



# NEW YORK ANTI-HARASSMENT POLICY

## Purpose

The purpose of this document is to inform employees of Kelly Services ("Kelly") of Kelly's New York Anti-Harassment, Discrimination, and Retaliation Prevention Policy, and to advise of protections pursuant to the New York Human Rights laws and Title VII of the federal Civil Rights act of 1964.

This policy applies to all Covered Individuals, as set forth below:

- All Kelly employees, interns, temporary company workers, customers, and suppliers
- Any other persons or third parties not employed by Kelly but who have contact through their employment, including applicants, independent contractors, subcontractors, vendors, consultants or other persons providing services at any of Kelly's locations.

## Policy

Kelly is committed to maintaining a work environment that is free from harassment, discrimination, and retaliation, as well as an environment where all employees are treated with respect and dignity. Kelly does not tolerate any form of discrimination or harassment based on race, religion, creed, color, national origin, ancestry, disability, medical condition, predisposing genetic characteristics, familial status, marital status, sex, pregnancy, gender, gender identity, gender expression, age, military and veteran status, citizenship, domestic violence victim status, and sexual orientation, arrest or conviction record, familial status, caregiver status, unemployment status, on the basis of sexual and other reproductive health decision making (including, but not limited to, a decision to use or access a particular drug, device or medical service or any other basis protected by federal, state, or local law ("Protected Characteristics.")). All employees are expected to help ensure the work environment remains free of harassment and discrimination. Kelly prohibits 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 or against other third parties (such as customers, clients, or vendors). Covered individuals who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to appropriate disciplinary action, up to and including termination, and/or other appropriate remedial action.

Sexual harassment is a form of sex discrimination which is prohibited by federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of self-identified or perceived sex, sexual orientation, gender expression, gender identity, and the status of being transgender. Sexual harassment is defined as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature, or which is directed at an individual because of that individual's sex when : a) such conduct is made either explicitly or implicitly a term or condition of employment, b) submission to or rejection of such conduct is used as the basis for employment decisions, or c) such conduct unreasonably interferes with an individual's ability to perform their job duties or otherwise creates an offensive or hostile working environment even if the reporting individual is not the intended target of the sexual harassment.

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

Sexual harassment can occur anywhere. It is not limited to the physical workplace itself. It can occur offsite or on business trips, at company sponsored events or parties. Calls, texts, emails, and social media usage by Covered Individuals can constitute inappropriate workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Other forms of prohibited harassment include offensive comments or conduct pertaining to a person's Protected Characteristics. Such conduct may include, but is not limited to:

- Making gestures, threats, derogatory comments, or slurs relating to a person's Protected Characteristics;
- Abusive conduct or bullying behavior relating to a person's Protected Characteristics that is threatening, intimidating, verbally abusive, or results in other disruptive actions in the workplace;
- Sending messages by letters, notes, electronic mail, or telephone relating to a person's Protected Characteristics; Displaying derogatory objects, photographs, cartoons, calendars, or posters relating to a person's Protected Characteristics;
- Sex stereotyping, which 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

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, including managers and supervisors, 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 and/or according to the reporting protocol outlined within this policy.

In addition to being subject to discipline, up to and including an unpaid suspension or termination, and/or other appropriate corrective action if they engage(d) in discriminatory, harassing or retaliatory conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected discrimination, harassment or retaliation, or otherwise knowingly allowing discrimination, harassment or retaliation to continue.

## 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](mailto: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.

There is no formal chain of command when it comes to reporting any issues, concerns or formal complaints regarding discrimination or harassment, and individuals may bypass their manager or anyone in their chain of command without fear of retaliation.

Reporting must be as soon after the event occurs as possible. Should the alleged harassment occur at a time other than normal business hours, the complaint should be voiced as early as practicable on the first business day following the alleged incident.

Complaints may be made verbally or in writing. A Complaint Form for submission of a written complaint is attached here, and you are encouraged to use this Complaint Form to report potential discrimination, harassment and/or retaliation.

You are also encouraged (though not required) to inform the alleged harasser that the behavior is unwelcome. In many instances, a person may be unaware that his or her conduct is unwelcome or offensive and when so advised, can easily and willingly correct the conduct so that it does not re-occur.

## Investigation Procedures

All complaints or reports of suspected sexual harassment, whether written or verbal, will be investigated in an impartial, timely, and thorough manner. Investigations will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation. Covered individuals may be required to cooperate as needed in an investigation of suspected sexual harassment. Anyone who intentionally provides false or inaccurate information during an investigation will be subject to discipline, up to and including an unpaid suspension or termination, and/or appropriate remedial action.

In conducting an investigation, Kelly will:

- Promptly review the allegations, and take any interim actions, as appropriate.
  - Where necessary and appropriate, request, collect, preserve and review relevant documents, including hard copy documents and electronic communications;
  - Where necessary and appropriate, interview parties involved, including any relevant witnesses;
  - Create a written report of the investigation in an appropriate form;
  - Maintain the written report and associated documents in Kelly's records;
  - Take appropriate disciplinary and remedial actions if a violation of this Policy occurred;
- Notify the complainant of the outcome of the investigation

## Additional Resources, Legal Protections and External Remedies

Sexual harassment and retaliation are not only prohibited by Kelly but also are unlawful and prohibited by state, federal, and, where applicable, local law. Aside from the internal process at Kelly, those who believe they may have been sexually harassed, discriminated against, and/or retaliated against may choose to contact the following governmental entities:

- Equal Employment Opportunity Commission (EEOC)
  - If an employee believes that he/she has been discriminated against at work, he/she 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, visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).
  - The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act. 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, or file a lawsuit on a complainant's behalf. Federal courts may award remedies if discrimination is found to have occurred.
- New York State Division of Human Rights (DHR)
  - The Human Rights Law (HRL) applies to employers in New York State with regard to discrimination, harassment, and retaliation, and protects employees, applicants for employment, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violations of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.
  - 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](http://www.dhr.ny.gov). For more information, see Employment Discrimination Complaint Form- <https://dhr.ny.gov/sites/default/files/pdf/nysdhr-employment-complaint-form.pdf> For additional information, contact NYSDHR toll free at 1-888-392-3644.
  - 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.

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual may contact the county, city or town in which they live to find out if such a law exists. For example, employees 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, 22 Reade Street, 1<sup>st</sup> Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/homeshtml](http://www.nyc.gov/html/cchr/html/home/homeshtml)

Remedies available for violations of federal, state or local law include monetary damages, attorneys' fees, costs, and in some instances punitive damages. In civil actions brought for discrimination or retaliation based on an employee's or a dependent's reproductive health decision making, a court may also potentially award benefits, civil penalties, injunctive relief, reinstatement, and/or liquidated damages if the Company does not have a good faith basis to believe that its actions were in compliance with the law. A copy of this policy will be distributed to all Kelly employees at least one per year on or before the annual sexual harassment training. This policy is available in an employee's primary language upon request.

# HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

Any Kelly employee (i.e., full-time, part-time, leased, managed service, or on assignment with a Kelly customer) who has experienced or witnessed conduct that is prohibited by Kelly's Anti-Harassment Policy is encouraged to use this form to report such conduct or report it verbally 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](mailto: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 form below may be used to outline concerns related to conduct in the workplace.

Date, time, and location of statement:
Assignment information:

## Complainant Information

Name:
Position:
Status: <input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Temporary <input type="checkbox"/> Leased <input type="checkbox"/> Managed Service
Kelly manager/supervisor name and position:
Start date on assignment:

PLEASE DETAIL YOUR STATEMENT OF WHAT OCCURRED:
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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.*

Were 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 told 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

If 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 wrongdoer 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 wrongdoer 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: \_\_\_\_\_