


Human Resources	Document No. HR08-017	Revision Level: 1	
	Description: NEW YORK SEXUAL HARASSMENT POLICY		

1.0 PURPOSE

- 1.1 The Company is committed to maintaining a workplace free from sexual and other unlawful harassment. Any employee who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

2.0 SCOPE

- 2.1 This policy applies to employees, applicants, paid or unpaid interns, contractors and other persons conducting business with the Company. It is designed to supplement the Company's other policies and procedures relating to equal employment, anti-discrimination, anti-harassment, and related matters.

3.0 RESPONSIBILITY

- 3.1 All employees who engage in business activities in New York State.


4.0 DEFINITIONS AND EXAMPLES OF PROHIBITED TYPES OF HARASSMENT

- 4.1 Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. The Company prohibits sexual harassment, including verbally or physically harassing conduct such as words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex (including that individual's pregnancy, childbirth, breastfeeding, or medical conditions relating to pregnancy, childbirth or breastfeeding), sexual orientation or gender (including that individual's gender identity and gender expression), regardless of the harasser's sex or gender. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:
- 4.1.1 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the target of the sexual harassment;
 - 4.1.2 Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - 4.1.3 Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- 4.2 A type of sexual harassment known as "quid pro quo" harassment occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms conditions or privileges of employment. Only supervisors and managers are deemed to engage in this kind of harassment, because co-workers do not have the authority to grant or withhold benefits.
- 4.3 The Company will not tolerate any form of sexual harassment, regardless of whether it is:
- 4.3.1 Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, suggestive or obscene letters, unwelcome sexual advances or requests for sexual favors);
 - 4.3.2 Physical (for example, assault, inappropriate physical contact or impeding or blocking movements);
 - 4.3.3 Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures); or
 - 4.3.4 Retaliatory (for example, threatening retaliation or taking retaliatory action).

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4.4 This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated. The Company prohibits sexual harassment by employees, other workers and representatives (including vendors, customers and visitors). Harassment can occur in the workplace, after hours, or on social media. It should always be reported and will not be tolerated by the Company. Employees of any level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or knowingly allow such behavior to continue, will be subject to remedial and/or disciplinary action, up to and including termination of employment.

5.0 RETALIATION

5.1 The Company will not retaliate against any employee for exercising their rights in accordance with this policy. Employees shall not be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assist in any investigation of a sexual harassment complaint. Such retaliation is unlawful under federal, state, and (where applicable) local law.

5.2 An employee who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination of employment. Employees who believe they have been subject to such retaliation should inform their immediate Supervisor, the Human Resources department or any other member of Management. If the subject of the complaint is the immediate Supervisor, the employee may make the complaint directly to the Human Resources department or another member of Management who is not the subject of the complaint. If the subject of the complaint is one of these members of Management, or if the employee does not feel comfortable taking the complaint to a particular member of Management, the employee may make the complaint directly to a different member of Management described above.

6.0 REPORTING SEXUAL HARASSMENT

6.1 If you are subjected to any conduct that you believe violates this policy or witness any such conduct, you must promptly report the conduct, either orally or in writing, to your immediate Supervisor, the Human Resources department or any other member of Management. If the subject of the complaint is the immediate Supervisor, the employee may make the complaint directly to the Human Resources department or another member of Management who is not the subject of the complaint. If the subject of the complaint is one of these members of Management, or if the employee does not feel comfortable taking the complaint to a particular member of Management, the employee may make the complaint directly to a different member of Management described above. Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. A written complaint form is available from Human Resources; employees are encouraged to use this form.


6.2 Supervisors and managers who observe harassing conduct, or who receive any complaints of misconduct must report the conduct or complaint to Human Resources so that an investigation can be made and corrective action taken, if appropriate. Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

6.3 The Company will ensure that a fair, timely, and thorough investigation is conducted by qualified personnel in an impartial manner that provides all parties with appropriate due process and reaches reasonable conclusions based on the evidence collected. The Company will maintain appropriate documentation and tracking to ensure reasonable progress is made. At the close of the investigation, the Company will consider appropriate options for remedial actions and resolutions. If misconduct is found, the Company shall take prompt, corrective action, up to and including termination of

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employment as appropriate. The Company will maintain confidentiality to the extent possible. You will be informed of the results of the investigation.

- 6.4 The Company is committed to enforcing this policy. The effectiveness of our efforts depends in part on employees telling us about inappropriate workplace conduct. If you feel that you or someone else may have been subjected to conduct that violates this policy, you should report it immediately.
- 6.5 In addition to the Company’s internal process for reporting harassment, any person who believes they have been subjected to conduct in violation of this policy has the right to contact and file a complaint with various governmental agencies. A complaint alleging violation of the New York Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court. The DHR serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.
- 6.5.1 If the DHR finds probable cause to establish that harassment occurred, it can order a public hearing before an administrative law judge.
 - 6.5.2 If discrimination is found after a hearing, DHR can order monetary damages and fines, promotion, reinstatement or changes in company policies. You may file a complaint with the DHR within one year of the alleged harassment.
 - 6.5.3 If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. Complaining internally to the Company does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (42 U.S.C. § 2000e et seq.). You can file a complaint with the EEOC, at no cost, within 300 days from the harassment. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC. The EEOC may be contacted by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If you file a complaint with DHR, DHR will file the complaint with the EEOC.

7.0 REFERENCES

- 7.1 HR08-017-1 New York Sexual Harassment Complaint Form

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8.0 DOCUMENT CONTROL INFORMATION

8.1 APPROVAL AUTHORITY

WRITTEN / REVISIED BY	APPROVED BY	APPROVAL (Initials/Signature)	DATE
Bruce Gallagher / Jody Maze	Bruce Gallagher & Bunny Comilla	BG & BC	4/12/2019

8.2 REVISION HISTORY

REV. #	REV. DATE	SCN No.	REVISED BY	CHANGES
1	4/12/2019	19-119	Jody Maze	Initial launch
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