Section 2 – Company Policies

Harassment and Discrimination Free Workplace Policy

The Company is committed to providing a working environment free from any form of harassment or discriminatory behavior on the basis of race, color, religion (including religious dress or grooming practices), creed, national origin (including language use restrictions), citizenship, military, uniform service member or veteran status, ancestry, age (over 40), physical or mental disability including HIV or AIDS, medical condition (including cancer and genetic characteristics), genetic information, political affiliation, denial of Family and Medical Care Leave, or any characteristic protected by the law) that has the purpose or effect of unreasonably interfering with an individual's work or that creates an intimidating, hostile or offensive environment.

Sexual harassment includes harassment on the basis of sex, gender (including gender identity and gender expression), sexual orientation, pregnancy, childbirth, breastfeeding, or related medical conditions. Sexual harassment can occur between two individuals of the same sex or members of the opposite sex. Sexual harassment and harassment based on other protected characteristics may involve co-workers, supervisors, clients, customers, vendors or other individuals an employee encounters in the course of employment. In addition to the harassing conduct described above, sexual harassment includes conditioning terms and conditions of employment on compliance with request for sexual favors or making or threatening reprisals if sexual advances are declined, as discussed further below.

Verbal/written harassment - epithets, derogatory comments or slurs. Examples: Name-calling, belittling, sexually explicit or degrading words, sexually explicit jokes, and comments about an employee's anatomy and or dress, sexually oriented remarks, questions about a person's sexual practices, use of patronizing terms of remarks, verbal abuse, and graphic verbal commentaries about the body whether in person, on paper, on the telephone or via the email system.

Physical harassment - assault, impeding or blocking movement, or any physical interference.
with normal work or movement, when directed at an individual. Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee’s body, hazing or initiation that involves a sexual component, requiring an employee to wear sexually suggestive clothing.

Visual harassment - derogatory posters, calendars, cartoons, e-mails, drawings, magazines, books or any obscene material. Examples: Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee’s anatomy, leering, sexually oriented gestures, unwanted love letters or notes whether in person, on paper, on the telephone or via the email system.

Sexual favors - unwanted sexual advances which condition an employment benefit upon an exchange of sexual favors. Continued sexual advances, requests for dates, any threat of demotion, termination, etc., if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.

The Company expressly prohibits sexual harassment in the workplace. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision(s) affecting the individual; and,
- Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

No supervisor, co-worker or non-employee shall threaten or suggest that an employee’s refusal to submit to sexual advances will adversely affect the employee’s employment, wages, advancement, assigned duties, shifts, or any other condition of employment, nor shall they engage in behavior which would interfere with an individual’s work performance or create an intimidating, hostile or offensive work environment.

Other types of prohibited conduct by supervisors, co-employees or non-employees include sexual advances, propositions, verbal abuse of a sexual nature, suggestive touching, suggestive gestures and comments, graphic verbal descriptions of an individual's body, and the display of sexually suggestive objects or pictures in the work place.

Employees can be personally liable for engaging in unlawful harassment of another employee.

OTHER TYPES OF HARASSMENT

Harassment based on any other protected category is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, citizenship status, creed, sexual orientation, genetic information or other characteristics protected by law.

DISCRIMINATION

Discrimination is also prohibited by this Policy. Discrimination occurs when an employer takes an adverse employment action against an employee, including job termination, suspension, passing over for a job or other negative job-related treatment based on an employee’s race, color, religion (including religious dress or grooming practices), creed, national origin (including language use restrictions), citizenship, military, uniform service member or veteran status, ancestry, disability, physical or mental disability (including HIV/AIDS), medical condition (including cancer and genetic characteristics), genetic information, request for protected leave, marital status, sex, pregnancy, age (over 40), sexual orientation, gender, gender identity, gender expression, political affiliation, or any other characteristic protected by law.

RETALIATION

The Company prohibits retaliation against any individual who reports discrimination or harassment, or retaliation, or who participates in an investigation of such reports. Retaliation against an individual for reporting harassment,
discrimination, or retaliation, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy, and like harassment or discrimination itself, will be subject to disciplinary action.

COMPLAINT PROCEDURE

It is the responsibility of every employee to report all incidents of discrimination, harassment or retaliation regardless of the offender’s identity or position. Individuals who believe they have experienced such conduct contrary to the Company’s policy or who have concerns about such matters should file their complaints with one of the following resources before the conduct becomes more severe:

- the immediate supervisor
- an HR Department Representative
- the Company’s anonymous reporting hotline (1-800-241-5689)

Employees who have experienced conduct they believe is contrary to policy should file a complaint immediately. Any supervisor or manager who receives information indicating a concern about harassment must take immediate action including contacting an HR representative. Please note that Federal, State and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. While no fixed reporting period has been established, the Company strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Company will make every effort to stop harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

INVESTIGATION OF COMPLAINTS

Any reported allegations of harassment, discrimination, or retaliation will promptly be investigated by qualified personnel, will be appropriately documented and will be conducted promptly, thoroughly and impartially. 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.

Confidentiality will be maintained by parties involved throughout the investigative process to the extent possible, allowing for appropriate corrective action.

At the conclusion of the investigation, the person(s) responsible for conducting the investigation will prepare a written report of all findings and forward it to the Senior Vice President of Human Resources.

RESPONSIVE ACTION

The Senior Vice President of Human Resources will review the results of complaint investigations with location managers and the Company’s legal counsel to determine the Company’s response. Misconduct, harassment, discrimination or retaliation will be dealt with promptly and appropriately and could include discharge from employment if warranted by the circumstances.

The results of the Company’s investigation of such allegations and its intended response will be promptly communicated to the complainant.

ADDITIONAL INFORMATION FOR CALIFORNIA EMPLOYEES ONLY

The California Department of Fair Employment and Housing (“DFEH”) is a state agency that resolves complaints of unlawful discrimination and harassment, including sexual harassment. The DFEH serves as a neutral fact-finder and will attempt to assist the parties to voluntarily resolve their dispute. The Fair Employment and Housing Commission (“FEHC”) decides cases prosecuted by the DFEH at the state level. In the event that the DFEH is unable to obtain voluntary resolution and finds that discrimination and/or harassment has occurred, the FEHC may hold a hearing and has the authority to award damages, including reinstatement, back pay and monetary damages. The Equal Employment Opportunity Commission (“EEOC”) is a federal agency that resolves claims of harassment and discrimination. While the Association

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Encourages employees to use its internal complaint procedure so that the Association may more immediately address any potential violations of this policy, using the Association’s complaint process does not keep an employee from filing a claim with a state governmental agency, such as the DFEH or EEOC. An employee may contact the DFEH at 1-800-884-1684 to determine the location of the nearest branch of the DFEH. To contact the EEOC, contact directory assistance for Washington, D.C.