

HURST STORES

ANTI-HARASSMENT & NON-DISCRIMINATION POLICY

Hurst Stores/Hurst Company strives to maintain a workplace that fosters mutual employee respect and promotes professional conduct as well as harmonious, productive working relationships. Our organization believes that **discrimination, harassment, and retaliation in any form constitute misconduct** that undermines the integrity of the employment relationship. All employees should be able to enjoy a work environment free from all forms of discrimination, including but not limited to sexual and other illegal harassment.

Hurst's policy prohibits conduct that constitutes unlawful harassment, discrimination, and retaliation by supervisors, managers and co-workers, as well as by third-parties such as vendors or customers. This prohibition includes harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin or ancestry (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation. This policy also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

All such conduct violates Hurst's policy.

In addition, Hurst Stores/Hurst Company prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

No supervisor, co-worker, or other person shall cause a Hurst employee to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to rejecting, or reporting sexual harassment. No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decision, to an individual on the condition that such individual participate in or tolerate otherwise unwelcome sexual behavior. Hurst Stores/Hurst Company will take preventative, corrective and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination will be imposed for unlawful behavior.

SCOPE:

This policy applies to all employees throughout the organization and to all individuals who may have contact with any employee of this organization such as vendors, customers, and independent contractors. It applies during normal working hours, at work related or sponsored functions, and while traveling on work related business. There will be no recriminations for anyone who in good faith alleges illegal harassment.

DEFINITIONS:

The term "harassment" is used in this policy to refer to both sexual and other forms of harassment. Below are definitions of sexual and other forms of harassment, as well as

examples of conduct that may constitute harassment. (These lists are examples only; they are not all-inclusive.)

1. **Sexual Harassment** – Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct pertaining to a person's sex (including pregnancy, childbirth, breastfeeding or related medical conditions), and/or of a sexual nature when submission to such conduct:
 - a. Is made a condition of employment.
 - b. Is made the basis for employment decisions; or
 - c. Unreasonably interferes with an individual's ability to perform their job duties or otherwise creates an offensive or hostile working environment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire. Examples of conduct which may result in sexual harassment may include, but are not necessarily limited to, the following:

- Verbal - unwelcome conduct such as the use of suggestive, derogatory, or vulgar comments; the use of sexual innuendo or slurs; making unwanted sexual advances, invitations, or comments; pestering for dates; making threats; propositions, threats, or suggestive or insulting sounds; inappropriate e-mail; and/or spreading rumors about or rating others as to their sexual activity or performance.
- Visual/Non-Verbal - unwelcome conduct such as the display of sexually suggestive and/or derogatory objects, pictures, posters, written material, cartoons, or drawings; the use of graffiti and/or computer generated images of a sexual nature; and/or the use of graphic commentaries, obscene gestures or leering.
- Physical - unwelcome conduct such as unwanted touching, pinching, kissing, patting, or hugging; the blocking of, or interfering with normal movement; stalking; assault; battery; and/or physical interference with work or study directed at an individual because of the individual's sex, sexual orientation, or gender.
- Threats, demands, or pressure to submit to sexual requests in order to keep a job or job standing or to avoid other loss, and/or offers of benefits in return for sexual favors.

2. **Other Forms of Harassment** – In addition to sexual harassment, other forms of prohibited harassment include offensive comments or conduct pertaining to a person's sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin or ancestry (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law or ordinance or regulation. Such conduct may include, but is not limited to:

- Making gestures, threats, derogatory comments, or slurs that may be offensive to individuals in a particular group
- Bullying behavior that is threatening, intimidating, verbally abusive or results in other disruptive actions in the workplace
- Displaying derogatory objects, photographs, cartoons, calendars, or posters
- Sending messages by letters, notes, electronic mail, or telephone that may be offensive to individuals in a particular group
- Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

STANDARDS, GUIDELINES, PROCEDURES, AND WORK RULES

1. PROHIBITED DISCRIMINATION AND HARASSMENT

Hurst Stores/Hurst Company prohibits discrimination harassment, and/or retaliation in any form that is based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. We strive and expect all employees to maintain a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships. This policy also prohibits coworkers, third parties, supervisors, and managers with whom employees come into contact from engaging in conduct prohibited under law and FEHA regulations.

- 2. REASONABLE ACCOMMODATIONS** - Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Hurst Stores/Hurst Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a Hurst Stores/Hurst Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. Hurst Stores/Hurst Company will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a Hurst Stores/Hurst Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will

not impose an undue hardship, Hurst Stores/Hurst Company will make the accommodation. Hurst Stores/Hurst Company will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

3. **MANAGER/SUPERVISOR RESPONSIBILITY** - Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Further, supervisors and managers are required to report any complaints of violations of the policy to Human Resources or another person in the company so that a prompt internal investigation may occur.
4. **RESPONSIBILITY TO REPORT INAPPROPRIATE CONDUCT** - Any employee who feels he/she has become aware of, observes, or who has been subjected to any form of harassment and/or discrimination by a manager, supervisor, employee, volunteer, unpaid intern, or non-employee through his/her actions or words has a responsibility to report or make a complaint about the situation as soon as possible.
 - The employee should make the report or complaint about that conduct to his/her immediate supervisor, another member of management, or to Human Resources within three calendar days of the offense or otherwise as soon as practicable.
 - Employees are not required to approach the person who is harassing and/or discriminating against them, and they may bypass any offending member of management to report such conduct.
 - When making a complaint of harassment or discrimination, you will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.
 - Supervisors will refer all complaints involving harassment or other prohibited conduct to the human resources department, or to the appropriate investigative officer. Hurst Stores/Hurst Company will immediately undertake an effective, thorough and objective investigation of the allegations.

Additional Resources: You also should be aware that the Federal Equal Employment Opportunity Commission and the Utah Antidiscrimination and Labor Division investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency:

- Equal Employment Opportunity Commission (EEOC) - The EEOC may be contacted by consulting the government agency listings in your local phone book
- Utah Antidiscrimination and Labor Division - The Utah Employment Discrimination Section staff is available to talk with you by telephone or in-person away from the work location.

All information will be handled in an appropriate manner. The nearest office is listed in the telephone book.

5. **INVESTIGATION OF COMPLAINTS** - The supervisor, other manager, or HR representative to whom the harassment or discrimination is reported is obligated take

the necessary steps to ensure that a prompt, fair, timely, thorough, and objective investigation of the alleged discrimination and/or harassment claim is properly initiated. Hurst Stores/Hurst Company will reach reasonable conclusions based on the evidence collected. Hurst Stores/Hurst Company will maintain confidentiality to the extent possible. However, Hurst Stores/Hurst Company cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know. Hurst Stores/Hurst Company will not allow the goal of confidentiality to be a deterrent to an effective investigation. Hurst Stores/Hurst Company will ensure that:

- Impartial and timely investigations will be conducted by qualified personnel, and will be documented and tracked to ensure that reasonable progress is being made.
- Appropriate due process will be given for the complainant, witnesses, and the accused.
- A reasonable conclusion will be made based on the evidence collected, and appropriate options for remedial actions and resolutions will be considered.
- A timely resolution of each complaint will be reached and the results of the investigation will be communicated in a timely manner to the employee and other concerned parties with a business need to know.

6. **CORRECTIVE AND DISCIPLINARY ACTION** – If through the investigatory process Hurst Stores/Hurst Company determines that harassment or other prohibited conduct has occurred; effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by Hurst Stores/Hurst Company to be responsible for harassment or other prohibited conduct will be subject to appropriate corrective and/or disciplinary action, up to, and including termination. The corrective action issued will be proportional to the severity of the conduct. The alleged harasser's employment history and any similar complaints of prior unlawful discrimination and/or harassment will be taken into consideration. Hurst Stores/Hurst Company also will take appropriate action to deter future misconduct. Any employee determined by Hurst Stores/Hurst Company to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including possible termination of employment. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

7. **RETALIATION PROHIBITED** - Hurst Stores/Hurst Company prohibits retaliation of any kind against employees or others covered by this policy, who, in good faith, report harassment and/or discrimination, participate in an investigation, or who otherwise assist in investigating such complaints. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct to his/her immediate supervisor, another member of management, or Human Resources within three calendar days of the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management. Any employee determined to have retaliated against such employees will be subject to discipline, up to and including immediate termination of employment.

8. **MAKING FALSE AND MALICIOUS COMPLAINTS PROHIBITED** - Knowingly filing a groundless and malicious complaint is also prohibited, and will subject such an employee to appropriate disciplinary action up to and including possible termination of employment. If after investigating any complaint of unlawful discrimination, Hurst

Stores/Hurst Company determines that an employee intentionally provided false information regarding the complaint, appropriate disciplinary action may be taken against the one who gave false information.

DO NOT SIGN UNTIL YOU HAVE READ THE ABOVE STATEMENT AND AGREEMENT

EMPLOYEE NAME (please print): _____

SIGNATURE

DATE