

## **ANTI-HARASSMENT POLICY & COMPLAINT PROCEDURE**

Zero Below Trucking is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Zero Below Trucking expects that all relationships between employees will be business-like and free bias, prejudice and harassment. Zero Below Trucking expressly prohibits sexual harassment and other unlawful discriminatory practices. Any employee who engages in sexual harassment or other unlawful discriminatory practices will be subject to discipline up to and including termination of employment. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

It is the policy of Zero Below Trucking to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, marital status, sexual orientation, gender identity, national origin, age, disability, genetic information, or status as a covered veteran. Zero Below Trucking prohibits any such discrimination or harassment.

Zero Below Trucking encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Zero Below Trucking to promptly and thoroughly investigate such reports. Retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports is unlawful and Zero Below Trucking expressly prohibits retaliation.

### **Definitions of Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state, and applicable local laws. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affects such individual; or c) 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.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic 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 his/her race, color, religion, gender, marital status,

sexual orientation, national origin, age, disability, genetic information or any other characteristic protected by law and 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.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means. The above examples are illustrative only, and not exhaustive. No form of sexual harassment or any other forms of harassment will be tolerated.

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Zero Below Trucking (e.g., an outside vendor, consultant or customer). In addition to being subject to discipline if they engaged in sexually harassing conduct or other harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or other harassment, or otherwise knowingly allowing sexual harassment or other harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **Complaint and Investigation Process**

Individuals who believe that have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or **[INSERT TITLE OF INDIVIDUAL WHO SHOULD RECEIVE COMPLAINTS]**. Complaints or reports of sexual harassment may be made verbally or in writing. To submit a written complaint of sexual harassment, employees are encouraged to use the attached Complaint Form.

Zero Below Trucking encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships became irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. 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.

Zero Below Trucking will attempt to maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination 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. Acts of retaliation should be reported immediately to the individual's immediate supervisor or VP Human Resources and will be promptly investigated and addressed. Any employee, regardless of position or title, who has subjected an individual to harassment, discrimination or retaliation will be subject to discipline, up to and including termination of employment.

### **Alternative Reporting and Remedies**

Zero Below Trucking encourages employees to report incidents of sexual harassment internally. However, employees who believe they have been subjected to sexual harassment in the workplace may also seek relief by a) filing a complaint alleging violation of the New York State Human Rights Law with either the New York State Division of Human Rights ("NYSDHR") or in New York State Supreme Court; or b) filing a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") for violation of federal anti-discrimination laws, including Title VII of the Civil Rights Act of 1964.

The NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458 – (718) 741-8400 – <http://www.dhr.ny.gov>. Contact the NYSDHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint) for more information about filing a complaint. Employees can contact the EEOC by calling (800) 669-4000, visiting their website at <http://www.eeoc.gov>, or by e-mail at [info@eeoc.gov](mailto:info@eeoc.gov).

Local jurisdictions may have additional protections against sexual harassment and discrimination. Employees can contact the county, city or town in which they live or work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10<sup>th</sup> Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).