



HR: EMPLOYEE RELATIONS	CP-201 SEXUAL AND OTHER PROHIBITED HARASSMENT
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DATE: The date when this policy is posted to the online Company Policy Manual and communicated to all business lines: **January 25, 2013**

**SUPERSEDES
POLICY DATED:** January 1999; January 2002; December 2005; October 2009

SECTION: CP-200 HR: Employee Relations

TOPIC TITLE: Sexual and Other Prohibited Harassment

POLICY OWNER: Chief Human Resources Officer

PURPOSE: The Company is committed to providing and maintaining a workplace that is free of sexual harassment or any other harassment based on a protected characteristic(s). This Company policy strictly enforces a prohibition against sexual harassment or harassment based on a protected characteristic of any kind.

SCOPE: All employees in all departments and divisions. This policy is subject to all terms and conditions of the Company Policy Manual.

POLICY: Any employee of the Company who engages in harassment (which is offensive, unwelcome, physical or verbal behavior or sexual conduct based on a protected characteristic) will be subject to constructive counseling, up to and including termination of employment.

This policy covers harassment by and/or of co-workers, supervisors, subordinates, customers, clients, client employees and vendors. In addition, it covers off-duty interactions between the employee and such individuals either in person, by telephone, through electronic communications, or through social media and/or at after-hours events such as, but not limited to, business meetings, happy hours, dinners, trainings, and during work-related travel.

Harassment may occur whether the person engaging in the offensive conduct intends to harass or not.

Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual conduct, including, but not limited to:

- Sexual advances;
- Requests for sexual favors; or
- Other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance by creating an intimidating, hostile, humiliating, or sexually offensive working environment.

Sexual harassment also may occur when a manager or supervisor makes submission to sexual advances or granting of sexual favors, either explicitly or implicitly, a term or condition of employment or a basis for an employment decision.

Sexual harassment may be committed by either males or females and can be directed against persons of the opposite or same gender.

Examples of Sexual Harassment

While it is not possible to list all those circumstances that constitute sexual harassment, the following are some examples of the conduct, which, if unwelcome, may constitute sexual harassment (depending on all circumstances including the severity and frequency of the conduct):

- Sexual advances, whether they involve touching or not;
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- Any threat to an employee that refusing to submit to sexual advances would adversely affect his or her employment, evaluation, wages, advancement, assigned duties, shifts, career development or any other term or condition of employment;
- Sexual jokes;
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, or comments about an individual's sexual activity, deficiencies, prowess, or sexual orientation or gender identity;
- Displaying, or transmitting electronically, sexually suggestive objects, pictures, or cartoons (please refer to CP 114-1, Electronic Communications, for more information);
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities, and
- Assault or coerced sexual acts.

Examples of Other Prohibited Harassment

The following are some examples of conduct that may constitute harassment (depending on all circumstances, including the severity and frequency of the conduct), and therefore, are also prohibited:

- Telling racial, ethnic, religious or off-color jokes, using slurs, or using any other communication or conduct that is negative or degrading to any employee, client, customer or vendor;
- Talking about co-workers, clients, customers or vendors using racial, ethnic, religious or other unprofessional terms;

- Making insulting, degrading, threatening or otherwise offensive or hostile comments, graffiti, posters, writings, gestures or actions;
- Starting or perpetuating rumors, false statements or gossip; or
- Anything else that reasonably could be thought by another employee, client, customer or vendor as causing or contributing to an intimidating, uncomfortable, humiliating, hostile or offensive workplace.

INTERNAL COMPLAINTS AND INVESTIGATIONS

Complaint Procedure for Company Employees

Any victim of harassment is urged to come forward to complain about the offensive conduct. If an employee believes that he or she has been subjected to harassment, whether by a manager, a supervisor, a co-worker, a client employee, a customer, a vendor or any other person in the work environment, that employee should promptly file a complaint about it in any of the following ways:

- Follow the procedures described in the Promise of Respect and Fair Treatment (please refer to CP-205, Promise of Respect and Fair Treatment, for additional information);
- Notify the employee's supervisor or manager;
- Notify the employee's manager's manager;
- Notify a Company Human Resources representative; or
- Notify the Office of Employment Rights ("OER") at: 1-800-617-9525, whose address is: Sodexo, Inc., 9801 Washingtonian Boulevard, Gaithersburg, MD 20878. If the matter does not fall within the jurisdiction of the OER, it will refer the complaint to the appropriate Human Resources representative and ensure it receives appropriate attention.

Investigation of Internal Complaints

After receiving notification of a complaint involving alleged harassing conduct, the appropriate Human Resources or OER representative (or designee) will conduct a prompt and impartial investigation.

The investigation may include (but is not necessarily limited to) interviews with:

- The employee who made the complaint;
- The person or persons against whom the complaint was made;
- Other employees who may have witnessed the reported incident or incidents; and
- Any other person who may have knowledge relevant to the investigation.

The cooperation of all employees, who are contacted by Human Resources or OER concerning a Company investigation, is required. Any other employee who has knowledge of the facts of a complaint is strongly encouraged to cooperate with an investigation.

The Company may conduct an investigation in conjunction with the appropriate representative of the client or temporary agency in circumstances where either (i) a client or temporary employee has made a complaint against a Company employee or (ii) a Company employee has complained about a client or temporary employee.

If the Company determines after investigation that harassing conduct may have occurred, it will take immediate action to remedy that conduct. Any employee who is found to have committed harassment will be subject to appropriate constructive counseling, which may include termination of employment. The severity of the constructive counseling action will be based on the circumstances of the infraction.

When the investigation is complete, the Human Resources or OER representative who conducted the investigation and/or the appropriate manager will report the results of the investigation to the employee who made the complaint and the employee or employees against whom the complaint was made. They also will inform those employees that measures will be taken to correct the situation, if such action is considered appropriate.

The Company will strive to maintain the confidentiality of information revealed in the investigation as much as possible and release information arising out of a complaint or investigation only on a need-to-know basis. Employees should be aware, however, that certain information may have to be disclosed for an effective investigation to be conducted.

Harassment Complaints by Employees of the Client or of a Temporary Agency

The Company has an ethical, if not legal, obligation to act appropriately and take action on complaints of harassment when brought by a client employee or an employee of a temporary agency, whether the alleged harasser is an employee of the Company, a client employee, contractor, customer, or otherwise. Any such complaint by an employee of a client or a temporary agency should be reported to the representative of the client or temporary agency, respectively, as well as the appropriate Company Human Resources representative to ensure that the complaint is properly addressed.

EXTERNAL COMPLAINTS AND INVESTIGATIONS

Complaint Procedure for External Complaints

The Company may receive formal notice from the Equal Employment Opportunity Commission or state or local deferring agency that investigates harassment cases that a charge of discrimination has been filed against the Company or a Company employee. All such matters are time-sensitive and should be sent immediately to the Law Department, Labor and Employment group via facsimile and/or by overnight mail to:

Sodexo, Inc.
Law Department, Labor and Employment
9801 Washingtonian Boulevard
Gaithersburg, MD 20878
Facsimile: 301-987-4499

The Company's failure to respond to such notice may subject the Company to liability.

Investigation of External Complaints

All such external complaints, regardless of division or department, will be

investigated by the Law Department's Senior EEO Representatives (or designee). The cooperation of all employees who are contacted by the Law Department concerning a Company investigation is required. Any other employee who has knowledge of the facts of a complaint is strongly encouraged to cooperate with an investigation.

RETALIATION PROHIBITED

It is against the law and a violation of Company policy to retaliate against an employee for:

- Making or filing an internal or external complaint of harassment; or
- Cooperating in an investigation of a complaint.

Examples of prohibited acts of retaliation against an employee for filing or threatening to file a charge of alleged harassment include:

- Disciplining and/or discharging an employee;
- Altering the terms and conditions of an employee's work environment (e.g., ostracizing, denying opportunities for advancement, or subjecting the employee to an involuntary transfer); and/or
- Refusing to hire an individual solely because a reference check reveals that the person may have filed a discrimination charge against a former employer.

There will be no retaliation against victims of or witnesses to alleged harassment or against anyone who cooperates in an investigation involving allegations of harassment. The Company considers retaliation for the above reasons to be completely unacceptable. Anyone who engages in retaliation will be subject to constructive counseling, up to and including termination.

Employees who fail to comply with this policy may be subject to constructive counseling (as more fully described in CP-220) up to and including termination of employment.

RESPONSIBILITIES:

Employee: It is the responsibility of employees to be familiar with the policy and notify management or the appropriate Human Resources representative of violation of the policy.

Management: This is an especially sensitive matter, for both legal and employee relations reasons. It is a manager's responsibility to:

Train Employees

- Ensure that employees are aware of and understand this policy and their rights under it, including the procedures to follow if they have a complaint;
- Distribute and discuss the Employee Handbook, particularly the harassment provisions; and
- Collect signed and dated Employee Handbook acknowledgement forms and place them in personnel files of all current and newly hired employees.

Provide guidance and assistance

- Take time to listen to employees (especially concerning complaints of possible harassment).

Ensure a work environment free of harassment

- Treat every employee with respect and professional courtesy and model expected behavior;
- Monitor the work area for compliance with this policy (for example, ensure that the workplace is free of sexually provocative materials, including posters and sexual jokes);
- Stop immediately any known sexually-related behavior or conduct that may be considered harassment (for example, racial, ethnic or religious jokes); and
- Ensure that there is no retaliation against a person who complains of harassment.

Display all required posters

- All units must post required federal and state EEO policies in areas visible to all employees; and
- Be aware of specific state laws, such as training requirements, regarding harassment compliance in those relevant states where management has oversight of units.

Report possible harassment

If an employee complains of harassment, or if there is a reason to believe that an employee is or has been subjected to harassment, immediately report the incident to:

- The appropriate Human Resources representative, or
- The Office of Employment Rights at:

Sodexo, Inc.
9801 Washingtonian Boulevard
Gaithersburg, MD 20878
Telephone: 1-800-617-9525 or Facsimile: 301-987-4910

The failure to report alleged instances of harassment may result in constructive counseling, up to and including termination of employment.

Human Resources: Human Resources representatives are required to be familiar with this policy in order to provide appropriate guidance and policy interpretation. Other responsibilities include ensuring that all complaints under the policy are taken seriously, properly investigating complaints, and assisting with the implementation of remedial measures where appropriate.

INTERPRETATION: Chief Human Resources Officer, in consultation with the Law Department, retains the right to interpret, revise or amend this policy at any time, subject to CP-103, Policy on Policies.