

Workplace Discrimination and Harassment Policy

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Purpose

The Forty-Niner Shops is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Ancestry, Age, Color, Disability, Race or Ethnicity, Gender, Gender Identity or Gender Expression, Marital Status, Medical Condition, Nationality, Religion, Sex, Sexual Orientation, Genetic Information, Veteran or Military Status, other characteristics that make our community unique, and any other protected classes under state or federal law.

Policy Statement

The Workplace Discrimination and Harassment Policy is established in compliance with the California Fair Employment and Housing Act (FEHA). The Forty-Niner Shops prohibits any form of discrimination or harassment of any kind. This policy defines types of discrimination and harassment, the employee complaint and investigation process, prohibition of retaliation for complaining or participating in an investigation, remedial action required if misconduct is found, as well as regulations required by the FEHA.

Departments Affected

All Forty-Niner Shops employees.

Definitions

Gender Expression- means a person’s gender-related appearance or behavior, whether or not stereotypically associated with the person’s sex at birth.

Gender Identity- means a person’s identification as male, female, a gender different from the person’s sex at birth, or transgender.

Sex- includes, but is not limited to, pregnancy, childbirth, breastfeeding, and any related medical conditions, and gender identity and expression.

Sex Stereotype- means an assumption about a person's appearance or behavior, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.

Transgender- refers to a person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual".

Sex Discrimination- discrimination on the basis of sex. Protects all individuals from sex discrimination- not just females. Gender identity, gender expression and transgender status are expressly protected.

Sexual Harassment- may consist of unsolicited verbal comments, gestures, or physical conduct of a sexual nature which is unwelcome and damaging to the integrity of the employment relationship. This can include: unwelcome or unwanted physical advances of a sexual nature, requests or demands for sexual favors, verbal abuse or joking (sexually oriented comments, innuendos, or "dirty jokes" that are sexually oriented and unacceptable/offensive to others), any type of sexually oriented conduct that is made either explicitly or implicitly to any individual.

Reasonable Accommodations- the interactive process requires an individual assessment of 1) job requirements and 2) the specific limitations of the individual that are directly related to the need for accommodation. It is unlawful to discriminate against or retaliate against a person for requesting reasonable accommodation based on mental or physical disability.

Human Trafficking- an applicant or employee who is a victim of human trafficking may have a separate cause of action under FEHA if he or she alleges discrimination on a protected ground.

Unpaid Interns and Volunteers- any individual that works without pay for an employer or covered entity in an internship or other program providing unpaid work experience, or as a volunteer. For harassment claims, interns and volunteers are considered "employees".

Pregnancy Discrimination- it is unlawful employment practice to harass or discriminate against an employee or applicant because of pregnancy or perceived pregnancy, childbirth, breastfeeding, or any related medical condition. An employee (regardless of classification) is eligible up to four months of leave per pregnancy. The leave does not need to be taken in one continuous period. Employees are required to give advance notice of a pregnancy leave whenever possible. For more information regarding pregnancy leaves and other applicable leaves that may be available to you, please contact the Human Resources Department directly.

Religion Discrimination- it is unlawful discrimination to fail to hire or terminate an employee in order to avoid accommodating religion. It is unlawful to discriminate or retaliate against a person for requesting reasonable accommodation based on religion. An

accommodation is not reasonable if it requires segregation of an employee from customers of the public, unless expressly requested by the employee.

Supportive Animals- are “assistive animals” that are necessary as a reasonable accommodation. These include support dogs, and support animals that provide emotional, cognitive, or other similar support to person with a disability, including, but not limited to, traumatic brain injuries or mental disabilities. A request for an assistive animal as a reasonable accommodation requires individualize analysis reached through the interactive process.

National-Origin Discrimination- the regulations prohibit discrimination against an applicant or employee due to national-origin. This also prohibits employers from limiting or prohibiting the use of any language in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.

Regulations

1.0 California Fair Employment and Housing Act (FEHA) Protected Groups

1.1 California employers with five or more employees have an affirmative duty to take “reasonable” steps to prevent and correct discrimination and harassment based on your actual or perceived: Ancestry, Age (40 and above), Color, Disability (physical and mental, including HIV and AIDS), Genetic Information, Gender, Gender Identity, or Gender Expression, Marital Status, Medical Condition (genetic characteristics, cancer or a record or history of cancer), Military or Veteran Status, National Origin (includes language use and possession of a driver’s license issued to persons unable to prove their presence in the United States as authorized under Federal Law), Race, Religion (includes religious dress and grooming practices), Sex (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), and Sexual Orientation.

2.0 Prohibited Conduct

2.1 The Forty-Niner Shops have established a policy to comply with the FEHA Standards, State and Federal laws relating to harassment, discrimination in the workplace. This policy also includes internal procedures by which allegations of harassment can be filed, investigated in a timely manner, and fairly resolved. The Shops are committed to providing a work environment that is free of all forms of harassment and discrimination.

2.2 The Corporation does not tolerate discrimination or harassment based on: Ancestry, Age, Color, Disability, Race or Ethnicity, Gender, Gender Identity or Gender Expression, Marital Status, Medical Condition, Nationality, Religion, Sex, Sexual Orientation, Genetic Information, Veteran or Military Status, or any other status protected under state or federal law.

2.3 Discrimination, including harassment, is prohibited by or against any Shops employee, vendor/business partner, customer, job applicant, intern (paid or unpaid), volunteer, independent contractor or any other individual that a 49er Shops employee interacts with in the course of business.

2.4 There are different forms and types of discrimination and harassment, many which have been highlighted in the Definition section of this policy (page 1 through 3). It is critical that all Shops employees review this policy, sign and acknowledge that they are committed to following this policy as it relates to job expectations and standards for conduct in the workplace.

3.0 Complaint Process

1.0 Filing a Complaint.

1.1 The Forty-Niner Shops promote an open door policy and ongoing communication between its employees and our management team. Any employee who believes he or she is being harassed or discriminated against is strongly encouraged to bring the matter to the immediate attention of: his or her respective Supervisor or Manager, any Director, the Human Resources Department, or the General Manager/CEO of the corporation.

1.1.1 Forty-Niner Shops Management Team- please note that all reports of harassment or discrimination must be reported immediately to the Director of Human Resources.

1.2 All complaints will be followed by a fair, complete, impartial and timely investigation by qualified personnel. The investigation will be conducted thoroughly to provide all parties the appropriate due process and to reach reasonable conclusions based on evidence collected.

1.3 The Forty-Niner Shops will maintain confidentiality to the extent possible.

1.4 Remedial action as stated in the Forty-Niner Shops Progressive Disciplinary policy will be taken if any misconduct is found.

1.5 Employees will not be retaliated against for complaining or participating in an investigation.

Forms

Workplace Discrimination and Harassment Agreement Form- must be signed and submitted to Human Resources as an acknowledgement and understanding of this policy.

| <i>Last Revised</i> | | | | | |
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| <i>Policy Version</i> | <i>Date</i> | <i>Author</i> | <i>Description (If applicable)</i> | <i>Approved</i> | <i>Distribution</i> |
| <i>2.0</i> | <i>5/17/2016</i> | <i>Rosa Hernandez</i> | <i>Revised Policy- to include CA FEHA guidelines</i> | <i>5/17/16</i> | <i>At new employee orientation, and directly to all current employees.</i> |