

Harassment/Discrimination Prevention Policy

According to the Fair Employment Housing Council there is a new policy requirement in furtherance of employers' obligation to prevent (and not just correct) discrimination, harassment, and retaliation in the workplace, and is in addition to employers' existing obligation to provide its workforce with a copy of the DFEH brochure on sexual harassment (DFEH-185) and/or an alternative anti-harassment policy consistent with the new regulations. To be in compliance, employers must have a broader discrimination, harassment, and retaliation prevention policy effective April 1, 2016 that:

1. Is in writing;
2. Sets forth all of the protected categories currently described in the Fair Employment & Housing Act (FEHA) (race, religious creed, color, national origin, ancestry, physical and/or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and veteran status);
3. Indicates that the law prohibits coworkers and third parties, as well as managers and supervisors, with whom the employee comes into contact from engaging in conduct prohibited by FEHA;
4. Provides a complaint mechanism that does not require an employee to complain directly to his/her immediate supervisor, such as options for direct communication either orally or in writing with a designated company representative, such as a human resource manager or other supervisor, a complaint hotline, access to an ombudsperson, and/or identification of the DFEH and EEOC as additional avenues to lodge complaints;
5. Instructs supervisors to report any complaints of misconduct to a designated company representative;
6. Indicates that when the company receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected (it is not clear what the phrase "due process" means in the context of these regulations and the FEHC declined to remove this phrase or to clarify it in response to comments from the public);
7. States that confidentiality will be kept by the employer to the extent possible;

8. Indicates that if at the end of the investigation misconduct is found, appropriate remedial measures will be taken.
9. Makes clear that employees will not be exposed to retaliation as a result of lodging a complaint or participating in a workplace investigation; and
10. Creates a complaint process to ensure that complaints receive (a) a designation of confidentiality, to the extent possible; (b) a timely response; (c) impartial and timely investigation by qualified personnel; (d) documentation and tracking for reasonable progress; (e) appropriate options for remedial actions and resolution; and (f) timely closure. It is not clear from the regulations whether the details of this process need to be spelled out in the policy and the FEHC did not clarify this in response to comments and requests from the public.

Dissemination of the policy may be through one or more of the following methods:

1. Providing a hard copy of the policy to all employees with an acknowledgement of receipt form;
2. Sending the policy via e-mail with an acknowledgement return form;
3. Posting current versions of the policy on a company intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies;
4. Discussing policies upon hire and/or during a new orientation session; and/or
5. Any other way that ensures employees receive and understand the policies.

Any employer whose workforce at any facility or establishment contains 10 percent or more of persons who speak a language other than English as their spoken language must translate the policy into every language that is spoken by at least 10 percent of the workforce.

With the above in mind, please find a sample policy below.

SAMPLE POLICY:

EQUAL EMPLOYMENT OPPORTUNITY POLICY (Anti-discrimination/harassment)

The Company was built upon teamwork and equal opportunity. We will continue to be successful when people are treated fairly and allowed to advance and achieve their full potential. We are proud of the fact that we extend equal employment opportunities to all qualified employees and applicants for employment without regard race, religious creed, color, national origin, ancestry, physical and/or mental disability (which if needing accommodation, may be reasonably accommodated as required by law), medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and veteran status.

We work hard at the Company to promote the fulfillment of human potential and equal employment. All phases of employment including, but not limited to, recruiting, hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, layoff, termination, recall, use of all facilities and participation in all company-sponsored activities, will be administered so as to further the principle of equal employment opportunity.

The Company will cooperate with federal, state, or local government agencies that have the responsibility of observing our actual compliance with various laws relating to employment. The company will furnish such reports, records, and other matters as requested in order to foster the program of equal opportunity for all persons regardless of race, religious creed, color, national origin, ancestry, physical and/or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and veteran status.

The Company has designated _____ as its Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer is responsible for coordinating all aspects of the Equal Employment Opportunity process to assure non-discrimination and compliance with all applicable orders and guidelines. Questions and/or complaints concerning equal employment opportunity should be directed to the Company's Equal Employment Opportunity Officer.

COMPLAINT PROCEDURE (If you have a problem)

The Company expects all employees to respect the rights of their co-workers and maintain an atmosphere free of discrimination.

In the event that an employee experiences any job-related discrimination or harassment based on race, religious creed, color, national origin, ancestry, physical and/or mental disability, medical

condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and veteran status, or believe they have been treated in an unlawful, discriminatory manner, the individual should promptly report the incident to a supervisor. If the employee believes it is inappropriate to discuss the matter with their supervisor, it should be directly reported to human resources or the person designated as such. Once made aware of a complaint, the Company is committed to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent as possible. If there is something about your job that is bothering you, let's get it out in the open and discuss it. We cannot help you unless you tell us what it is we can do.

Our "Problem Solving Procedure" offer all employees the freedom to discuss anything they wish with their supervisors. If you have a problem, it can usually be resolved by following these steps:

1. Any concern should first be discussed with your immediate supervisor.
2. If your supervisor cannot solve the problem or if you are not satisfied after Step 1, you should request to speak to the department manager.
3. If you still feel the need to speak to other members of management after following Steps 1 and 2, we encourage you to speak to human resources or other designated personnel.

In the event you have a concern, and for personal reasons you cannot follow the steps in this procedure, you may go directly to _____ or contact the Department of Fair Employment & Housing or the Equal Employment Opportunity Commission.

However, we want to make it clear, when you inform us of your concern or problem, we will try to answer your concern or solve your problem as soon as possible under the circumstances. If, at the completion of an investigation, the Company determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken against the offending employee.

NON-RETALIATION POLICY

The Company prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy, or for assisting in the complaint investigation. However, if, after investigating any complaint of unlawful discrimination, the Company determines that an employee intentionally provided false information regarding the complaint, disciplinary action may be taken against the one who gave the false information.

RECEIPT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

This Equal Employment Opportunity Policy is designed to inform employees of the Company's compliance with the anti-discrimination laws required by state and federal law.

Furthermore, this policy, and any other company policies contained in the company personnel handbook, do not constitute a guarantee of employment or an employment contract, express or implied. You understand that your employment is "at-will" and that your employment may be terminated for any reason, with or without cause, and with or without notice. Only the CEO or President of the company has the authority to enter into a signed written agreement guaranteeing employment for a specific term.

By signing below, you acknowledge that you have received a copy of Equal Employment Opportunity Policy and understand that it is your responsibility to read and comply with the policies contained therein and any revisions made to it.

Signature

Date