

Handbook Excerpt

4.3 | Harassment Policy including Sexual Harassment

This policy applies to all persons involved in the operation of the Company and prohibits unlawful harassment by any Employee of the Company, including supervisors and co-workers, as well as customers and vendors. The Company expressly prohibits any form of unlawful Employee harassment on the basis of race, religion, color, national origin, disability, age, sex or any other basis protected by federal, state or local law including sexual harassment. This policy also prohibits harassment in retaliation for having brought a complaint of or having opposed harassment and/or for having participated in the complaint process. Any Employee found to have engaged in unlawful harassment is subject to disciplinary action up to and including dismissal. Employees who become aware of possible unlawful harassment should promptly contact the Human Resources Department or the Confidential Reporting Hotline offered by Lighthouse Services at (855)400-7008.

Managers and supervisors who know or should have known of unlawful harassment and fail to report such behavior, or fail to take immediate, appropriate, corrective action, will be subject to disciplinary action up to and including termination. One example of unlawful behavior is “sexual harassment.” For purposes of this policy, the term “sexual harassment” means unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct or communication of a sexual nature when:

- ❖ submission to such conduct or communication is made either explicitly or implicitly a term or condition of the individual’s employment; or,
- ❖ submission or rejection of such conduct or communication by an individual is used as a basis for employment decisions affecting such individuals; or,
- ❖ such conduct or communication has the purpose or effect of unreasonably interfering with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

The following is a partial list of examples of prohibitive behavior and is not intended to be all inclusive.

- ❖ Verbal: Sexual advances or propositions or threats; continuing to express interest after being informed the interest is unwelcome; use of sexual innuendoes; suggestive or insulting comments or sounds, including whistling; sexual jokes or teasing of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; and any other abuse of a sexual nature either in person or through email, voice mail, or any other media.
- ❖ Visual: Display of sexually suggestive objects, pictures or letters; leering; obscene gestures; sexually suggestive or offensive graffiti; and/or emails containing words of a sexual nature.
- ❖ Physical: Unwanted physical contact including offensive touching, pinching, brushing the body, impeding or blocking movement, unwanted sexual intercourse or other unwanted sexual acts; sexual assault or battery.

Retaliation against Employees who report harassment or assist in investigating charges of harassment is prohibited. Any Employee found to have engaged in retaliatory action or behavior will be subject to discipline. Any Employee who feels that he or she has been retaliated against for having brought a complaint of or having opposed such harassment and/or for having participated in the complaint process must bring the matter to the attention of the Human Resources Department. To protect the interests of the complainant, confidentiality will be maintained to the extent practicable and appropriate under the circumstances.

The Company will investigate all allegations of unlawful harassment promptly. If, as a result of an investigation, the Company determines that a violation of this policy has occurred, prompt and appropriate remedial action will be taken to eliminate the policy violation and to insure that it does not recur.

The Company prohibits any form of retaliation against any Employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. If, however, after investigating any complaint of harassment or unlawful discrimination, the Company determines that the complaint is not bona fide or that an Employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint and/or who gave the false information.

Any Employee who believes that he or she has been unlawfully harassed should immediately inform the offending individual that the behavior is unwelcome and should cease. The incident should be reported to the supervisor, terminal manager, or Human Resources Department. Supervisors, terminal managers or any other member of management should report any such incidents to the Human Resources Department immediately.