WinterWyman

WinterWyman Harassment Prevention Policy

SCOPE OF POLICY

This Harassment Prevention Policy applies to all WinterWyman companies, including but not limited to Winter, Wyman, & Company, Inc., Winter, Wyman Financial Contracting, Inc., Winter, Wyman Technology Contracting, Inc., and Winter, Wyman HR Contract Solutions, Inc. (all referred to as "WinterWyman" for the purposes of this policy).

WinterWyman promotes a work environment free of all forms of harassment, discrimination and intimidation. WinterWyman will not tolerate any form of harassment. Any employee who violates this policy will be subject to disciplinary action up to and including termination.

WinterWyman Has Zero Tolerance for Harassment of Any Kind by Any Employee

Harassment in any form disrupts lives, decreases productivity, and damages reputations and careers. It creates feelings of uneasiness, humiliation and discomfort. Harassment undermines the employment relationship. No employee should be subjected to such misconduct, whether committed by supervisors or non-supervisory personnel.

WinterWyman prohibits discrimination and harassment on the basis of any factor prohibited by applicable law including race, color, age, national origin, ethnicity, religion, sexual orientation, familial status, sex, disability, pregnancy, gender identity or expression, or any other basis prohibited by applicable federal, state, and local laws.

This Workplace Harassment Policy Applies:

In the workplace, at off-site social events sponsored by WinterWyman or Client Company, during business trips, and during work assignments away from the workplace. Each employee, anyone working on behalf of WinterWyman, and anyone conducting WinterWyman's business off-site is responsible for acting in a respectful manner and maintaining a professional environment free from all forms of harassment.

THIRD PARTY HARASSMENT

WinterWyman also prohibits harassment of any type towards their employees by non-WinterWyman employees. If a tenant, vendor, repair person, client or any other non-WinterWyman employee engages in unwelcome behavior, please report this to a manager or supervisor so the appropriate steps can be taken.

SEXUAL HARASSMENT

Every employee is entitled to a working environment free from sexual harassment and WinterWyman is committed to maintaining a workplace free from sexual harassment. Sexual harassment violates the law and WinterWyman policy. Those who engage in sexual harassment will be subject to disciplinary action up to and including termination. Employees who experience sexual harassment or know of sexual harassment that has occurred should report it and/or submit a complaint form.

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 can occur between males and females, or between persons of the same sex. 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.

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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 it immediately 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 Include but Are Not Limited To:

- Unwelcome sexual advances or propositions
- Sexual jokes or comments that demean someone due to their sex
- References to a person as a "hunk," "stud," "doll," "babe," "honey," etc.
- Asking about a person's sexual activities, sexual fantasies or sexual preferences
- Blocking or cornering someone
- Intentional or unintentional physical conduct which is sexual in nature such as patting, touching, pinching, grabbing, poking or brushing up against a person's body
- Staring at someone's body parts
- Spreading gossip or rumors about someone's sex life
- Derogatory comments about a person's sex or sexual orientation
- Whistling, making cat calls, or making sexual gestures or noises at someone
- Disparaging remarks to a person about his or her gender or body
- Repeated requests for a date or romantic intimacy after the person has refused
- Displaying or transmitting sexually explicit pictures, objects, reading materials, e-mails, publications or website materials

OTHER FORMS OF PROHIBITED HARASSMENT

WinterWyman also prohibits harassment based on race, color, age, national origin, ethnicity, religion, sexual orientation, familial status, sex, disability, pregnancy, gender identity or expression, or any other basis prohibited by applicable federal, state, and local laws. WinterWyman has zero tolerance for insulting words or conduct related to these characteristics that:

- Create an intimidating, hostile or offensive work environment;
- Unreasonably interfere with an individual's work performance;
- Otherwise negatively affects an individual's employment opportunities.

Examples of Other Harassing Behaviors Include but are Not Limited to:

- Refusing to interact with an individual because of the listed characteristics
- Epithets, slurs, taunting or jokes about any of the listed characteristics
- Mocking an accent or a speech impediment
- Derogatory pictures, materials or publications about any of the listed characteristics
- Cartoons, posters or other pictures showing people of color or of certain national origins in a demeaning manner
- negative stereotyping on the basis of the listed characteristics
- Words or actions that humiliate or intimidate others based on the listed characteristics
- Using any telephones, electronic devices, service applications, websites or forums, to transmit, receive, store, download or display material that is obscene, illegal, discriminatory, and/or offensive

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RETALIATION PROHIBITED

WinterWyman strictly prohibits any employee or manager from retaliating against any person who complains in good faith about unlawful harassment of any form. Retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim.

Employees who file a complaint, give information about a complaint or participate in any other harassment or discrimination related "protected activity" are protected from any workplace reprisals. Protected activity occurs when a person has:

- filed a formal written complaint of harassment, either internally with management or human resources, or with any anti-discrimination agency
- testified or assisted in a proceeding involving harassment
- opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment
- Complained that another employee has been harassed, or encouraged a fellow employee to report harassment

Retaliation can occur when, for example, a supervisor reduces an employee's pay and/or provides a negative performance evaluation because the employee made a complaint of sexual harassment. 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).

Retaliation is against the law and against WinterWyman policy. Any WinterWyman employee who retaliates against another in violation of this policy will be subject to discipline up to and including termination from employment.

PREVENTING HARASSMENT

Treat all employees with respect, dignity and in a businesslike manner. Be sure your colleagues understand you will not tolerate harassment of any kind in the workplace. When you witness an incident that is offensive or makes someone feel uncomfortable, express your disapproval even if the conduct does not bother you, if you are comfortable doing so.

REPORTING HARASSMENT

WinterWyman cannot prevent or remedy harassment unless it knows about it. If you have been subjected to behavior that may constitute sexual harassment, or you witness or are aware of potential instances of harassment, you are encouraged to report such behavior to the individuals identified below. All reports and complaints will be investigated and dealt with appropriately. You may also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

SUPERVISORY RESPONSIBILITIES

All supervisors and managers who receive a complaint or information about suspected harassment, observe what may be harassing behavior or for any reason suspect that harassment is occurring, **are required** to report such suspected harassment to the individuals identified below. In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

COMPLAINT PROCEDURE

If you believe that you or someone else is being harassed, take action. If you believe that you or another employee has been the victim of harassment you should promptly report the incident to any of the following individuals:

Ruth Dufresne, Director of Benefits & Compliance
WinterWyman
880 Winter St., Ste. 200, Waltham, MA 02451
(781) 890-7000 x 3070

Cathy Renda, Director of Employee Engagement
WinterWyman
880 Winter St., Ste. 200, Waltham, MA 02451
(781) 890-7000 x 3163

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You may also file a complaint with any supervisor, manager or executive of WinterWyman. Harassment complaints may be oral or written. The WinterWyman Employee Engagement Department is currently located at 880 Winter Street, Suite 200, Waltham, Massachusetts, 02451, and may be contacted by phone at (781) 890-7000. You can find a WinterWyman Complaint Form at the end of this policy.

INVESTIGATION PROCESS

After an employee files a workplace harassment complaint, WinterWyman will promptly investigate the complaint. Under no circumstances, will any individual named in the complaint be involved in conducting or supervising the investigation.

- Investigations will typically include interviews with:
  - the person(s) filing the complaint;
  - the person(s) alleged to have committed the harassment; and
  - any witnesses with relevant information.

- Complaints of harassment will be kept confidential to the extent possible.
- All persons interviewed in the investigation will be required to keep the matter confidential. Employees who discuss a confidential workplace investigation may be disciplined up to and including termination from employment.
- Investigations will be thoroughly documented. WinterWyman will investigate the facts and circumstances surrounding any complaint and prepare a report detailing its findings. The report will include any recommendations for follow up action.
- If WinterWyman determines that an individual has engaged in improper conduct, WinterWyman will act promptly to eliminate the improper conduct and take other appropriate action, including, for example, taking disciplinary action.
- A summary of the results of the investigation will be conveyed to the person(s) who filed the complaint and the alleged harasser.

This policy does not limit WinterWyman's authority to take appropriate corrective action for unacceptable workplace conduct, even if the conduct does not amount to harassment.

EMPLOYEE'S RESPONSIBILITIES

- Know the company policy.
- Understand the seriousness of violations.
- Follow the process for filing a complaint.
- Know what is and isn't appropriate behavior.
- Ask if you are unclear or do not understand the policy or process.
- Understand the importance of confidentiality.

EMPLOYEE ACKNOWLEDGEMENT

I, _____ (please print name), acknowledge receiving, reading and understanding WinterWyman's Harassment Prevention Policy (2019).

_____ _____

Employee Signature Date

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STATE AND FEDERAL AGENCIES

In addition to filing a complaint with WinterWyman, if you believe that you have been the victim of unlawful harassment you may also file a formal complaint with the government agencies listed below. Using WinterWyman's complaint process does not prevent you from filing a complaint with these government agencies. Each agency, however, has a limited period of time for filing a complaint.

FEDERAL AGENCIES

Equal Employment Opportunity Commission:
Employees may file a complaint of harassment/discrimination with the EEOC within 180 days of the alleged harassment/discrimination. This time period extends to 300 days if a state or local agency enforces a law that prohibits employment discrimination on the same basis. 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 or via email at info@eeoc.gov.

STATE AGENCIES

Massachusetts:
MA employees may file a complaint of harassment/discrimination with the Massachusetts Commission Against Discrimination ("MCAD") within 300 days of the alleged harassment/discrimination:

Boston Office:
One Ashburton Place – Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:
436 Dwight Street – Rm. 220
Springfield, MA 01103
(413) 739-2145

Connecticut:
Employees may file a complaint with the CT Commission on Human Rights and Opportunities within 180 days of the date of the alleged harassment/discrimination:

21 Grant Street
Hartford, CT 06106
(603) 271-2767

New York:
Employees may file a complaint with the NYS Division of Human Rights within one year of the alleged harassment/discrimination:

One Fordham Plaza, Fourth Floor
Bronx, New York 10458.
(718) 741-8400
www.dhr.ny.gov

Alternatively, an individual can sue directly in state court under the New York State Human Rights Law ("HLR") within three years of the alleged harassment/discrimination.

New Hampshire:
Employees may file a complaint with the NH Commission for Human Rights within 180 days of the date of the alleged harassment/discrimination:

2 Chenell Drive
Concord, NH 03301-8501
Phone: 603-271-2767

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New Jersey:
Employees may file a complaint with the NJ Division on Civil Rights within 180 days of the date of the alleged harassment/discrimination:

31 Clinton Street
Newark, New Jersey 07102-5233
Phone: 973-648-2700

Alternatively, an aggrieved party may file a complaint in New Jersey Superior Court within two years of the alleged violation.

Maryland:
Employees may file a complaint with the MD Commission on Human Rights within six months of the alleged harassment/discrimination:

6 Saint Paul Street, Suite 900
Baltimore, Maryland 21202-1631
410.767.8600
mccr@maryland.gov

Rhode Island:
Employees may file a complaint with the RI Commission for Human Rights within one year of the alleged harassment/discrimination:

180 Westminister Street, 3rd Floor
Providence, RI 02903
Phone: 401-222-2661

Vermont:
Employees may file a complaint with the Vermont Attorney General's Office - Public Protection Division Civil Rights Unit within 300 days of the alleged harassment/discrimination:

109 State Street
Montpelier, VT 05609-1001
Phone: 802-828-5511

Illinois:
Employees may file a complaint with the Illinois Department of Human Rights within 300 days of the alleged harassment/discrimination:

Chicago Office
100 West Randolph Street
Suite 10-100
Chicago, Illinois 60601
Phone: 312-814-6200

Springfield Office
535 West Jefferson Street
1st Floor, Intake Unit
Springfield, IL 62702
Phone: 217-785-5100

Pennsylvania:
Employees may file a complaint with the Pennsylvania Human Relations Commission within 180 days of the alleged harassment/discrimination:

The Curtis Center
601 Walnut Street, Suite 300, South
Philadelphia, PA 19106
Phone: 215-686-4670

Virginia:
Employees may file a complaint with the Virginia Division of Human Rights within 300 days of the alleged harassment/discrimination:

Office of the Attorney General of Virginia
202 North Ninth Street
Richmond, VA 23219
Phone: (804) 225-2292

Michigan:
Employees may file a complaint with the Michigan Department of Civil Rights within 180 days of the alleged harassment/discrimination:

Detroit Executive Office
Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
Phone: 313-456-3700

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.

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.

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COMPLAINT FORM

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

If you believe that you or another employee has been the victim of harassment, you should promptly report the incident to any of the following individuals:

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Cathy Renda, Director, Employee Engagement
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You may also file a complaint with any supervisor, manager or executive of WinterWyman. Sexual harassment complaints may be oral or written. The WinterWyman Employee Engagement Department is currently located at 880 Winter Street, Suite 200, Waltham, Massachusetts, 02451, and may be contacted by phone at (781) 890-7000.

COMPLAINANT INFORMATION

Name: _____

Your WinterWyman Recruiter: _____

Client Company Name: _____

Client Company Address: _____

Job Title: _____

Phone: _____ Email: _____

Select Preferred Communication Method: ☐ **Email** ☐ **Phone** ☐ **In person**

SUPERVISORY INFORMATION

Immediate Supervisor's Name at Client Company: _____

Supervisor's Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

Your complaint of harassment is made about:

Name & Title: _____

Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other: _____

1. **What type of harassment are you reporting?** ☐ Sexual ☐ Other*

   ***Other:** _____

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2. **Date(s) harassment occurred:** _____

   Is the harassment continuing? ☐ Yes ☐ No

3. **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.**

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

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?** *(This question is optional but may help the investigation).*

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

Signature: _____ **Date**: _____