



## **Staffworks, Inc.**

### **Anti-Harassment & Anti-Discrimination Policy and Reporting Procedure**

**Purpose:** It is Staffworks policy to prohibit discrimination, harassment, or retaliation. Staffworks prohibits harassment of any individual (including employees, contractors, subcontractors, vendors, consultants or other persons providing services in the workplace pursuant to a contract) on the basis of any protected classification including, but not limited to, race, color, national origin, disability, genetic information, predisposition or carrier status, religion, marital and familial status, military or veteran status, sex, sexual orientation, gender identity, transgender status, age, domestic violence victim status, known relationship or association with a member of a protected class, or any other characteristic protected by law. The purpose of this policy is to ensure that in the workplace, no one is subject to harassment or discrimination.

- Harassment is defined as subjecting anyone to unwanted advances, intimidation, persistent inappropriate language or other inappropriate actions of any nature.
- Discrimination is defined as treating an employee who is a member of a protected category identified above in a disparate or unequal manner.

Harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor or manager, or harassment by persons doing business with or for Staffworks.

**Policy:** This policy applies to all applicants, temporary staff, and permanent employees, and prohibits harassment, discrimination and retaliation whether engaged in by a fellow employee, supervisor or manager, or a third party not employed by Staffworks (e.g., a customer, an outside vendor, consultant or member).

This policy prohibits both behavior that constitutes unlawful harassment, and inappropriate behavior that may reasonably be considered offensive or otherwise inappropriate. This behavior is prohibited in the workplace, during business related travel, at Staffworks functions whether on or off Staffworks premises, and in each and every situation that may impact the work environment. This policy will be provided to all employees and will be posted prominently in all work locations to the extent practicable and will be provided to employees upon hiring.

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

1. submission to the conduct is made as a term or condition of employment
2. submission to or rejection of the conduct is used as basis for employment decisions affecting the individual
3. The conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment.

While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include:

- Unwelcome sexual advances or propositions;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making obscene or sexual gestures, displaying sexually graphic pictures, calendars, posters, objects, or cartoons;
- Written conduct, such as authoring or sending threatening, sexually explicit, sexually suggestive, or obscene letters, e-mails, text messages (“sexting”), or social media posts;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any Employee’s body or dress;
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual’s body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations; and
- Physical conduct such as touching, pinching or patting, assault, or impeding or blocking movements.

**Other Prohibited Harassment:** Harassment may include conduct (both overt and subtle) that demeans another person or shows hostility toward an individual because of a protected characteristic. Prohibited harassment because of an employee’s membership in a protected class (as outlined above), includes behavior similar to sexual harassment such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Written conduct such as authoring threatening, derogatory or offensive letters or correspondence (including e-mails, text messages and social media posts);
- Physical conduct such as assault, unwanted touching, or blocking normal movement; and
- Retaliation for reporting harassment or threatening to report harassment.

**Reporting Process:** If a temporary employee experiences, witnesses, or otherwise becomes aware of conduct that violates this policy, the employee should immediately report the matter to their Staffing Coordinator or Client Manager. If the person toward whom the report is directed is one of the individuals indicated above, or if the employee believes that a report cannot be made to either their Staffing Coordinator or Client Manager, the employee should contact Staffworks Human Resources Manager. Any employee who is part of Staffworks internal staff who desires to make a complaint should direct it to his or her manager, or Human Resources Manager. In both cases, Staffworks HR Manager will be advised of the nature of the complaint. Staffworks encourages the reporting of suspected violations of this policy, regardless of the offender’s identity or position. Sufficient detail should be provided by the employee making the complaint to allow for a prompt and thorough investigation.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to conduct in violation of this policy from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued. All employees are encouraged to report any harassment or behaviors that violate this policy. Staffworks will provide all employees a complaint form for employees to report harassment and file complaints.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the HR Manager.

Every report of a suspected violation of this policy will be promptly and fully reviewed which may include an investigation of the allegations. Where appropriate, Staffworks will promptly undertake or direct an effective, thorough, and objective investigation of the allegations. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. All employees must cooperate with all investigations. Once the investigation has been completed, a determination regarding the reported behavior will be made and communicated to the relevant parties.

All reports will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

Discriminatory, harassing and retaliatory conduct and other violations of this policy are considered employee misconduct and will not be tolerated. If Staffworks determines that an employee has violated this policy, it will take effective remedial action appropriate with the circumstances. Remedial action may include, for example, training, referral to counseling, and/or disciplinary action up to and including termination of employment. Appropriate action will also be taken to deter any future discrimination, harassment, or retaliation. The Company reserves the right to take disciplinary action in cases of inappropriate behavior even when that behavior does not amount to a violation of the law or our policy.

If it is concluded that a non-employee has subjected a Staffworks employee to conduct in violation of this policy, prompt and effective action will be taken to stop the conduct and deter any future violations.

This policy does not prevent the filing of harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by the law.

**Prohibition of Retaliation:** Staffworks will not retaliate and prohibits any form of retaliation against individuals who oppose a discriminatory practice, report a violation of this policy, or who provide information & participate in an investigation in accordance with this policy. Retaliation includes any conduct directed at someone because he/she made a report or participated in such an investigation, that may deter a reasonable worker from making or supporting a charge of discrimination or harassment. Any such retaliatory act violates this policy and will result in appropriate disciplinary action, up to and including termination of employment.

If an employee believes that he or she has been subjected to any such retaliation, or is aware of retaliation directed at another employee, the employee must report it using the reporting process outlined above. Violation of this policy will result in disciplinary action, up to and including discharge.

This policy supersedes all prior Anti-Harassment & Anti-Discrimination Policies and inconsistent verbal or written policy statements. This Policy is written to comply with applicable federal and state law. To the extent that the Policy is inconsistent with applicable law or regulations, the law or regulations will govern.



## **Acknowledgment of Receipt of Anti-Harassment & Anti-Discrimination Policy**

I acknowledge that I have received, read, and understand the Anti-Harassment & Anti-Discrimination policy of Staffworks. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Staffworks Representative

\_\_\_\_\_  
Date

**Rev. 10/05/18**