

PAR Technology Corporation

POLICY NAME: Discrimination and Harassment

POLICY NUMBER: 419 (Excluding Canada)¹

UNIT(S): PAR Technology Corporation and all subsidiaries

1. Policy

- 1.1. PAR Technology Corporation is committed to maintaining a workplace where all employees are treated with dignity and respect at all times. While this policy is to outline the federal, state, and, where applicable, local law with respect to Discrimination and Harassment (as defined herein), the expectation of the Company as to what constitutes acceptable behavior goes beyond not fostering an environment of Discrimination and Harassment, but includes behaving consistently with the Company's Code of Conduct, cultural vision and values. ALL employees at PAR are accountable to maintaining respectful behaviors and a workplace in which every employee can thrive.
- 1.2. The Company has developed an Internal Reporting Procedure ("Procedure") as set forth in Section 5.0 below for the filing, investigation and, if appropriate, remedying the complaints of discrimination, harassment, or retaliation.
- 1.3. It is the policy of the Company that Discrimination and Harassment, whether occurring inside or outside the Company, by anyone (supervisors, co-workers or non-employees) will not be tolerated. In other words, the Company maintains a "zero tolerance" policy regarding unlawful discrimination and harassment in all of its employment practices.
- 1.4. It is the policy of the Company to strongly encourage any employee who believes he/she or any other employee of the Company is discriminated against or is harassed to file a report. No individual will be subject to discipline, retaliation or other adverse treatment because he/she has made a good faith report of an alleged incident of Discrimination or Harassment, has cooperated with the investigation of an incident, or has provided information related to a report.
- 1.5. Discrimination and Harassment (as defined herein and under applicable law) is offensive, is a violation of the Company's policies, is unlawful, and may subject the Company to liability for harm to targets of Discrimination and Harassment. Employees that engage in Discrimination and Harassment may also be individually subject to liability. Employees of every level who engage in Discrimination and Harassment, including managers and supervisors, or who allow such behavior to continue, will be disciplined for such misconduct, up to and including termination.

2. Scope.

- 2.1. All employees, consultants and contracted employees working at the Company through an employment services agency, vendors or other individuals doing business with the Company.
- 2.2. Discrimination and Harassment can occur between any individuals, regardless of their sex or gender. Federal, state, and where applicable, local law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Individuals that may discriminate or harass employees can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.
- 2.3. Discrimination and Harassment is not limited to the physical workplace itself. It can occur outside the physical workplace while employees are traveling for business, meeting with customers, or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees

¹ If you are an employee employed by PAR Canada, ULC, see Policy 419 (Canada).

can constitute unlawful workplace discrimination or harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

3. Definitions and Examples.

- 3.1. **Discrimination** generally involves treating an employee or applicant differently from another in connection with terms or conditions of employment such as hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training because of that employee's gender, actual or perceived gender identity or expression, color, race, age, national origin, pregnancy, marital status, veteran status, disability, religion, sexual orientation, predisposing genetic characteristics, citizenship status or other legally protected status where there is no bona fide occupational qualification or legitimate business reason for the differing treatment. It also could involve a failure to make a reasonable accommodation in certain circumstances and where doing so would not involve an undue burden.
- 3.2. **Harassment** can occur between fellow employees, as well as between managers/supervisors and subordinates. Harassment can also come from third-parties, such as vendors or customers, and can occur between individuals of the same gender or other protected characteristics. Harassment is defined as unlawful harassment based on race, color, sex (whether or not of a sexual nature), sexual orientation, actual or perceived gender identity or expression, marital status, religion, national origin, age, disability, predisposing genetic characteristics or any other legally protected characteristic, or protected activity under anti-discrimination statutes.
- 3.3. **Protected Activity** means opposing prohibited discrimination or participating in the statutory complaint process.
- 3.4. **Sexual Harassment** is defined as unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct or visual forms of harassment of a sexual nature, or otherwise hostile, intimidating or abusive behavior, and is directed towards an individual when:
 - 3.4.1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
 - 3.4.2. Submission to or rejection of that conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - 3.4.3. Such conduct is severe, pervasive, or has the purpose or effect of unreasonably interfering with an individual's employment, or of creating an intimidating, hostile or offensive work environment.
- 3.5. Examples of behavior that may constitute inappropriate or unwelcome sexual conduct may include, but are not limited to:
 - 3.5.1. Verbal Behavior: sexual or suggestive comments, jokes, teasing or nicknames; remarks of a sexual nature or with sexual innuendo about a person's clothing or body; gossip regarding one's sexual activities/life; using foul or obscene language; any sexual advance or propositioning an individual or repeatedly "asking out" or attempting to establish a relationship with an individual, who by word or conduct in any way indicates that such action is not welcome; sending offensive voice-mail messages.
 - 3.5.2. Nonverbal Behavior: leering, ogling, obscene gesturing, suggestive or insulting sounds; sending/circulating materials of a sexual nature including pornographic or suggestive posters, pictures, cartoons, offensive letters, poems, e-mail, text or other instant messages.
 - 3.5.3. Cyberbullying: unwanted, aggressive behavior, generally involving a real or perceived power imbalance that is repeated, or has the potential to be repeated, over time. This bullying takes place using digital technology, such as cell phones, computers, social media sites, text messages, chat, and Web sites.
 - 3.5.4. Physical Behavior: any unwelcome touching, such as groping, patting, pinching, hugging, massaging, kissing, grabbing, brushing up against the body of another, poking another

person's body, blocking one's path or egress, rape, sexual battery, molestation or attempts to commit these assaults.

3.5.5. Manager/Subordinate Relationships: an intimate sexual or amorous relationship between any member of the management team with an employee/subordinate upon whose work performance he or she will be required to make professional judgments. It is a violation of this policy for any member of the management team to offer or request sexual favors, make sexual advances or engage in sexual/amorous conduct, consensual or otherwise, with a person who is in a subordinate position or working for a manager/supervisor or subject to any form of evaluation by the manager/supervisor.

3.6. The Company also prohibits the denial of an employment opportunity or benefit to a qualified person where the same employment opportunity or benefit was granted to another person because of the other person's submission to sexual advances or requests for sexual favors.

3.7. Other unlawful discrimination or harassment includes, but is not limited to: unwelcome conduct, whether verbal, physical or visual; that is based on an employee's gender, actual or perceived gender identity or expression, color, race, age, national origin, disability, marital status, predisposing genetic characteristics, veteran status, pregnancy, religion, sexual orientation, citizenship status or other legally protected status, and either affects tangible job benefits; or unreasonably interferes with an employee's work performance; or creates an intimidating, hostile or offensive work environment. Examples of behavior that may constitute unlawful discrimination or harassment based on a hostile or offensive work environment include, but are not limited to:

3.7.1. Epithets, slurs, negative stereotyping, disparaging remarks or intimidating acts based on any of the protected categories listed above.

3.7.2. Telling or forwarding jokes directed to someone's protected status, such as racial or ethnic jokes, regardless of whether "everyone tells them back and forth."

3.7.3. Posting, forwarding, showing or displaying in any manner cartoons that make fun of any group, religious belief, sex, or individual because of his or her protected status.

3.7.4. Forwarding offensive e-mails, printing them out or displaying them in any manner.

4. Responsibility.

4.1. PAR cannot prevent or remedy Discrimination or Harassment unless it knows about it. Any employee paid or unpaid, intern, or non-employee who has been subjected to behavior that may constitute Discrimination or Harassment is encouraged to, as soon as reasonably possible after the incident, take one or more of the following actions:

4.1.1. speak to the person and explain clearly that their behavior is offensive and that it should stop; or

4.1.2. if you feel unable to speak to the person or, if having spoken to them the behavior persists, report such behavior to a supervisor, manager, Compliance or Human Resources. Anyone who witnesses or becomes aware of potential instances of Discrimination or Harassment should immediately report such behavior to a supervisor, manager, Compliance or Human Resources. Any employee or manager who knows or suspects that a manager is engaging in a sexual or amorous relationship with a subordinate is obligated to notify Compliance or Human Resources. Employees should not discuss the incidents with other co-workers in order to avoid gossip, breaches of confidentiality and further exacerbating the situation.

4.2. It is the responsibility of all employees, managers, consultants, contract employees working at the Company through an employment services agency, and vendors or other individuals doing business with the Company to conduct themselves in conformance with this policy and to hold your co-workers accountable to comply with this policy. Any individual who has been advised by another individual that her/his behavior is unwelcome or inappropriate must immediately cease all such conduct.

- 4.3. All supervisors and managers who receive a **report** or information about suspected Discrimination or Harassment, observe what may be discriminatory or sexually harassing behavior or for any reason suspect that Discrimination or Harassment is occurring, are required to report such suspected Discrimination or Harassment to Compliance or Human Resources. Except for reporting the information about the Discrimination or Harassment to Compliance or Human Resources, the manager will strive to keep the report and related information confidential.
- 4.4. In addition to being subject to discipline, up to and including termination, if they engage in discriminatory or sexually harassing conduct themselves, supervisors and managers will also be subject to discipline, up to and including termination, for failing to report suspected Discrimination or Harassment or otherwise knowingly allowing discrimination or sexual harassment to continue.
- 4.5. Supervisors and managers will also be subject to discipline, up to and including termination, for engaging in any retaliation.

5. Internal Reporting Procedure.

- 5.1. Any individual who believes he/she, or any other individual, is being discriminated against or harassed should immediately report the Discrimination or Harassment. The report can be addressed, either orally or in writing (see reporting form in Policy 419-A), to an employee's manager, to Compliance at compliancereport@partech.com or to any member of the Human Resource team. If an employee is not comfortable reporting to the employee's manager or to Compliance or Human Resources directly, an employee can submit a report anonymously (if that is permitted in the employee's jurisdiction) or if the employee believes appropriate action is not being taken by the Company, the employee can seek assistance through the company's Confidential Hotline – available via the online system at <https://app.integritycounts.ca/org/par> or by calling 1-866-921-6714. If you are outside the U.S., the website will have dialing instructions for your country. Alternatively, an employee may report the Discrimination or Harassment to their manager, the office manager of their location or any other member of the Company's management staff.

6. Investigation and Resolution

- 6.1. The Company shall take all reports of harassment seriously and take reasonably prompt action in response to reports of Discrimination or Harassment to investigate such report as required on a case by case basis. The investigation will be impartial, and will be conducted confidentially and discreetly, to the extent possible commensurate with a thorough investigation.
- 6.2. The Company will appoint one or more members of Human Resources, Compliance, legal and/or an independent third party, at the Company's sole discretion, to investigate the report of Discrimination or Harassment.
 - 6.2.1. The Company and the investigator(s) will strive to maintain confidentiality to the extent feasible throughout the process.
 - 6.2.2. If documents, emails or phone records are relevant to the investigation, steps must be taken to obtain and preserve them.
 - 6.2.3. Request and review all relevant documents, including all electronic communications.
 - 6.2.4. Interview all parties involved, including any relevant witnesses;
 - 6.2.5. Create a written report of the investigation (such as a letter, memo or email), which contains the following as required based on the specific case:
 - 6.2.5.1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 6.2.5.2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 6.2.5.3. A timeline of events;
 - 6.2.5.4. A summary of prior relevant incidents, reported or unreported; and
 - 6.2.5.5. The basis for the decision and final resolution of the complaint, together with any
 - 6.2.5.6. corrective action(s).

- 6.2.6. Keep the written report and associated documents in a secure and confidential location. The report shall be disclosed on a need-to-know basis only.
- 6.2.7. The investigator(s) will inform the Company of the results of the investigation and make a recommendation for corrective or remedial action where appropriate.
- 6.3. If the Company, based upon the results of the investigation, concludes that Discrimination or Harassment has occurred in violation of this policy, it will determine the immediate and appropriate corrective action to end the Discrimination or Harassment. The corrective action may include disciplinary action, up to and including termination of employment, against the offending party, whether the offending party is an employee or a manager. In addition, the Company will take appropriate action, if necessary, to prevent any tangible adverse employment actions and prevent the misconduct from recurring. Although the desired resolution of the individual making the report will be considered by the Company, the ultimate resolution will be made by the Company and will depend upon the circumstances. The individual making the report will be informed in writing of the resolution of their report.
- 6.4. If the Company, based upon the results of the investigation, concludes that no Discrimination or Harassment has occurred, this conclusion will be communicated to the individual making the report.
- 6.5. If the employee is dissatisfied with the results of the investigation, the employee may request that the Company reconsider its conclusion. In making such an appeal, the employee should provide specific details regarding any insufficiencies in the investigation or additional facts to be considered by the Company.

7. Retaliation

- 7.1. Unlawful retaliation can be any action that could discourage an employee or other individual from coming forward to report Discrimination or Harassment. Adverse action need not be job-related or occur in the workplace to constitute retaliation. (e.g. threats of physical violence outside of work hours.)
- 7.2. Such retaliation is unlawful under federal, state, and (where applicable) local law. This protects any individual who has engaged in "protected activity". Protected activity occurs when a person as:
 - 7.2.1. Reported Discrimination or Harassment, either internally or with any federal, state or local agency;
 - 7.2.2. Testified or assisted in a proceeding involving Discrimination or Harassment under any applicable federal, state or local law;
 - 7.2.3. Opposed Discrimination or Harassment by making verbal or informal report to management, or by simply informing a supervisor or manager of Discrimination or Harassment;
 - 7.2.4. Reported that another employee has been subject to Discrimination or Harassment; or
 - 7.2.5. Encouraged a fellow employee to report Discrimination or Harassment.
- 7.3. Even if the alleged Discrimination or Harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person has a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of Discrimination or Harassment.

8. Legal Protections and External Remedies

- 8.1. Discrimination and Harassment is not only prohibited by the Company, but is also prohibited by federal, state, and, where applicable, local law.
- 8.2. Aside from the Procedure as set forth in this policy, employees or any other individual may also choose to pursue legal remedies with federal, state and, where applicable, local governmental agencies. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

- 8.3. The reporting of an incident does not relieve the employee of meeting any applicable deadline for the filing of a charge or complaint with the Equal Employment Opportunity Commission (“EEOC”) or any other applicable federal, state or local agency. Furthermore, this Procedure is not intended to supplant the right of any employee to file a charge or claim of discrimination, harassment or retaliation under any federal, state, or where applicable, local law.

9. New York State Law

- 9.1. The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to Discrimination and Harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.
- 9.2. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.
- 9.3. Complaining internally to the Company does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.
- 9.4. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.
- 9.5. DHR will investigate your complaint and determine whether there is probable cause to believe that Discrimination or Harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If Discrimination or Harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.
- 9.6. DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.
- 9.7. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

10. Other State Laws Other states have similar laws to New York’s Human Rights Law under which employees or other individuals can file a complaint alleging Discrimination and Harassment. If you are an employee or individual that resides outside of New York, refer to your state’s department of labor website for more information. Other state websites are:

- 10.1. California – www.dfeh.ca.gov
- 10.2. Colorado – www.colorado.gov/pacific/dora/civil-rights
- 10.3. Florida – www.fchr.myflorida.com

11. Civil Rights Act of 1964

- 11.1. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
- 11.2. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

11.3. An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

11.4. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

12. Local Protections: Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

13. Contact the Local Police Department: If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

References.

- 101: Equal Opportunity
- 419 (Canada): Discrimination and Harassment
- 419-A: Reporting Form
- 440: Social Media