

POLICY AGAINST HARASSMENT, DISCRIMINATION, BULLYING AND RETALIATION; COMPLAINT PROCEDURE AND INVESTIGATION

Purpose

Norms Restaurants is committed to providing a work environment in which all individuals are treated with respect and dignity. This commitment includes a work environment free of harassment, discrimination in any phase of the employment relationship (as detailed in the Equal Employment Opportunity Policy of this Handbook), and/or other unprofessional conduct, such as bullying behavior. It also includes a work environment free of retaliation for reporting claims of harassment, discrimination, or for participating in an investigation of a complaint of harassment, discrimination or other unprofessional conduct. Harassment, discrimination, bullying and/or retaliation will not be tolerated.

Harassment Will Not Be Tolerated

Norms Restaurants is committed to providing a workplace that is free of verbal, physical, and visual forms of harassment so that everyone can work in a productive, respectful, and professional environment. Harassment in employment that is based on race (inclusive of traits historically associated with race, including but not limited to, hair texture and protective hairstyles), color, national origin (including physical, cultural or linguistic characteristics, marriage to or association with persons of a national origin group, tribal affiliation, membership in or association with an organization identified with or seeking to promote the interests of a national origin group, name that is associated with a national origin group, accent, language use, immigration status, citizenship, possession of a driver's license issued to persons unable to prove their lawful presence in the United States, and other definitions under California or other state's laws), ancestry, creed, religion, religious creed (including religious dress and grooming practices), age, citizenship, veteran and/or military status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender, gender identity (including transgender status), gender expression, gender transitioning or perceived gender transitioning, marital status or civil partnership/union status, physical or mental disability (actual or perceived), medical condition (including cancer and genetic characteristics), genetic information, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, possession of an undocumented drivers' license, or any other basis prohibited by applicable federal, state or local law is strictly prohibited.

Norms Restaurants does not tolerate harassment based upon any protected status by

anyone in the workplace – managers, co-workers, or non-employees (including applicants, customers, vendors, independent contractors, volunteers, and any other persons who conduct business with Norms Restaurants). In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from Norms Restaurants' premises, such as a business trip or business-related social function. Employees who violate this policy are subject to discipline, up to and including termination. An employee who violates this policy may also be held personally liable for his or her own harassing conduct.

What Is Prohibited Harassment?

Examples of prohibited harassment can include, but are not limited to:

- Posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails that depict such protected groups in a derogatory way;
- Verbal conduct, including making or using derogatory comments, epithets, slurs, insults, teasing, and jokes towards such groups; and
- Physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner.

Sexual harassment is a form of prohibited harassment that warrants particular attention. It is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct affects employment opportunities; or
- The conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes harassment based on another person's gender, gender identity or gender expression or harassment based upon pregnancy, childbirth, or related medical conditions. It also includes harassment of another person of the same gender as the harasser. Sexual harassment need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Examples of sexual harassment include, but are not limited to, the following types of behavior:

- Unwelcome sexual advances, like requests for dates or propositions for sexual

favours;

- Excessive, one-sided, romantic attention in the form of requests for dates, love letters, telephone calls, emails or gifts;
- Offering or conditioning an employment benefit, like a raise, a promotion or a special job assignment, in exchange for sexual favours;
- Making or threatening reprisals, or changing performance expectations after an employee has turned down a sexual advance;
- Visual or physical conduct, like leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, calendars or posters in the workplace;
- Verbal conduct, like making or using derogatory comments, epithets, slurs, teasing and jokes of a sexual nature;
- Graphic verbal or written comments (including emails or other electronic documents) about an individual's sex life or body;
- Sexually-degrading words used to describe an individual;
- Suggestive or obscene letters, emails, notes or invitations;
- Unwelcome physical contact, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements; and
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

This policy is also violated if an applicant or employee is fired, denied a job, or denied some other employment benefit because the applicant or employee refused to grant sexual favours, complained about harassment, or assisted in an investigation of harassment.

Norms Restaurants is committed to taking reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when we know that prohibited harassment has occurred. To do this, however, we need the cooperation of applicants and all employees at all levels.

What To Do If Prohibited Discrimination or Harassment Occurs

Any employee or applicant who experiences or witnesses harassing behavior by a co-worker (who is not a supervisor or manager) is encouraged to immediately tell the offending individual that the behavior is inappropriate and to stop the behavior, if comfortable doing so. However, if an applicant or employee believes that he or she is being harassed (or witnesses another person being harassed) and is *not* comfortable approaching the individual, the applicant or employee should immediately report the behavior to their supervisor or to Human Resources at (562) 804-4485 ext. 107.

If the individual(s) engaged in the harassing or inappropriate conduct is either your direct supervisor or manager, or another individual's supervisor, manager or a higher-level employee to whom you do not report, you must immediately report the situation to Human Resources at (562) 804-4485 ext. 107. Additionally, any supervisory-level employee in a position of supervisor, manager, or higher who fails to report observed or reported potential harassment or discrimination to the Vice President of Human Resources is deemed to be in violation of this policy, and may be subject to disciplinary action for failure to report the situation.

Norms Restaurants Will Investigate

Norms Restaurants will investigate all claims of discrimination or harassment promptly and in a fair, timely, and thorough manner. Even in the absence of a formal complaint, Norms Restaurants may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, Norms Restaurants may continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation. Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, Norms Restaurants may need to do an environmental assessment or survey to try to determine if misconduct has occurred.

Complaints of discrimination or harassment will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that allegations of discrimination or harassment are shared only with those who need to know so that Norms Restaurants can conduct an effective investigation. To the extent possible, the confidentiality and privacy of employees will be respected during the investigation, with efforts made to avoid any unwarranted publicity or invasions of privacy. However, remedying instances of prohibited conduct generally requires an investigation through which some details of any allegations made may become known to others.

Norms Restaurants has a compelling interest in protecting the integrity of its investigations. In every investigation, Norms Restaurants has a strong desire to protect witnesses from harassment, discrimination, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. Norms Restaurants will determine, on a case-by-case basis, whether these interests justify a confidentiality requirement and will advise employees as such. If, in a particular case, Norms Restaurants reasonably imposes a confidentiality requirement and you do not maintain such confidentiality, you may be subject to disciplinary action up to and including immediate termination.

The complaining employee is usually requested to provide as many details as possible, such as the date(s), location(s), name(s) of witness(es), or information about the alleged harasser(s) or person(s) who engaged in conduct that is otherwise prohibited by this policy. Persons with relevant information will be interviewed. During the investigation, steps may be taken, when appropriate, to minimize contact between the complaining employee and the alleged harasser. Such actions may include schedule changes, temporary transfers or investigatory leave, usually for the alleged harasser. After the investigation is completed, Norms Restaurants will share its conclusions with the complaining employee, the alleged harasser, and if appropriate other employees who are involved in the incident.

If Norms Restaurants concludes that a violation of its anti-discrimination and harassment policy has occurred, prompt and effective remedial action will be taken. This may include discipline of the harasser or person who engaged in prohibited conduct and other actions to remedy the effects of the harassment or discrimination and prevent further harassment or discrimination.

Retaliation Will Not Be Tolerated

Retaliation is strictly prohibited and no action will be taken against any employee who in good faith reports or assists in reporting suspected violations of this policy or cooperates in investigations or proceedings arising out of a violation of this policy. Employees should report any perceived or suspected retaliation to their supervisor or Human Resources immediately.

Examples of retaliation under this policy include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently, such as denying an accommodation; or not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.