

## ***US HARASSMENT DISCRIMINATION AND RETALIATION PREVENTION***

Orchid is an equal opportunity employer. Orchid is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or unprofessional conduct based on race, religion (including religious dress and grooming practices, color, sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not transitioning or have transitioned) and sexual orientation, national origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law (Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, genetic information/characteristics, marital status/registered domestic partner status, age (40 and over), sexual orientation, military and veteran status or other basis protected by federal, state, or local law 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.

In addition, Orchid prohibits retaliation against individuals who raise complaints or discrimination or harassment or who participate in workplace investigations.

**All such conduct violates Company policy.**

### **Harassment Prevention**

Orchid's policy prohibiting harassment applies to all persons involved in the operation of Orchid. Orchid prohibits harassment, disrespectful or unprofessional conduct by any employee of Orchid, including supervisors, managers and co-workers. Orchid's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons whom you come into contact with while working.

- Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to the following behavior:
  - Verbal conduct such as epithets, derogatory jokes, or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
  - Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
  - Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or other protected basis;
  - Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
  - Retaliation for reporting or threatening to report harassment; and
  - Communication via electronic media for any type that includes any conduct that is prohibited by state and/or federal law or by company policy.
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Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate 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 sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

### **Non-Discrimination**

Orchid is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the Company operations. Orchid prohibits unlawful discrimination against any job applicant, employee or unpaid intern by any employee of Orchid, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work as defined by the California Fair Pay act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, Orchid is not obligated to disclose the wages of other employees.

### **Anti-Retaliation**

Orchid will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or coworkers.

### **Reasonable Accommodation**

Discrimination can also include failing to reasonably accommodate religious practices of 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, Orchid 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 Human Resources and discuss the need for an accommodation. Orchid 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 Human Resources and discuss the need for an accommodation. If the accommodation is reasonable and will not impose undue hardship, Orchid will make the accommodation.

Orchid will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees, or co-workers.

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## Complaint Process

If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, bring your complaint to your supervisor, any other Company supervisor, or Human Resources as soon as possible after the incident. You can bring the complaint to any of these individuals. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the HR representative. Please provide all known 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.

Orchid encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining, or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.eeoc.gov](http://www.eeoc.gov).

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to Human Resources so Orchid can try to resolve the complaint.

When Orchid receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. Orchid will reach reasonable conclusions based on the evidence collected.

Orchid will maintain the confidentiality to the extent possible. However, Orchid 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.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If Orchid determines that harassment, discrimination, retaliation or other prohibited conduct has occurred; appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. Orchid will also take appropriate action to deter future misconduct.

Any employee determined by Orchid to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

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