

POLICY AGAINST SEXUAL HARASSMENT

The Company prohibits sexual harassment and retaliation of or against its applicants, interns, contractors, volunteers or employees by another employee, supervisor, customer, client, vendor or other third party in all aspects of the employment relationship including: recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, activities, access to programs and treatment. This policy is one component of the Company's commitment to a discrimination-free work environment.

SEXUAL HARASSMENT DEFINED

Sexual harassment is a form of sex discrimination that violates Company policy and is unlawful under federal, New York State and local law (as applicable). 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 or gender (including pregnancy, childbirth and related medical conditions), gender identity or gender expression (including transgender status), and/or sexual orientation when:

- Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, even if the individual is not the intended target.

Sexual harassment can be verbal (e.g., jokes, insults, gestures or teasing), visual (e.g., offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (e.g., unwanted touching, physically threatening another) that denigrates or shows hostility or aversion towards an individual based on sex or gender, gender identity, gender expression and/or sexual orientation.

Examples of conduct that violate this policy include:

- Unwelcome sexual advances, flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movement
- Requests for sexual favors or demands for sexual favors in exchange for favorable treatment
- Obscene or vulgar gestures, posters, or comments
- Sexual jokes, noises, or comments about a person's body, sexual prowess, sexuality, sexual experience, or sexual deficiencies
- Propositions, or suggestive or insulting comments of a sexual nature
- Derogatory cartoons, posters, and drawings
- Sexually-explicit e-mails, text messages, posts or voicemails
- Conversation about one's own or someone else's sex life
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual
- Teasing or other conduct directed toward a person because of the person's gender
- Sex stereotyping

RETALIATION DEFINED

Retaliation is adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, participated in the reporting and investigation process set forth in this policy or testified or assisted in an investigation or proceeding involving an actual or perceived violation of this policy. Adverse conduct includes, but is not limited to any action that would keep an employee from reporting sexual harassment or retaliation; shunning and avoiding an individual who reports sexual harassment or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting sexual harassment or retaliation; and denying employment benefits because an applicant or employee reported or encouraged another employee to report sexual harassment or retaliation or participated in the reporting and investigation process.

REPORTING PROCEDURE

The Company cannot prevent sexual harassment unless it knows about it. If an employee believes someone has violated this policy, the employee should promptly bring the matter to the immediate attention of his/her supervisor, Robin McConnell, Director of Human Resources or any member of management with whom the employee feels comfortable. Reports of sexual harassment may be made verbally or in writing. Written complaints can be submitted internally using a complaint form. The complaint form can be found on the M Drive/ Company Shared Folders/Human Resources/Forms and the ADP Homepage. If the employee makes a complaint under this policy and has not received a satisfactory response within five (5) business days, the employee should contact Robin McConnell, Director of Human Resources immediately.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally must immediately report the issues raised to Robin McConnell, Director of Human Resources.

INVESTIGATION PROCEDURE

Upon receiving a complaint, the Company will timely conduct a fair and thorough investigation into any claim of a violation of this policy to ensure due process for all parties. The Company will endeavor to keep the reporting employee's concerns confidential. However, complete confidentiality may not be possible in all circumstances. Employees are required to cooperate in investigations conducted pursuant to this policy.

During the investigation, the Company generally will interview the complainant and the accused, conduct further interviews as necessary and review documents or other information the investigator believes are relevant.

Upon completion of the investigation, the Company will determine whether this policy has been violated based upon its reasonable, good-faith evaluation of the information gathered during the investigation. The Company will inform the complainant and the accused of the results of the investigation.

Any employee found to have engaged in conduct in violation of this policy will be considered to have engaged in employee misconduct. Individuals who violate this policy (which includes supervisory or management personnel who fail to report or knowingly allow sexually harassing behavior to continue)

will be subject to disciplinary action, up to and including termination from employment. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES.

Aside from the internal complaint process, employees may choose to pursue external legal remedies with the following governmental entities:

New York State Division of Human Rights (DHR)

The DHR enforces the New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which protects employees, paid or unpaid interns and non-employees regardless of immigration status from unlawful discrimination, harassment or retaliation. The DHR has the power to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying 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
(718) 741-8400
www.dhr.ny.gov

Individuals also may contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information.

United States Equal Employment Opportunity Commission (EEOC)

The 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.). If an employee believes he/she has been subjected to harassment, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. 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.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting its website at www.eeoc.gov or via email at info@eeoc.gov

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 Nassau County can file complaints of sexual harassment with the Nassau County Commission on Human Rights (240 Old Country Road, 6th Floor, Suite 606, Mineola, NY 11501; 516-571-3662; www.nassaucountyny.gov/414/Human-Rights-Commission). For example, employees who work in Suffolk County can file complaints of sexual harassment with the Suffolk County Human Rights Commission H. Lee Dennison Building, 100 Veterans Memorial Hwy, third Floor, Hauppauge, NY 11788; 631-853-5480; www.suffolkcountyny.gov/Departments/HumanRightsCommission.aspx.

For example, employees who work in New York City (including any of the five boroughs) can file complaints of sexual harassment with the New York City Commission on Human Rights. It has a physical location in each of the five boroughs. For example, the Manhattan location is located at 22 Reade Street, First Floor, New York, NY 10007; 212-306-7450; <https://www1.nyc.gov/site/cchr/index.page>).

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 or, in an emergency, dial 911.



**POLICY AGAINST SEXUAL HARASSMENT
ACKNOWLEDGMENT FORM**

I, _____ acknowledge that I have received, read and understand the Policy Against Sexual Harassment of Arizona Beverages USA, LLC and all related entities. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.