

## DISCRIMINATION, HARASSMENT & ACCOMMODATION

We are committed to providing a work environment free of harassment, retaliation, disrespectful, bullying or other unprofessional conduct. Our policy prohibits conduct that is disrespectful, unprofessional as well as harassment based on race, color, creed, gender (including gender identity, gender, transgender and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices) marital status, registered domestic partner status, age, ancestry, national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), or physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding or related medical condition), genetic information, sexual orientation, veteran status or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Irrespective of law, we believe that all such harassment is both morally wrong and offensive. You have a right to responsibly resist any harassment without fear of retaliation. You have a responsibility to report any act of harassment or any attempt at retaliation.

Our "zero tolerance" anti-harassment policy applies to **all** persons involved in its operations and prohibits harassment by any employee, client, vendor or delivery person during work time and training sessions and off-duty time including meal and break time as well as social gatherings. This policy also applies to activity outside our premises, our vehicles or our job sites and other locations used for our business. Harassment in any form, including verbal, physical and visual conduct, threats, demands and retaliation, is prohibited.

### **PAY DISCRIMINATION**

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, we are not obligated to disclose the wages of other employees.

### **ANTI-RETALIATION**

We also prohibit retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations. Discrimination can

also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. All such discrimination is Unlawful.

### **DESCRIPTION**

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by our policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

Employees should tell their co-workers when the co-worker's behavior with others is unwanted, unwelcome or offensive.

Employees may have a claim of harassment even if they have not lost a job or some other economic benefit. The law prohibits any form of protected-basis harassment which impairs an employee's working ability or emotional well-being at work.

If employees believe they are being harassed on the job because of their sex, sexual orientation, gender, race, ancestry or other protected basis, they should use the procedure outlined in this policy to file a complaint and have it investigated.

### **REASONABLE ACCOMMODATION**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, we will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact one of our representative with day-to-day personnel responsibilities and discuss the need for an accommodation. We will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job.

An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact one of our representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, we will make the accommodation.

We will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

### **COMPLAINT**

Notification is essential. We cannot address a problem of harassment unless we know about it. Therefore, it is important that employees report those matters to any member of management who is not involved in the alleged harassment as soon as possible so that the problem can be corrected. The report should include the details of the incident or incidents, the names of the individuals involved and the names of any witnesses.

### **INVESTIGATION**

All complaints of harassment will be investigated promptly. The investigation may include interviews with the complainant, the alleged harasser and any witnesses.

### **REMEDY**

If we determine that harassment has occurred, we will take appropriate remedial measures which will be designed to deter future harassment. We will not retaliate against employees for filing complaints and will not knowingly permit retaliation.

We encourage all employees to report all incidents forbidden by this policy immediately so that complaints can be quickly and fairly resolved. This includes all victims and witnesses.

### **CALIFORNIA DFEH**

Employees should also be aware that the California Department of Fair Employment and Housing investigates and prosecutes complaints of prohibited harassment in employment. Employees who believe they have been (1) harassed, or (2) retaliated against for responsibly resisting the prohibited conduct or because they notified management, may file a complaint with that Department. The nearest Department office is listed in the telephone book. The Department will investigate the complaint. If the complaint has merit, the Department will attempt to resolve it. If no resolution is possible, the Department may prosecute the case with its own attorney before the Fair Employment and Housing Commission. The Commission may order the harassment stopped and may require our firm to pay money damages and reinstate the complainant or give other appropriate relief.

### **SUPERVISOR/SUBORDINATE RELATIONSHIPS**

In an effort to avoid any actual or perceived favoritism, we prohibit personal relationships between supervisors and their department staff. Should such a situation develop, alternative options will be pursued which may include reassignment, transfer or termination.

If a romantic or sexual relationship between a supervisor/manager and an employee they supervise should develop, it shall be the responsibility and mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to Personnel. The employee may make the disclosure as well, but the burden of doing so shall be upon the supervisor/manager.

By its discouragement of romantic and sexual relationships, our firm does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment; and the policy articulated above is not to be relied upon as justification or excuse for a supervisor's/manager's refusal to engage in such social interaction with employees.

Discrimination & Harassment New.wpd



Courtesy Pacific Employers

