

Blumenthal Sheet Metal

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Policy on Sexual Harassment in the Workplace

It is the policy of Blumenthal Sheet Metal Company to Promote a cooperative work environment in which there exists mutual respect for all employees. Harassment of employees based upon sex is inconsistent with this objective and contrary to Company policy of equal employment opportunity without regard to age, sex, sexual orientation, citizenship, religion, race, color, national or ethnic origin, handicap, and veteran or marital status. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within our company.

The Company will disseminate this policy and take other steps to educate our employees about sexual harassment. The Company will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible, and that appropriate corrective and/or disciplinary action is taken if sexual harassment is determined to have occurred. Employees of the Company who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment promptly. Delay in making a complaint of sexual harassment may make it more difficult to investigate the allegations.

Prohibited Conduct

It is a violation of Company policy for any employee to engage in sexual harassment or to retaliate against any other employee for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile or abusive work environment.

Sexual harassment can occur between individuals of different sexes or of the same sex.

Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between supervisor and employee), it may also occur between individuals of equal power (such as co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed. A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as quid pro quo harassment) include, but are not limited to, the following:

- Requesting or demanding sexual favors in exchange for employment opportunities (such as hiring, promotions, or recommendations);
- Submitting unfair or inaccurate job evaluations or grades, or denying training, promotion, or access to any other employment opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

- Sexual comments, teasing, or jokes; sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- Graphic or sexually suggestive comments about an individual's attire or body;
- Inquiries or discussions about sexual activities;
- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- Sexually suggestive letters or other written materials;
- Sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- Coerced sexual intercourse or sexual assault.

Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a supervisor and any other employee and any person for whom he or she has a professional responsibility. These dangers can include: that an employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her employment; that conflicts of interest may arise when a supervisor and any other staff member is required to evaluate the work or make personnel decisions with respect to an individual with whom he or she is having a romantic relationship; that employees may perceive that a coworker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Employees of the Company who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with an employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has "professional responsibility" for another individual at the Company if he or she performs functions including, but not limited to, training, counseling, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, pay increases or awards or other remuneration, or that may impact upon other employment opportunities.

False and Malicious Accusations

Employees who make false and malicious complaints of sexual harassment, as opposed to complaints, which, even if erroneous, are made in good faith, will be subject to disciplinary action.

Procedures

The Company shall develop procedures to implement this policy. Company Management shall have ultimate responsibility for overseeing compliance with this policy. In addition, each supervisor shall be required to report any complaint of sexual harassment to a company manager. All employees are required to cooperate in any investigation of a sexual harassment complaint.

Enforcement

There is a range of corrective actions and penalties available to the Company for violations of this policy. Employees who are found to have violated this Policy are subject to various penalties, including termination of employment from the Company.

Effective May 23, 2000