complaints. Alternatively, if you are not comfortable bringing the situation to this individual, then directly contact your supervisor at the Company. At that point you will be asked to provide specific information about the alleged harassment and may be asked to sign a written statement. While a written statement is preferred, allegations supported only by a verbal complaint will be investigated.

The following guidelines will be followed upon receipt of a complaint

- (1) An investigation will be undertaken utilizing any notes, recordings, photographs, physical evidence or other documentation regarding the harassment provided by the complaining employee. The investigator will endeavor to discover additional information as well.
- (2) The investigation will include confrontation of the alleged harasser by the investigator. In no case will the complaining employee be required to directly confront the alleged harasser or discuss the allegations in the presence of the alleged harasser.
- (3) If the complaining employee so requests, efforts will be made to keep his/her identity confidential from the alleged harasser. Because the primary objective of the investigation is to discover and eliminate harassment, the complaining employee may have to be identified on an "as needed" basis.

- (4) Generally, the allegations and the investigation will be kept confidential with the information shared on a need-to-know basis only in order to protect all persons involved, the Company and the Worksite Employer. Employees involved in an investigation of workplace harassment, either as the accuser, the accused, the investigator or as a witness, are asked to keep all information relating to the investigation strictly confidential, both inside and outside the Worksite Employer, except where necessary, such as reporting to a governmental agency.
- (5) The alleged harasser will be given the opportunity to explain his or her recollection of the events, to identify potential witnesses and to offer any additional information to the investigator.
- (6) The investigator will prepare a report of his or her investigation. To the extent appropriate, both the complaining employee and the accused will be advised as to the outcome of the investigation. The Company will make the final determination as to the appropriate disciplinary action to be taken in the event harassment has been found to occur.
- (7) Any person who retaliates against another individual for reporting any perceived acts of harassment or for cooperating with an investigation will be subject to disciplinary action, up to and including termination. The Company recognizes, however, that false accusations can cause serious harm to innocent people. If an investigation results in a finding that the complainant knowingly, or in a malicious manner, falsely accused another person of harassment or discrimination, the complainant will be subject to disciplinary action, up to and including termination.
- (8) The complaining employee will be instructed to bring to the attention of the investigator any future recurrences of harassment by the alleged harasser, another employee of the Worksite Employer or any other person involved with the Worksite Employer. In addition, the Company and the Worksite Employer will make efforts to monitor behavior and will follow up with the complaining employee to verify that inappropriate behavior has not continued.

The Company and the Worksite Employer will not tolerate sexual, racial, ethnic or any other form of harassment by anyone, of anyone. Any employee found to have committed acts that are considered to be workplace harassment will be subject to disciplinary action, including immediate termination of employment.