Policy Prohibiting Harassment, Discrimination, and Retaliation

Statement of Philosophy

ABB OPTICAL GROUP is committed to ensuring a work environment that respects the dignity and worth of each individual. Inappropriate workplace behavior, harassment, discrimination and retaliation create conditions that are wholly inconsistent with this commitment. The purpose of the policy is not to regulate the personal morality of employees, but rather to foster a work environment that is free from all forms of harassment, discrimination and retaliation on the basis of any legally protected characteristic, including race, color, age, sex, pregnancy, childbirth or related medical conditions, breastfeeding, sex, gender, gender identity, gender expression, transgender, sexual orientation, marital or domestic partner status, religion or religious creed, national origin, ancestry, ethnicity, citizenship, physical or mental disability, legally protected medical condition, military or veteran status, genetic information or characteristics (or those of a family member), use of any statutorily protected leave, status as a victim of domestic violence, sexual assault, or stalking, or any other factor outlined in ABB OPTICAL GROUP’s EEO policies and/or protected by federal, state or local law.

Scope of Policy

This policy prohibiting harassment, discrimination, and retaliatory conduct covers all employees of ABB OPTICAL GROUP, including, but not limited to, all supervisors, managers, and executives of ABB OPTICAL GROUP, applicants, interns, volunteers, vendors, suppliers, customers, persons providing services to ABB OPTICAL GROUP pursuant to a contract, and other third parties over whom the Company has control (regardless of their status) or with whom employees regularly come into contact as part of their job duties. This policy applies to all harassment, discrimination or retaliation in violation of this policy occurring in the work environment, whether on ABB OPTICAL GROUP’s premises or in any ABB OPTICAL GROUP-related setting, business trip or social function.

Sexual Harassment Defined

ABB OPTICAL GROUP will not tolerate discriminatory harassment, including sexual harassment. For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is either explicitly or implicitly made a term or condition of an individual’s employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- such conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment.
Some examples of what may constitute sexual harassment are:

- threatening to take or taking employment actions, such as discharge, demotion or reassignment, if sexual favors are not granted;
- demands for sexual favors in exchange for favorable or preferential treatment;
- unwelcome and repeated flirtations, propositions or advances;
- unwelcome physical contact;
- whistling, leering, or improper gestures;
- use of stereotypes based on sex;
- offensive, insulting, derogatory or degrading remarks;
- unwelcome comments about appearance;
- sexual jokes or use of sexually explicit or offensive language;
- gender- or sex-based pranks, tricks or horseplay; and
- displaying sexually suggestive objects or pictures in the workplace.

The above list of examples is not intended to be all-inclusive. Sexual harassment can happen between same-sex individuals as well as between opposite sex individuals, and does not require that the harassing conduct be motivated by sexual desire.

**Other Policy Violations Defined**

For purposes of this policy, impermissible harassment or discrimination also includes any verbal, visual, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her lawfully protected characteristic, and that:

- creates an intimidating, hostile or offensive work environment; or
- unreasonably interferes with an individual’s work performance.

Some examples of such impermissible harassment or discrimination are:

- using epithets or slurs based on protected characteristics;
- abusive conduct and/or bullying based on any protected basis;
- mocking, ridiculing or mimicking another’s culture, accent, appearance or customs;
- threatening, intimidating or engaging in hostile or offensive acts that focus on any characteristic protected by law, including jokes or pranks;
- displaying on walls, bulletin boards or elsewhere on ABB OPTICAL GROUP premises or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion toward a person or group because of any characteristic protected by law.

The above list of examples is not intended to be all-inclusive.
Consensual Relationships
Consensual romantic and/or sexual relationships between an employee with supervisory authority and any subordinate, including one not directly reporting to the supervisor, can compromise ABB OPTICAL GROUP’s ability to enforce its policy against sexual harassment. Consequently, if such relationships arise, ABB OPTICAL GROUP will consider them carefully and take appropriate action. Such action may include a change in the responsibilities of the individuals involved in such relationships or transfer of location within ABB OPTICAL GROUP to diminish or eliminate the supervisory relationship and workplace contact that may exist. Any supervisory employee involved in such a relationship is required to report the relationship to his or her supervisor, and to Human Resources.

Reporting Policy Violations
ABB OPTICAL GROUP strongly encourages the prompt reporting of all incidents of harassment, discrimination, or retaliation in violation of this policy. If you believe you are being subjected to harassment, discrimination, or retaliation in violation of this policy, or have observed or otherwise become aware of any violation of this policy, ABB OPTICAL GROUP requires you to promptly notify any supervisor, or the Vice President, Director or any Manager of Human Resources. All supervisors or managers must promptly report any complaints or alleged violations of this policy to the Vice President, Human Resources or any Director, Human Resources. In addition to ABB OPTICAL GROUP’s internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (www.eeoc.gov) and the DFEH (www.dfeh.ca.gov) investigate and prosecute complaints of harassment, discrimination and retaliation, and employees may lodge complaints with these agencies as well.

Investigation
When an employee or other covered individual reports harassment, discrimination or other misconduct under this policy, ABB OPTICAL GROUP will use qualified personnel to conduct a fair, impartial, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The steps of an appropriate investigation cannot be fixed in advance, but will vary depending upon the nature of the allegations. ABB OPTICAL GROUP will utilize appropriate documentation and tracking to ensure reasonable progress and timely closure of the investigation. ABB OPTICAL GROUP will seek to maintain confidentiality throughout the investigative process to the extent possible, but cannot maintain complete confidentiality, consistent with ABB OPTICAL GROUP’s need to undertake a prompt, full, and thorough investigation.

Resolving the Matter
Upon completion of the investigation and review of all of the evidence, ABB OPTICAL GROUP will resolve the complaint and take appropriate remedial measures if it concludes that a violation of this policy occurred. Remedial actions may include, but are not necessarily limited to, oral or written counseling, referral to formal training, disciplinary suspension or probation, and/or termination of employment.
Non-retaliation
An individual who reports incidents that the employee, in good faith, believes to be violations of this policy, or who is involved in or participates in the investigation of a violation of this policy, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this policy and employees should report it immediately. The report and investigation of allegations of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting harassment, discrimination or retaliation in violation of this policy, or participating in an investigation of allegations of such conduct, will be subject to appropriate disciplinary action up to and including termination of employment.

Open Communication
This policy is part of ABB OPTICAL GROUP’s overall commitment to open communication. ABB OPTICAL GROUP encourages any employee with workplace concerns of any nature to bring those concerns to the attention of Human Resources.