



Harassment Prevention Policy

(New York)

2019



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Harassment Prevention Policy (New York)

TalentWave (the Company) is committed to providing a work environment that is free of unlawful sexual harassment. The Company strictly prohibits sexual harassment by or against any individuals involved in our operations, including employees (regardless of position), TalentWave payrolled contractors, applicants, interns (paid or unpaid), vendors, contractors, sub-contractors, consultants and any other third party involved in our operations. If such harassment is committed in the workplace by someone not employed by the Company, the reporting and complaint procedure in this policy should still be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), online and electronic interactions with company employees and third parties involved in our operations, company-sponsored events, and company owned/controlled property.

Sexual Harassment Defined

Sexual harassment is unwelcome verbal or physical behavior based upon a person's gender/sex and includes unwanted verbal or physical sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the individual making the report is not the intended target of such conduct.

The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, whistling, suggestive or insulting sounds or lewd or sexual comments about an individual's appearance, body, dress, sexuality or sexual experience;

- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work; and
 - Bullying, yelling, name-calling.
- Retaliation for making reports or threatening to report sexual harassment.

Sexual harassment can occur regardless of the gender of the person committing it or the person exposed to it. Harassment on the basis of an individual's sexual orientation, self-identified gender, perceived gender, or transgender status are all forms of prohibited sexual harassment.

Individuals who observe conduct that may violate this policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this policy are encouraged to take reasonable action to defuse such behavior, if possible, such as intervening directly, alerting a supervisor or the Company representative to assist or making a report under this policy.

Protection Against Retaliation

Retaliation is prohibited against any person covered by this policy who, in good faith: makes a complaint of sexual harassment, either internally or with a government agency, using the complaint procedures described below; objects to, opposes or speaks out against sexual harassment; participates in a sexual harassment investigation; encourages another person to report harassment; or files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Retaliation is unlawful and a form of misconduct that will result in disciplinary action, up to and including termination of employment.

Individuals who believe that they or any other individual have been subjected to retaliation should report this concern using the complaint procedure set forth below.



Complaint Procedure

Individuals who believe that they or another individual have been subjected to sexual harassment, should, as soon as possible, report it to their manager, equal employment opportunity officer, or their Company representative. Employees are not required to make the report to their immediate supervisor, manager or person who has engaged in the complained of conduct. Reports of sexual harassment can be made verbally or in writing. To submit a complaint in writing, individuals can use the complaint form attached to this policy, but are not required to do so.

After a report is received or the Company otherwise becomes aware of a possible violation of this policy, a fair, timely, thorough and objective investigation will be undertaken if needed and will reach reasonable conclusions based on the information collected. The Company will maintain confidentiality surrounding the investigation to the extent possible, consistent with a thorough and objective investigation, and to the extent permitted or required under applicable law. Both the person(s) raising the complaint and the person(s) about whom the complaint was made will be permitted to provide information that may be relevant to the investigation. The Company also will gather information and speak with witnesses, as applicable. Once the investigation is completed and a determination is made, the complaining party will be advised that the investigation has been completed and may be informed of the resolution. The individual about whom the complaint was made will be informed of the outcome and, if the Company determines that this policy has been violated, will be subject to disciplinary action. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of sexual harassment.

Supervisory Responsibilities

All supervisors or managers who receive a complaint or information about suspected sexual harassment, observe behavior that may violate this policy or for any other reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Company representative.

In addition to being subject to discipline for engaging in sexually harassing conduct themselves, supervisors and managers will be subject to discipline (up to and including termination) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in prohibited retaliation.

Discipline

If the Company determines that this policy has been violated, including in the event that a manager knowingly allows the policy to be violated without reporting it, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.



Good Faith Reporting

The initiation of a good faith complaint of sexual harassment or retaliation will not be grounds for disciplinary or other retaliatory action, even if the allegations cannot be substantiated or the employee was mistaken about aspects of the complaint. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

Other Information

Sexual harassment is illegal under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and some local laws, including the New York City Human Rights Law. Employees may file a complaint with the federal Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, another enforcement agency (if applicable) or in certain courts of law. Agencies accept and investigate charges of sexual harassment. The Equal Employment Opportunity Commission has district, area and regional offices and may be contacted by visiting www.eeoc.gov, emailing info@eeoc.gov or by telephone at 1-800-669-4000 (TTY 1;800-669-6820). The New York State Division of Human Rights may be contacted by visiting www.dhr.ny.gov, by telephone at 718-741-8400, or by mail to One Fordham Plaza, Fourth Floor, Bronx, New York 10458. The New York City Commission on Human Rights can be contacted by visiting <http://www.nyc.gov/html/cchr/html/home/home.shtml> or by telephone at (212) 306-7450. Employees subjected to unlawful harassment may be entitled to certain remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action be taken or certain behavior stop). Individuals can also contact the town, city or county in which they live or work to find out whether other local agencies may be able to receive complaints. Additional information, including the physical location of agency offices and the rules and requirements for filing complaints, can also be found at the respective agency websites.

A Stop Sexual Harassment Act Fact Sheet is attached to this policy and posted at www.theCompany.com/required-postings/.

STOP SEXUAL HARASSMENT ACT FACTSHEET

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the information sheet requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, can require the violator to undergo training, and can mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak

out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

     @NYCCHR
NYC.gov/HumanRights

NYC Commission on Human Rights
BILL DE BLASIO Mayor
CARMELYN P. MALALIS Commissioner/Chair

Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment



New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Program Specialist via email at clientservices@theCompany.com. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email

Phone

In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____