

Esports Bar Association Model Workplace Anti-Discrimination and Harassment Policy

The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Discrimination, including harassment and retaliation, is offensive and causes serious harm to the productivity, efficiency, and stability of our operation.

We recognize the right of all employees to be treated with dignity and respect. This includes the right to work in an environment free from discrimination, retaliation, and harassing conduct.

This Anti-Discrimination and Harassment Policy (the **Policy**)¹ is one part of COMPANY's commitment to a safe and healthy workplace environment. All COMPANY employees, temporary employees, contractors, affiliates, owners, and officers (collectively "**Employees**") must comply with this Policy. The Policy applies to all Employees and Applicants, as well as to all interactions with independent contractors, temporary employees, and any other firms or their employees working with COMPANY. Accordingly, COMPANY requires all of the foregoing personnel within our organization to work in a manner that prevents sexual harassment, discrimination, and bullying in the workplace.

1. Harassment and Sexual Harassment

COMPANY will not tolerate Harassment and prohibits behavior that is offensive, abusive, threatening, intimidating, or disruptive to others. In general, "harassment" is defined as any type of conduct based on a protected class as defined under applicable federal, state, or local law, including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with work performance or creating a work environment that is intimidating, hostile, offensive, or coercive to a reasonable person. "Harassment" includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of his or her protected class, including material or comments intended as humor. The use of COMPANY facilities to disseminate, duplicate or display such materials is prohibited. Harassment includes Sexual Harassment, as defined below.

- a. **Sexual Harassment:** COMPANY will not tolerate Sexual Harassment. Sexual Harassment includes any Harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and transgender status. The term Sexual Harassment also encompasses conduct that is either sexual in nature or is directed at an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and transgender status when:

¹ This document and its contents are for reference purposes only. Individual states and jurisdictions have various requirements regarding workplace discrimination and harassment that may not be captured within this document. This document does not constitute legal advice and your organization should consult with legal counsel before implementing this or any similar policies and procedures.

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- i. Such conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, offensive or abusive, even when the individual reporting the Sexual Harassment is not the intended target;
 - ii. Enduring such conduct becomes, explicitly or implicitly, a condition of continued employment or contractual benefits; or
 - iii. Submission to or rejection of such conduct is used as a basis for decisions affecting the Employee's employment or contractual benefits.
- b. Harassment need not be severe or pervasive to be unlawful or otherwise against this Policy and the COMPANY also prohibits offensive conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person . Examples of behaviors that contribute to a sexually hostile, intimidating, or abusive work environment include, but are not limited to:
 - i. Offensive or obscene remarks, words, signs, jokes, pranks, advances, or gestures, which are of a sexual nature, or which are directed at an individual because of that individual's sex;
 - ii. Physical violence;
 - iii. Unwanted verbal or physical advances;
 - iv. Requests for sexual favors;
 - v. Engaging in stereotyping based on an individual's gender or sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and transgender status;
 - vi. Unwelcome touching, pinching, or other physical contact;
 - vii. Leering;
 - viii. Displaying or distributing sexually offensive or obscene posters, cartoons, or other materials;
 - ix. Any form of stalking or bullying.
- c. Moreover, the COMPANY prohibits any instance where enduring offensive sexual conduct or unwelcomed sexual advances or requests is linked to or is a condition of employment decisions. Examples of such "quid pro quo" harassment would include a supervisor demanding sex with an employee in exchange for continued employment or a manager linking a raise or promotion to sexual favors. These examples are demonstrative and not exhaustive.
- d. The foregoing behavior need not take place at COMPANY's place of business to be considered Harassment or Sexual Harassment. COMPANY will not tolerate any type of Harassment by its Employees, whether it occurs in or out of COMPANY's place of business, in-game, on stream, or by any other means of communication or online interaction.

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2. Discrimination

COMPANY is an equal opportunity employer and complies with all applicable federal, state and local fair employment practices laws. COMPANY seeks to employ talented individuals based on their qualifications for the job and strictly prohibits and does not tolerate discrimination against Employees, applicants or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex, gender, gender identity, sexual orientation, age, physical or mental disability, citizenship, past, current or prospective service in the uniformed services, genetic information, pregnancy, familial status or marital status, or any other protected classification under federal, state, or local law.

3. Complaint Procedures

- a. If an Employee is subjected to any conduct that the Employee believes violates this Policy, the employee should report the conduct to the COMPANY. The Employee may contact his or her direct supervisor. If the conduct came from Employee's supervisor, the Employee may contact the [President/CEO/HR/Manager/General Counsel]. If the Employee does not receive an acknowledgment of the Employee's complaint within 5 days after reporting the perceived discriminatory or harassing conduct, the Employee should immediately notify the [President/CEO/HR/Manager/General Counsel]. COMPANY will ensure that a prompt investigation is conducted.
- b. Employee should provide as much detail as possible, including relevant dates and times, the names of all individuals involved, and any witnesses. COMPANY will directly and thoroughly investigate the facts and circumstances of all claims of perceived discrimination and/or Harassment and will take prompt corrective action, if appropriate.
- c. Additionally, any Employee who observes discriminatory or harassing conduct directed at another employee must report the conduct to the [President/CEO/HR/Manager/General Counsel] or the General Counsel so that an investigation can be made and corrective action taken, if appropriate.
- d. To the extent that is practicable and consistent with COMPANY's need to conduct an adequate investigation and/or to take remedial or disciplinary action in response to complaints of discrimination, harassment, or retaliation, the complaints and the information disclosed to COMPANY in the course of its investigation will be treated as confidential.

- 4. Supervisor Responsibilities:** All supervisors and managers who (a) receive a complaint under this Policy; (b) observe any behavior that might violate this Policy; or (c) has any reason to suspect that Harassment, discrimination, and/or retaliation is occurring, are required to report the behavior or suspected behavior to the [President/CEO/HR/Manager/General Counsel]. Supervisors and managers are subject to discipline for failing to report such behavior or suspected behavior, or for knowingly

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allowing such behavior to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

5. **Investigation Procedures:** The investigation process will vary depending on the facts and circumstances of each specific complaint; however, all investigations will be done according to the following:

- a. Upon receipt of a complaint, the [President/CEO/HR/Manager/General Counsel] will immediately review the allegations and take any interim actions he or she deems appropriate, such as instructing the respondent to refrain from communicating with the complainant. If the complaint is verbal, the [President/CEO/HR/Manager/General Counsel] will encourage the complainant to submit a written complaint. If the complainant chooses not to submit a written complaint, the [President/CEO/HR/Manager/General Counsel] will prepare a written complaint form based on the complainant's verbal account.
- b. If any documents are relevant to the investigation, steps will be taken to preserve the same by the [President/CEO/HR/Manager/General Counsel] or a designated representative or independent third-party investigator.
- c. All relevant documents, including emails and other electronic communications shall be reviewed by the [President/CEO/HR/Manager/General Counsel] or a designated representative or independent third-party investigator.

All parties involved, including any witnesses, will be interviewed to the extent possible. by the [President/CEO/HR/Manager/General Counsel] or a designated representative or independent third-party investigator.

- d. The [President/CEO/HR/Manager/General Counsel] or a designated representative or independent third-party investigator will document the investigation, including a written record of all documents and materials reviewed, all witnesses reviewed; and the basis for any final decision, together with any corrective action.
- e. The complainant will be promptly notified by the [President/CEO/HR/Manager/General Counsel] of any decision.

6. **External Remedies.**

- a. Harassment, Sexual Harassment, and Discrimination is also prohibited by federal, state, and local law. Nothing in this Policy prevents Employees from pursuing legal remedies in a court of competent jurisdiction or through the appropriate administrative or government entities. Employees may, but are not required to, seek legal advice and representation.

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- b. Conduct that involves unwanted physical touching, coerced physical confinement, coerced sex acts, threats of violence, or other actions that make the Employee fear for his or her personal safety might constitute a crime. In this situation, COMPANY encourages Employees to contact their local law enforcement authority.

7. No Retaliation

- a. COMPANY will not permit any unlawful retaliation or intimidation, including any form of discipline, in the event any Employee exercises his or her rights or engages in Protected Activities under applicable law.
- b. Unlawful retaliation can be any action that might discourage a worker from making or supporting a Harassment or Discrimination claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside work hours or the COMPANY's place of business may, under certain circumstances, constitute unlawful retaliation.
- c. If you believe you are facing any form of retaliation, please report any suspected retaliation using the Complaint procedure outlined above.
- d. Examples of Protected Activities include:
 - i. Lodging a good faith internal complaint (written or oral) specifically opposing unlawful Harassment or discrimination, or complaining about violations of wage and hour law to any supervisor, manager, member, owner, director, or officer of COMPANY.
 - ii. Filing a good faith complaint of Harassment or discrimination with any government agency or in any court of competent jurisdiction;
 - iii. Participating in an internal investigation conducted by COMPANY;
 - iv. Providing a statement, affidavit, or otherwise supporting another Employee's internal, legal, or administrative complaint regarding unlawful Harassment or discrimination;
 - v. Requesting an accommodation under the Americans with Disabilities Act or other applicable state law, or requesting a religious accommodation;
 - vi. Filing a worker's compensation claim;
 - vii. Reporting, in good faith, workplace safety violations;

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- viii. Reporting, in good faith, any other statutory or regulatory violations to the applicable government authority.
8. **Violations of this Policy:** Employees who violate this Policy may face disciplinary action up to and including termination.
9. **Administration of this Policy**
 - a. COMPANY is committed to enforcing this Policy against all forms of discrimination. But the effectiveness of our efforts depends largely on Employees reporting inappropriate workplace conduct. If Employees feel that they or someone else might have been subjected to conduct that violates this Policy, they should report it immediately. If Employees do not report such conduct, COMPANY might not become aware of a possible violation of this Policy and may not be able to take appropriate corrective action.
 - b. The [President/CEO/HR/Manager/General Counsel] is responsible for the administration of this Policy. Any Employee who has any questions regarding this Policy or questions about discrimination, Harassment, or retaliation not addressed in this Policy should contact the [President/CEO/HR/Manager/General Counsel].
10. **Conduct Not Prohibited by this Policy:** This Policy is not intended to preclude or dissuade Employees from engaging in activities protected by state or federal law, including the National Labor Relations Act, such as (a) discussing wages, benefits, or terms and conditions of employment, (b) forming, joining, or supporting labor unions, and (c) raising complaints about working conditions for their and other employees' mutual aid or protection.
11. **Agency Complaint Procedure:**

Both the state and federal governments have agencies whose purpose is to address unlawful discrimination and harassment in the workplace. If an employee believes the employee has been harmed by an unlawful practice, and are not satisfied with the Company's response to the problem, the employee may file a written complaint with these agencies. In addition to certain state agencies, the United States Equal Employment Opportunity Commission ("EEOC") also processes administrative charges of discrimination and harassment.

Employees are protected by law from retaliation by their employer for opposing unlawful discrimination or harassment, for filing a complaint with the EEOC or applicable state agency, or for otherwise participating in any proceedings conducted by these agencies.

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Employees who wish to contact the U.S. Equal Employment Opportunity Commission (EEOC) may do so by calling (800) 669-4000 (or, TTY, (800) 669-6820) or at <http://www.eeoc.gov>.

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**RECEIPT AND ACKNOWLEDGMENT
(COMPANY's Copy)**

I have received a copy of COMPANY's Anti-Discrimination and Harassment Policy (the "**Policy**"). I acknowledge my obligation to read and comply with its contents, and further acknowledge and comply with the following:

- The Policy dated herein below supersedes any previous anti-discrimination and harassment policy which may have been issued by COMPANY.

- I understand that should the content of this Policy change in any way, COMPANY may require an additional signature from me to indicate that I am aware of any new policies.

Employee's Printed Name

Position

Employee's Signature

Date