

# EQUAL EMPLOYMENT AND NON-HARASSMENT POLICY

**TO: ALL EMPLOYEES AND APPLICANTS OF CAREER GROUP INC. DBA CAREER GROUP COMPANIES, SYNDICATEBLEU, FOURTH FLOOR FASHION TALENT, LIFESTYLE TALENT PARTNERS, AVENUE PACIFIC (“CGC”)**

**FROM: MICHAEL LEVINE, CHIEF EXECUTIVE OFFICER**

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## **A. CGC’S PHILOSOPHY**

CGC firmly believes that all persons are entitled to equal employment opportunity, and therefore CGC does not discriminate against its employees, independent contractors, volunteers or applicants (“individual”) on the basis of any protected classification. “Protected classification,” refers to race, color, religion and religious creed, ethnicity, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, sexual and other reproductive health decisions, marital status, national origin, ancestry, citizenship, age, physical or mental disability (whether actual or perceived), medical condition (e.g., cancer-related), genetic information or predisposition, military and veteran status or any other classification protected by Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and Age Discrimination in Employment Act, the Civil Rights Act of 1991, the California Fair Employment and Housing Act, the New York State Human Rights Law, the New York City Human Rights Law, the San Francisco Police Code, and any other applicable federal, state, or local law or ordinance.

## **B. CGC’S PHILOSOPHY IN PRACTICE**

CGC implements the aforementioned policy and philosophy of equal employment in all aspects of its relationship with individuals, including, without limitation, recruitment, hiring, upgrading, training, promotions, compensation, benefits, transfers, discipline, layoffs, and termination. CGC will not tolerate actions, words, jokes, displays, or comments based on or directed at any individual’s membership in a protected classification, and is committed to providing a work environment that is free of any form of discrimination or unlawful harassment, whether verbal, physical, or environmental.

As another integral part of this policy of equal opportunity, CGC will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified individual, unless the requested accommodation would result in undue hardship, in accordance with the Americans with Disabilities Act, as amended, and all other applicable federal, state and local laws. Any individual who requires accommodation in order to perform the essential functions of their job should contact the Human Resources Department. The individual should advise CGC what accommodations he or she believes are needed in order to perform their job. If a requested accommodation is reasonable and will not impose undue hardship upon the CGC, CGC will exercise reasonable efforts to make the requested accommodation or some other reasonable accommodation as required by law. If the requested accommodation is unreasonable or would otherwise result in undue hardship, CGC will initiate an open and bilateral process aimed at determining if a reasonable accommodation can be found. CGC is also committed to not discriminating against any individual because they are related to or associated with a person with a disability.

This policy is neither exhaustive nor exclusive. CGC is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws. Thus, CGC will engage in an interactive and cooperative dialogue with each individual who requests a reasonable accommodation.

CGC is also committed to providing a reasonable accommodation to an individual for her pregnancy, childbirth, or related medical conditions that will allow the individual to perform the essential requisites of the job, in accordance with applicable law.

### **C. RECOGNIZING HARASSMENT AND UNLAWFUL DISCRIMINATION**

Unlawful discrimination can be divided into two general types: (1) treating an individual differently because of his or her membership in a protected classification; and (2) harassing an individual because of his or her membership in a protected classification. Both of these types of discrimination are unlawful, and neither will be tolerated by CGC.

The first type of unlawful discrimination occurs whenever a job-related decision is made on the basis of membership in a protected class, as opposed to legitimate criteria such as work performance, ability, and qualifications. Consistent with the policy discussed above, CGC is committed to gauging each individual solely on the basis of his or her demonstrated and potential ability, and therefore an individual's membership in a protected class will never factor in to any type of employment decision.

"Harassment," the second type of unlawful discrimination mentioned above, can be defined as conduct that creates an intimidating, offensive, or hostile working environment. Such conduct may be based on any of the protected classifications, but all such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events. Unlawful harassment of any type will be swiftly dealt with by CGC. This policy against harassment applies to, and will be uniformly enforced with respect to, all CGC employees.

Additionally, such behavior is unacceptable regardless of whether the behavior is exhibited by a CGC employee, including a supervisor, manager or co-worker, or a third party not employed by CGC, who is encountered while performing work for CGC, including suppliers and customers. As an example, CGC will not tolerate discriminatory conduct from vendors or other third parties who may be encountered on CGC's premises. Additionally, temporary employees who are working on the premises of a CGC client have a right to be free from harassment and discrimination. If third parties harass or discriminate against CGC's employees, such third parties will be notified of CGC's policy prohibiting such conduct and appropriate corrective action will be taken. Harassment of third parties by CGC's employees will also not be tolerated.

Although harassment based on all protected classifications is a serious violation of CGC's policies and will not be tolerated, sexual harassment in particular can take many different forms and requires additional comment. Generally, "sexual harassment" includes any unwelcome sexual advances, requests for sexual favors, and conduct of a sexual nature, which meets any one of the following criteria:

- a) Submission to conduct is made either explicitly or implicitly a term or condition of the individual's employment.
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- c) The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Conduct of a sexual nature includes, but is not limited to:

- a) Unwanted sexual advances.
- b) Demands for sexual favors in exchange for favorable treatment, continuation of employment, or employment benefits.
- c) Verbal conduct such as derogatory or obscene comments, sexual invitations, sexual jokes, propositions, suggestive, insulting, or obscene comments or gestures, or other verbal abuse of a sexual nature.
- d) Graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.

- e) Flirtations, advances, leering, whistling, touching, brushing the body, pinching, coerced sexual acts, or blocking normal movement.
- f) Visual displays such as derogatory or sexual posters, photographs, cartoons, drawings, or other sexually suggestive objects or pictures.
- g) Retaliation for having reported or threatened to report sexual harassment.

Keep in mind that the examples above are merely illustrative, and are not intended to be an exhaustive list.

Unlawful harassment (including sexual harassment) will not be tolerated in any format or forum, including by electronic communications such as e-mail, chatroom, internet use or history, or social media message or display.

#### **D. COMPLAINT PROCEDURE**

CGC encourages individuals who believe they are being harassed or otherwise discriminated against to promptly notify the offender that his or her behavior is unwelcome. However, CGC recognizes that such a confrontation may not be possible. In the event that such informal, direct communication between individuals is either ineffective or impossible (or is reasonably believed to be so), or if the offensive conduct continues after such communications, the following steps should be followed. (The following steps should also be followed if the individual is uncomfortable notifying the offender that his or her behavior is unwelcome.)

Individuals who believe they have been subjected to harassment or any other form of unlawful discrimination must immediately report the incident to the Human Resources Department or the Chief Executive Officer by calling (310) 277-8188 or by emailing HR@careergroupcompanies.com. In addition, any employee (including, without limitation, supervisory personnel) who becomes aware of the sexual harassment of another employee or other discrimination must immediately advise either the Human Resources Department or the Chief Executive Officer of such conduct.

When reporting suspected instances of any form of unlawful discrimination, report the facts of the incident or incidents, the names of the individuals involved, and the names of any witnesses. Remember that you must report this information even if the unlawful discrimination occurred while working or interviewing away from CGC's premises (such as at a CGC client site), or if the individual who discriminated against you is not an employee of CGC. CGC will promptly and thoroughly investigate all claims of discrimination, as discussed below, and ensure that appropriate action is taken. All employees are required to fully cooperate with any CGC investigation into discriminatory or harassing conduct. CGC requires a prompt reporting of complaints so that rapid response and appropriate action may be taken.

Any allegation of harassment brought to the attention of CGC will be investigated promptly and impartially. This is true regardless of whether the harassment occurred on CGC's premises or whether the alleged harasser is a CGC employee – CGC will thoroughly investigate the claims of any employee who was allegedly exposed to harassment or discrimination in the course of rendering services for the benefit, directly or indirectly, of CGC. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

CGC will conduct a fair, timely and thorough investigation that reaches reasonable conclusions based on the evidence collected and if misconduct is found appropriate remedial actions will be taken. CGC will complete the investigation expeditiously and communicate its findings and intended actions to the complainant and the alleged offender.

If the investigator finds that the harassment or other inappropriate conduct occurred, appropriate action will be taken. Any employee (including any supervisory employee) of CGC who is found to have engaged in any form of unlawful discrimination will be subject to disciplinary action, up to and including termination. CGC will also take any other action which is appropriate under the circumstances to deter future discrimination.

**No adverse action will be taken against any employee in any manner for reporting or opposing in good faith any perceived form of unlawful discrimination or harassment.** Any person found to have retaliated against another individual for reporting harassment or discrimination or cooperating in an investigation of such allegations will be subject to immediate disciplinary action, up to and including termination.

No CGC employee, supervisor, executive, official or agent is exempt from this policy. Any individual who engages in conduct contrary to this policy may be subject to disciplinary action, up to and including termination.

**E. OUTSIDE AGENCIES**

The procedure above applies to internal complaints of harassment to CGC, regardless of whether the harassment occurred on CGC premises or by a CGC employee. Different procedures may apply after a formal government administrative charge or civil lawsuit is filed. Applicants and employees may also pursue any charge of harassment or discrimination (sexual or otherwise) with an appropriate governmental agency, including the California Department of Fair Employment and Housing (“DFEH”) (for California employees), or the comparable federal agency, the Equal Employment Opportunity Commission (“EEOC”).

Employees may contact the DFEH at 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758, telephone number (916) 478-7251. The EEOC may be contacted at 131 M Street, NE, Washington, D.C. 20002, or at 800-669-4000. It is unlawful to retaliate against any employee for opposing the practices prohibited by the California Fair Employment and Housing Act, or comparable federal, state, or local law, or for filing a complaint with – or otherwise participating in – an investigation, proceeding or hearing conducted by the DFEH, the EEOC, or any other comparable state or local agency.

All responses on behalf of the Company to such a formal charge or complaint must be made through management.

**EQUAL EMPLOYMENT AND NON-HARASSMENT POLICY ACKNOWLEDGEMENT**

I acknowledge that I have received, read, and understand the Equal Employment and Non-Harassment Policy of Career Group Inc. DBA Career Group Companies, Fourth Floor Fashion Talent, Syndicatebleu, Avenue Pacific, and Lifestyle Talent Partners (“CGC”). I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

# 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](http://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](http://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](http://www.eeoc.gov).



### Introduction

Career Group Companies is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Career Group Companies' commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Career Group Companies. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### Policy:

1. Career Group Companies' policy applies to all employees, applicants for employment, contractors and persons conducting business, regardless of immigration status, with Career Group Companies. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Career Group Companies will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Career Group Companies who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a Career Group Companies Account Manager or email [compliance@careergroupcompanies.com](mailto:compliance@careergroupcompanies.com). All employees or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Career Group Companies to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. 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.
5. Career Group Companies will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Career Group Companies will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Career Group Companies will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to [Compliance@careergroupcompanies.com](mailto:Compliance@careergroupcompanies.com).
8. This policy applies to all employees and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and 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;



- Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** Career Group Companies cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a Career Group Companies supervisor, manager or Compliance@careergroupcompanies.com. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Compliance@careergroupcompanies.com.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

## **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Compliance@careergroupcompanies.com.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline 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 any retaliation.

## **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Career Group Companies will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Career Group Companies will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by Career Group Companies but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Career Group Companies, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Career Group Companies does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

## **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live 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, 10th 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).

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

# Model 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 [Compliance@careergroupcompanies.com](mailto:Compliance@careergroupcompanies.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](http://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:

*Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

## 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: \_\_\_\_\_

## **Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.