



NEW YORK CITY HUMAN RIGHTS LAW

Purpose

The purpose of this document is to inform employees of Kelly Services ("Kelly") of Kelly's New York City Anti-Harassment and Discrimination Policy.

Persons Affected

- All Kelly employees, customers, and suppliers
- Any other persons or third parties with whom Kelly employees have contact through their employment, including applicants and independent contractors

Policy

Kelly is committed to maintaining a work environment that is free from unlawful harassment and discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information (is genetics expressly mentioned in NYC or extract), **marital status, sex, gender, gender identity, gender expression, age** for individuals over 40 years of age, military and veteran status, and sexual orientation, or any other basis protected by federal, state, or local law. All such unlawful harassment and discrimination is prohibited and will not be tolerated. All employees are expected to help ensure the work environment remains free of harassment and discrimination. Upon learning of a situation that may violate this policy, Kelly will conduct a timely, prompt and thorough investigation. All information regarding the alleged misconduct will be documented, tracked and kept confidential, as permitted by the investigation process or state or federal law. It is Kelly's intent to provide due process to all parties and to reach reasonable conclusions based on the information gathered. If it is determined that a violation of this policy has occurred, Kelly will close the investigation in a timely fashion and take appropriate remedial action intended to stop any prohibited misconduct and prevent future misconduct. This may include disciplinary action up to and including termination of employment.

Kelly prohibits unlawful discriminatory, harassing and retaliatory conduct against any employee by another employee, supervisor or manager for using this complaint procedure or participating in an investigation by Kelly, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Kelly will not knowingly permit or tolerate any retaliation resulting from the exercise of protected activity, such as cooperating in an investigation or making a good faith complaint of harassment or discrimination.

Definitions

The term "harassment" is used in this policy to refer to both sexual and other forms of harassment. Kelly prohibits unlawful harassment whether it involves coworker harassment, harassment by Supervisors and Managers, or harassment by other third parties (such as customers, clients, or vendors). Sexual harassment is defined as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature when submission to such conduct: a) is made a term or 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.

This definition includes many forms of offensive behavior. It is prohibited for males to sexually harass females or other males, and for females to sexually harass males or other females. The following is a partial, non-exhaustive, list of conduct which violates this policy:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sex, **gender, gender identity, gender expression**, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements

Other forms of prohibited harassment include offensive comments or conduct pertaining to a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, age for individuals over 40 years of age, military and veteran status, sexual orientation, or any other characteristic protected by local, state or federal law.

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
- Abusive conduct or bullying behavior that is threatening, intimidating, verbally abusive, or results in other disruptive actions in the workplace
- Sending messages by letters, notes, electronic mail, or telephone that may be offensive to individuals in a particular group
- Displaying derogatory objects, photographs, cartoons, calendars, or posters

The term "discrimination" includes taking an employment action against an individual because of the person's inclusion in a protected category. These actions include, but are not limited to, refusing to hire or employ a person, refusing training, terminating employment, or any other action relating to the terms, conditions, or privileges of employment.

Harassment in violation of this policy can take place anywhere or anytime. Harassment prohibited by this policy is not just harassment that occurs within the four walls of the building in which Kelly employees physically work. For example, in person interactions, calls, texts, emails and social media posts can constitute harassment, even if they occur outside the physical workplace or outside of work hours, or on personal devices.

Responsibilities

All Kelly employees are expected to help ensure the work environment remains free of harassment and discrimination. Any employee who believes they are being subjected to harassment or discrimination by a Kelly employee or non-employee, or who have witnessed such misconduct of or by another Kelly employee or non-employee, has a responsibility to promptly report the matter through one of the means identified in the "Reporting Incidents of Harassment and Discrimination" section of this policy. Managers and supervisors are required to report incidents or complaints of harassment and discrimination to their Human Resource manager. Upon learning of any alleged misconduct, Kelly will have qualified personnel fairly, promptly and thoroughly investigate the matter and take appropriate remedial steps, which may include disciplinary action up to and including termination of employment. Kelly will attempt to keep complaints confidential, as possible, but cannot guarantee confidentiality. New York workers may call the NYS Division of Human Rights toll-free, confidential sexual harassment hotline at **1-800-427-2773** during regular business hours to receive legal counsel and information about filing a sexual harassment complaint in New York.

Reporting Incidents of Harassment and Discrimination

Any Kelly employee (i.e., full-time, part-time, leased, managed service, or on assignment with a Kelly customer) who believes that they have been harassed by a Kelly employee or non-employee, or who have witnessed harassment of or by another Kelly employee or non-employee, or witnessed discrimination, should report the alleged misconduct to one of the following:

- The **immediate Kelly manager** (i.e., an officer, director, supervisor, or Kelly Representative) of the employee who is reporting the alleged misconduct
- The Kelly Human Resource Knowledge Center at 1-877-301-8469 or HRknowledgecenter@kellyservices.com.
- The **Kelly Services' Business Conduct & Ethics Reporting Program at 1-877-978-0049** or <https://secure.ethicspoint.com/domain/media/en/gui/82243/index.html>. This program is administered by a third party.
- **The Kelly Services Complainant Interview form – fill out and e-mail this completed form to HRKnowledgeCenter@kellyservices.com.**

HARASSMENT COMPLAINANT STATEMENT

Date, time, and location of statement:

Assignment information:

Complainant Information

Name:

Position:

Status: Full-time Part-time Temporary Leased Managed Service

Kelly manager/supervisor name and position:

Start date on assignment:

PLEASE DETAIL YOUR STATEMENT OF WHAT OCCURRED:

Where did the incident(s) take place? *Inquire about incidents that may have occurred outside, as well as inside, the workplace. Ask the complainant to be specific.*

Where you physically touched or was any physical contact made while in the workplace?

Yes No

If yes, how many times were you touched and where?

Did anyone see this? Yes No

If yes, please describe who and the exact physical contact or confinement.

Were you threatened in any way? Yes No

If yes, what was the threat?

Were you exposed to offensive or explicit materials, such as cartoons, photographs, or e-mail messages?

Yes No

If yes, what was the material?

Were you subjected to lewd or offensive comments, or tell sexually explicit jokes or stories while in the workplace or by coworkers? Yes No

If yes, what was said?

Were there any witnesses to the incident(s)? Yes No

Is yes, who were the witnesses (names and positions)? Did they witness the entire incident(s)?

How did you feel about the incident at the time it occurred?

How did you respond to the incident?

Did you directly ask, tell, or warn the alleged harasser to stop the behavior or activity?

Yes No

If yes, how did you communicate the message (e.g., face-to-face, phone, e-mail)? What specifically did you say?

Are you aware of any others who have been subjected to similar behavior?

Yes No

If yes, who (names and positions) and when? How do you know of the similar behavior (heard about it, witnessed it, etc.)?

What was your relationship with the alleged harasser prior to the incident(s)? Did you work together in the past, socialize outside of work, etc.? *Ask the complainant to be specific.*

Since the time of the alleged incident(s), what has the relationship been between you and the person you are raising concerns about in the statement?

Did you tell anyone else about the incident represented in this statement: superiors, co-workers, employees of the customer, family, friends, counselor/therapist, attorneys, and/or police?

Yes No

If yes, who and when? What was the result?

Do you have any tangible evidence or records related to the information in your statement: notes, letters, or electronic messages from the harasser; calendar or diary entries you made; tape recordings; formal complaints made to outside agencies?

Yes No

If yes, what?

Are there any workplace issues resulting from the information you provided in your statement, such as an effect on your behavior or job performance, or the behavior or job performance of others?

Yes No

If yes, what are the issues?

Are you experiencing any personal issues outside of the workplace as a result of the issues you are now alleging?

Yes No

If yes, what are the issues?

Do you feel comfortable returning to the workplace or assignment?

Yes No

Is there any additional information that Kelly should know?

Complainant Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____