



# SEXUAL HARASSMENT AND DISCRIMINATION POLICY

## DISCRIMINATION AND HARASSMENT

Climate Engineers Inc. is committed to providing a work environment where employees are treated with courtesy, respect and dignity. As part of this commitment, we will not tolerate any form of discrimination or harassment based on sex, race, color, nation origin, ancestry, religion, creed, age, disability, marital status, military or veteran's status, conviction or arrest record, or any other discriminatory basis, to the extent prohibited by State or Federal Law.

## DEFINITIONS

Discrimination can occur as a result of a single incident or pattern of behavior that creates a situation where an employee is treated unfairly due to race, gender, nationality, religion, age, disability, or familial status.

Harassment can occur as a result of a single incident or a pattern of behavior that creates a hostile, offensive or intimidating work environment, or substantially interferes with another employee's work performance.

Sexual harassment is a form of unlawful sex discrimination. It is defined as unwelcome verbal or physical conduct of a sexual nature or unwelcome or offensive gender-based conduct when:

1. Submission to the conduct is made a term or condition explicitly or implicitly of employment.
2. Submission to or rejection of the conduct is used as or threatened to be used as a factor in decisions affecting an individual's employment.
3. The conduct is of such a nature that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive employment environment.

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Employees who have complaints of discrimination or harassment should immediately report such incidents to their supervisor or human resource administrator. The nature of the complaint shall be reduced to writing, and signed by the employee. The company will investigate and make a final determination regarding the appropriate disposition of the complaint.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Employees shall not be subject to any form of retaliation for making good faith complaints regarding discrimination or harassment. However, employees who willfully make false claims regarding complaints of discrimination or harassment will be subject to disciplinary action, up to and including discharge.

Employees committing acts of discrimination or harassment are subject to disciplinary action, up to and including discharge.

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**DISCRIMINATION**

Climate Engineers, Inc. is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits unlawful discriminatory practices. It is a violation of Climate Engineers, Inc.'s policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, or marital status.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including discharge.

**EXAMPLES OF DISCRIMINATION**

Discrimination is treating, or proposing to treat, someone unfavorably because of a personal characteristic protected by the law. Discrimination can occur:

1. Direct discrimination is when a person treats, or proposes to treat, someone unfavorably because of a personal characteristic protected by law. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.
2. Indirect discrimination occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic protect by law. Indirect discrimination happens when a workplace policy, practice or behavior seems to treat all workers the same way, but it actually unfairly disadvantages someone because of a personal characteristic protected by law.

**HARASSMENT**

Climate Engineers, Inc. prohibits harassment of any kind and will take appropriate action in response to complaints or knowledge of violations of this policy. Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

All Climate Engineers Inc. employees are encouraged to utilize the procedures set forth in this policy any time they believe they have been subjected to harassment or believe they have witnessed harassment of or by another employee.

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**EXAMPLES OF HARASSMENT**

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
2. Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

**SEXUAL HARASSMENT**

Climate Engineers Inc. fosters respect for the dignity and worth of all employees and is committed to maintaining a working environment free of sexual harassment. Sexual harassment is immoral and illegal, and will not be tolerated.

Sexual harassment may occur within a variety of relationships. Some such relationships involve unequal authority, as between supervisors and employees supervised, customers and employees, and/or sub-contractor employees and supervisors. All allegations of sexual harassment will be scrutinized, regardless of the relationship of complainant to an alleged offender.

Climate Engineers Inc. reaffirms and emphasizes its commitment to provide an environment free from sexual harassment and to provide a means to remedy sexual harassment that may be experienced by any Climate Engineers Inc. employee. All complaints of sexual harassment will be investigated. Any Climate Engineers Inc. employee, who, in good faith, makes a complaint of sexual harassment, will not be subjected to retaliation in any form. Any individual violating the prohibition against retaliation may be subject to disciplinary action.

All Climate Engineers Inc. employees are encouraged to utilize the procedures set forth in this policy any time they believe they have been subjected to sexual harassment or believe they have witnessed sexual harassment of or by another employee.

**EXAMPLES OF SEXUAL HARASSMENT**

Sexual harassment involves any sexual or gender-based attention that is unwanted, unwelcome, and/or offensive. Sexual harassment may include, but is not limited to:

1. Direct or implied threats that submission to sexual advances will be a condition of employment.
2. Physical assault.

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3. Sexual advances or sexual conduct which is unwanted and which unreasonably interferes with a person's work.
4. Comments of a sexual nature or derogatory gender-based comments; sexually explicit statements; unwanted touching; unwelcome physical conduct; whistling; leering; improper gestures or offensive remarks, including unwelcome comments about appearance; sexual jokes or inappropriate use of sexually explicit or offensive language; remarks about sexual activity, experience or orientation; and/or the display of sexually suggestive, explicit, or oriented objects, pictures or other materials when such comments, conduct, actions, or materials unreasonably interfere with a person's work.

Because sexual harassment may involve a wide range of sexually oriented behaviors and may be, in part, a function of the way in which such behaviors are perceived, simply informing an individual whose behavior is problematical that the behavior is unwelcome or offensive may be all that is needed to address the situation. However, if circumstances are such that the recipient of the conduct is unable or unwilling to address the conduct in this way, Climate Engineers Inc. strongly encourages the prompt reporting of complaints of sexual harassment.

#### **COMPLAINT PROCEDURE OF DISCRIMINATION AND HARASSMENT**

The Climate Engineers Inc. Job Site Superintendent is responsible for the administration of the discrimination and harassment policy and for the investigation of discrimination and harassment complaints between employees or when the alleged discriminator/harasser is an employee. A complaint alleging violation of Climate Engineers Inc. discrimination and harassment policy can be made as follows:

1. Employees who believe themselves to have been discriminated or harassed of any form by other employees or third parties (for example, vendors or independent contractors) should make complaints of discrimination or harassment to an immediate supervisor. If the recipient of the unwanted behavior is unable or unwilling to report the conduct to this individual, complaints should be made up the chain of command in the case of an employment situation, and to the next supervisory level.
2. Complaints by employees against other employees about conduct outside of an employment or teaching relationship should be made to the Climate Engineers Inc. On-Site Superintendent, Safety Director or President.
3. Complaints by staff or about conduct by staff should be made to the Climate Engineers Inc. Safety Director or President. (Reference Company Safety Contacts page).
4. Once a complaint has been made, the complaint must then be written and signed by the employee, containing sufficient details about the incident(s) to allow further review of the incident(s).

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## SEXUAL HARASSMENT AND DISCRIMINATION POLICY

In the appropriate circumstance, the recipient of a complaint of discrimination or harassment of any form, with guidance from the Safety Directors, as well as Management will explore the possibility of an informal resolution of the complaint. If necessary, steps will be taken to insure that the complained conduct does not continue pending resolutions of the complaint.

If informal resolution cannot be accomplished, an investigation will be conducted by Climate Engineers Inc.

Upon completion of the investigation, the outcome will be communicated to the aggrieved party and the person(s) accused. Where discrimination or harassment is substantiated or there is reasonable belief that discrimination or harassment of any form has occurred, remedial action will be taken, if appropriate.

### RETALIATION

Individuals who report discrimination or harassment of any form or are involved in the investigation of a discrimination or harassment complaint will not be subject to reprisal or retaliation. Retaliation is regarded as a very serious violation of this policy and should be reported immediately.

### DUTY TO REPORT

All Climate Engineers Inc. employees will be held responsible for adhering to this policy, for reporting promptly any incident of discrimination or harassment, and for maintaining a positive and productive work environment. If any supervisor receives a report of discrimination or harassment or believes he or she has observed discrimination or harassment he or she is required to notify promptly the Safety Director or President. Failure to make the required notifications may subject the individual to discipline, up to and including discharge.

### CONFIDENTIALITY

All complaints of discrimination and harassment of any form will be treated confidentially to the extent practical. Only those individuals who are necessarily involved in an investigatory process and/or in the decision regarding resolution of the complaint should ordinarily be provided access to information regarding any allegation of discrimination or harassment. All information regarding discrimination or harassment complaints will be maintained in a confidential file in the office, and will not be maintained in either personnel or individual files.

### APPEALS AND GRIEVANCES

Appeals or grievances regarding discrimination or harassment complaints/resolution must be requested in writing to the address below

**Climate Engineers, Inc.**  
**Pete Watson**  
**3005 Robins Rd.**  
**Hiawatha, Iowa 52233**

**Climate Engineers, Inc.**  
**Heath Allard**  
**201 Fisher Ct.**  
**Eldridge, IA 52748**

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**SEXUAL HARASSMENT QUIZ**

1. If a sexual harassment incident occurs outside work, a complaint can be filed with Climate Engineers Inc.

**True**      **False**

2. Sexual harassment complaints are generally false or unjustified.

**True**      **False**

3. One single incident may be considered to be sexual harassment.

**True**      **False**

4. Sexual harassment is provoked by women.

**True**      **False**

5. A Climate Engineers employee has the right to post any picture in his or her work space or gang box.

**True**      **False**

6. Friendly flirting is not sexual harassment.

**True**      **False**

7. One way to stop harassment is to ignore it.

**True**      **False**

8. Jokes in a classroom or in the work environment are all right if everyone laughs.

**True**      **False**

**I have been trained and understand my responsibilities concerning sexual harassment and Discrimination.**

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Instructor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**SEXUAL HARASSMENT QUIZ ANSWERS**

1. **If a sexual harassment incident occurs outside work, a complaint can be filed with Climate Engineers Inc.**  
A. FALSE
2. **Sexual harassment complaints are generally false or unjustified.**  
A. FALSE - Contrary to what one might think, false allegations are rare. The real problem is that, too often, the sexual harassment goes unreported. Although false charges are rare, they can occur; an effective complaint procedure to investigate the allegations allows the weeding out of false complaints to protect the innocent.
3. **One single incident may be considered to be sexual harassment.**  
A. TRUE- One single behavior or proposition may be considered to be sexual harassment. Repetition is not necessary; the targeted person must have experienced some harm or adverse effect from that single event.
4. **Sexual harassment is provoked by women.**  
A. FALSE - This statement puts the blame or responsibility on women for the harasser's behavior. Some men perceive a sexual invitation in the way a woman dresses or the manner in which she behaves. And they act on the assumption that the woman is consenting without verifying this assumption.
5. **A Climate Engineers employee has the right to post any picture in his or her work space or gang box.**  
A. FALSE
6. **Friendly flirting is not sexual harassment.**  
A.TRUE - Flirting is practiced between mutually consenting individuals who are equal in power or authority. Sexual harassment occurs when one individual does not consent to the behavior. Where there exists a power differential, a person might feel forced to engage in some behavior but might not be truly consenting; this would constitute sexual harassment.
7. **One way to stop harassment is to ignore it.**  
A.FALSE - Many people who experience sexual harassment tend to ignore it at first, hoping to discourage the harasser. Unfortunately, however, a lack of protest might further encourage the harasser by giving him or her the impression that the targeted person does not mind or is a "safe" target. It is preferable to express clearly to the harasser that the comment or behavior is unwelcome.
8. **Jokes in a classroom or in the work environment are all right if everyone laughs.**  
A. FALSE - Humor in the work or study environment is often used in an attempt to lighten up a group's mood or as a sign of friendship or camaraderie. When everyone laughs, it does not necessarily mean that a joke is all right. Sometimes we laugh in order to be part of the group even though the joke hurts. One person might think that it's a good joke or a funny situation while another might be unhappy or offended but fearful of saying it. In fact, some jokes are completely inappropriate in a given context or circumstance. When "humorous" comments of a sexually-oriented or sexist nature are unwelcome, they may constitute sexual harassment by creating a poisoned work and study environment.