



# 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 in the work environment on the basis of any characteristic protected by local, state and federal anti-discrimination laws. Unlawful harassment is defined as verbal or physical 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, gender, national origin, age, veteran's status, genetic information, sexual orientation, or disability, 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** that relate to race, color, religion, national origin, ancestry, marital/familial status, age, veteran's status, sexual orientation, or disability;
- **Threatening, intimidating, or hostile acts** that relate to race, color, religion, gender, national origin, age, veteran's status, sexual orientation, 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, or disability, including emails, material that is placed on walls, bulletin boards, sky writing, or elsewhere on the employer's 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 and will not be tolerated.

Unlawful sexual harassment is defined as unwelcome 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:

- 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.

**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 or advances that are not welcome;
- D** Demands, requests, or direct or indirect pressure for sex, sexual activity or dates;
- 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;
- G** Explicit or degrading remarks about someone's appearance or their body
- 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. ESS requires reporting of all incidents of sexual or other unlawful harassment. The Company has established a specific procedure for reporting concerns about harassment at this Company.

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

- **Notifying the antagonist of these actions,**
- **Immediately reporting concerns of harassment to your supervisor, or**
- **Directly notifying our EEO officer.**

**AMY ALLEN**

Chief Administrative Officer & General Counsel

**816.510.7484**

**EEO@EMERYSAPP.COM**

**WE WILL INVESTIGATE (CONFIDENTIALLY, OF COURSE).**

Any incident reported in accordance with the procedure described in this policy 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. Retaliation against an employee who makes a good faith claim of sexual or other illegal harassment is prohibited.

**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 sexual 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, 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.**

Supervisors and managers must immediately report all incidents of suspected or reported harassment to the EEO Officer. 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 employees or other persons and who fails to immediately report the alleged violation to senior management or EEO officers will be subject to disciplinary action up to and including discharge from employment.