

Policy: Anti-Discrimination, Harassment and Retaliation Policy
Company: ArcBest
Review Date: April 29, 2019

It is the policy of the Company to comply with all federal, state or local laws concerning workplace harassment, discrimination and retaliation. Violation of this policy or of federal, state, or local anti-harassment, anti-discrimination and anti-retaliation laws will result in discipline (up to and including discharge) and/or other appropriate action. The Company will not tolerate the harassment of: (i) an employee or applicant by other employees of the Company, vendors or customers, or (ii) its vendors or customers by employees of the Company.

Sexual harassment is illegal and strictly prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other written, oral, or physical conduct of a sexual nature when: (1) submission to such conduct is directly or indirectly stated as a term or condition of an individual's employment; (2) submission to or rejection of such conduct is the basis for employment decisions affecting an employee; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Engaging in a romantic relationship with a subordinate within the employee's chain of command, even if consensual, is prohibited as part of the Company's efforts to prevent sexual harassment.

Harassment on the basis of a protected characteristic is also strictly prohibited. Under this policy, harassment is unwelcome verbal, written or physical conduct that shows hostility toward an individual because of his or her race, color, religion, age (40 or older), disability, protected veteran status, sex (including pregnancy, gender identity or sexual orientation), national origin, genetic information, or any other characteristic protected by applicable law, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment, (2) has the purpose or effect of unreasonably interfering with an individual's work performance, or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct, which is prohibited under this policy, includes but is not limited to: offensive jokes, slurs, epithets, or name calling; persistent sexual flirtations, advances, or propositions; explicit or degrading comments; offensive gestures, jokes, or remarks; displaying offensive or suggestive material that is placed on walls or elsewhere on the premises or circulated in the workplace or on company time or using company equipment; preferential treatment or promise of treatment to an employee for submitting to sexual conduct; or any intentional and unwelcome physical contact which is sexual in nature; intimidating or hostile acts.

Harassment may also include any of the following:

1. Verbal abuse or ridicule based upon an employee's protected status.
2. Interference with an employee's work based upon the employee's legally protected status. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of a legally protected status.
3. Displaying or distributing offensive materials touching upon legally protected status. This includes derogatory posters, pictures, calendar, cartoons, drawings, articles, or gestures.

4. Discriminating against any employee in work assignments or job-related training because of their legally protected status.

It is every employee's responsibility to ensure that his or her conduct does not include or imply legally protected status harassment in any form. If, however, such harassment or suspected harassment has or is taking place, the following will apply:

Any such harassment or suspected harassment should be reported to Human Resources (479-785-6466), the Legal Department (479-785-6204), or the employee's supervisor. If the harassment involves the supervisor, then the harassment should be reported to Human Resources or the Legal Department. A written statement by the complainant setting forth all pertinent facts may be required.

Any supervisor who receives a report of or has knowledge of prohibited harassment shall promptly inform Human Resources, which will then determine whether further investigation is warranted.

Each complaint shall be investigated by qualified personnel promptly and confidentially, to the extent possible, while still ensuring an impartial, fair and complete investigation. Investigations shall be documented and tracked for reasonable progress and responses shall be provided in a timely manner. If warranted, appropriate action will be assessed and implemented up to and including discharge. It is understood that not all conduct that violates the policy warrants termination or other disciplinary action against the offender and there may be circumstances where it is impossible to determine exactly what happened, thus precluding strong disciplinary action.

It is illegal and against policy for the Company or any employee to retaliate against any employee for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by any anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any governmental agency.

The Company prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating a complaint of harassment or discrimination, the Company determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the bad faith complaint or who gave the false information.

If an employee believes he/she has been retaliated against for making a protected complaint, the employee should follow the same reporting procedures described above for reporting unlawful harassment or discrimination.

If, at the end of an investigation, misconduct is found, appropriate remedial measures (including discipline) shall be taken including, but not limited to, termination from employment.

Any questions regarding this policy should be directed toward Human Resources.