



# ANTI-HARASSMENT POLICY

**ESS IS COMMITTED TO PROVIDING A WORK ENVIRONMENT THAT IS FREE OF DISCRIMINATION AND UNLAWFUL HARASSMENT.**

## UNLAWFUL HARASSMENT

The Company prohibits unlawful harassment, discrimination, or retaliation in the work environment on the basis of any characteristic protected by local, state and federal anti-discrimination laws.

Unlawful harassment is defined as unwelcome verbal, physical, written, or visual conduct that is severe enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Additionally, if the conduct denigrates or shows hostility or aversion towards an individual because of any characteristic protected by law, including but not limited to race, color, religion or creed, national origin or ancestry, sex (including sexual orientation and gender identity), pregnancy, age, physical or mental disability, veteran status, genetic information, citizenship, or that of his or her relatives, that:

- A** Has the purpose or effect of creating an intimidating, hostile or offensive work environment

- B** Has the purpose or effect of unreasonably interfering with an individual's work performance, or

- C** Otherwise adversely affects an individual's employment opportunities.

**STILL PAYING ATTENTION?**

**GOOD. BECAUSE THIS NEXT PART IS REALLY IMPORTANT.**

## WHAT ARE THE FORMS OF UNLAWFUL HARASSMENT?

We're glad you asked. It can be physical, verbal, visual or in writing. Examples of the types of behavior that can lead to unlawful harassment may include, but are not limited to, the following statements, behaviors, or documents:

- **Epithets, slurs, or negative stereotyping** (including verbally or in writing) that relate to race, color, religion, national origin, ancestry, marital/familial status, age, veteran's status, sexual orientation, pregnancy, or disability;
- **Threatening, intimidating, or hostile acts** that relate to race, color, religion, gender, national origin, ancestry, marital/familial status, age, veteran's status, sexual orientation, pregnancy, or disability;
- **Written or graphic material** that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, veteran's status, sexual orientation, pregnancy, or disability, including emails, material that is placed on walls, bulletin boards, sky writing, or elsewhere on ESS premises, or circulated in the workplace.

## SEXUAL HARASSMENT

Sexual harassment in the work environment, by all employee-owners, clients, trade partners and visitors of ESS is a prohibited form of discrimination/harrassment and will not be tolerated.

Unlawful sexual harassment is defined as unwelcome behavior of a sexual nature, whether or not motivated by romantic or sexual desire, such as sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, either by a person of the same sex or of the opposite sex, when such behavior:

- A** Has the purpose or effect of creating an intimidating, hostile, abusive or offensive work environment

- B** Has the purpose or effect of unreasonably interfering with an individual's work performance

- C** Has the purpose of constituting an explicit or implicit condition of employment

- D** Is used as a basis for employment-related decisions such as promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development

- E** Otherwise adversely affects an individual's employment opportunities

**EXAMPLES OF BEHAVIORS THAT CAN LEAD TO SEXUAL HARASSMENT INCLUDE, BUT ARE NOT LIMITED TO:**

- A** Touching that is not necessary or welcome;
- B** Physical assault or sexual abuse
- C** Sexual flirtation, advances, or propositions that are not welcome;
- D** Demands, requests, or direct or indirect pressure for sex, sexual activity or dates, including requests for sexual favors;
- E** Jokes, remarks, language, statements, printed materials, emails, cartoons or posters that are offensive, sexual and are unwelcome;
- F** Physically interfering with someone doing their job or blocking their movement, including physical contact such as pinching, hugging or intentionally brushing against another individual's body in a way that is not welcome;
- G** Explicit or degrading remarks about someone's appearance or their body; or
- H** Making sexual gestures or suggestive facial expressions.

This policy protects all individuals working at ESS and its family of brands. It covers men as well as women and prohibits sexual harassment between persons of the same sex as well as between persons of the opposite sex. It applies to a co-worker relationship, and a reporting relationship.

## HARASSMENT REPORTING PROCEDURES

The Company will not tolerate, condone or allow sexual or other unlawful harassment or discrimination (see Equal Opportunity Policy). ESS requires reporting of all incidents of sexual or other unlawful harassment or discrimination. The Company has established a specific procedure for reporting concerns about harassment or discrimination at this Company.

If you believe that you are being subjected to harassment or discrimination by managers, employee-owners, or any other persons you deal with at work, you have the option of:

- **Notifying the antagonist of these actions and requesting they stop the behavior immediately,**
- **Immediately reporting concerns to your supervisor, or**
- **Directly notifying our EEO officer at [EEO@EMERYSAPP.COM](mailto:EEO@EMERYSAPP.COM)**

**WE WILL INVESTIGATE.**

Any incident reported in accordance with the procedure described in this policy (whether reported verbally or in writing) will be investigated. Complaints and actions taken to resolve complaints of sexual harassment will be handled as confidentially as possible, given the employer's obligation to investigate and act upon reports of such harassment. However, confidentiality cannot be guaranteed.

**NO RETALIATION.**

ESS strictly prohibits employee-owners from retaliating against an employee-owner who makes a good faith claim of sexual or other illegal harassment or discrimination or against an employee-owner who participates in an investigation of harassment or discrimination.

**WHAT DISCIPLINARY ACTION COULD THE COMPANY TAKE?**

Again, fantastic question. The Company may take such disciplinary action it deems necessary and appropriate, which may include warnings, paid or unpaid suspensions, transfers, discharge from employment, or any other remedy it deems appropriate to address unlawful harassment or other inappropriate conduct and prevent its recurrence.

Violation of this harassment policy by any manager, supervisor or employee-owner, including retaliation against a person who brings a good faith claim pursuant to this policy or against a person who participates in an investigation pursuant to this policy, will result in discipline up to and including discharge from employment.

**HARASSMENT REPORTING RESPONSIBILITIES FOR SUPERVISORS**

**Heads up, Supervisors. You have a responsibility to report any and all alleged violations of ESS' Anti-Harrassment or Equal Opportunity policies.**

Supervisors and managers must **immediately** report all incidents of suspected or reported harassment or discrimination to the EEO Officer at [EEO@emerysapp.com](mailto:EEO@emerysapp.com) or your HR business partner. Each supervisor and manager is responsible for promoting and maintaining a work environment free of prohibited discrimination and harassment. We're counting on you. Any reported incident will be investigated.

Any supervisor or manager who is aware of an alleged violation of this policy by employee-owners or other persons and who fails to immediately report the alleged violation to senior management, EEO officers, or HR business partners will be subject to disciplinary action, up to and including discharge from employment.