

Non-Harassment / Discrimination Policy

Rock Hawaiian, LLC (Aloha Bros) strives for a work environment where everyone is treated with dignity, decency, and respect. Our working relationships are based on mutual trust, and are free from intimidation, oppression, or exploitation.

Rock Hawaiian does not tolerate discrimination or harassment of any kind. Through education, coaching and, if needed, corrective action, ROCK HAWAIIAN will maintain a work environment that reflects our values. All team members who are conducting ROCK HAWAIIAN business, or representing Rock Hawaiian, are expected to conduct themselves according to our values, and to help ensure conduct that's inconsistent with our culture does not occur.

Disciplinary action will be taken if any team member engages in discrimination or harassment. Disciplinary action will be based on the seriousness of the offense, up to and including immediate termination.

Prohibited Conduct Under This Policy

Rock Hawaiian complies with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, based on the following guidelines:

Discrimination

Refer to the Equal Employment Opportunity Policy for details.

Harassment

Rock Hawaiian prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. Harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce a team member or any person working for or on behalf of Rock Hawaiian at any level. Verbal taunting (including racial and ethnic slurs) that impairs a team member's ability to perform his/her/their job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation:

- Verbal harassment includes unwelcome topics of conversation or comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, gender identity, sexual orientation, age, body, disability, or appearance, including epithets, slurs, and negative stereotyping.
- Nonverbal harassment includes staring or leering inappropriately or distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, gender identity, sexual orientation, pregnancy, appearance, disability, marital, veteran, or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act and is prohibited under Rock Hawaiian Non-Harassment / Discrimination Policy. According to the Equal Employment Opportunity Commission (EEOC), 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 or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."

There are two types of sexual harassment:

1. Ohana “Quid pro quo” harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. *Examples:* A supervisor promising an associate a raise if (s)he/they goes/go on a date with him/her/them; a manager telling an associate (s)he/they will be fired if (s)he/they does/do not have sex with said manager.
2. A “Hostile work environment,” where harassing or discriminatory conduct is so severe and pervasive it interferes with an individual's ability to perform their job; creates an intimidating, offensive, threatening, or humiliating work environment; or causes a situation where a person's psychological well-being is adversely affected. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other team members, guests, or vendors.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines, and are not exclusive when determining whether there has been a violation:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes inappropriate staring or leering; the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and other social media postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome and/or unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, non-coercive interactions between team members of the same sex or opposite sex are appropriate in the workplace and are not considered harassment, as long as they are acceptable to and welcomed by both parties.

Best Practice: Speak to and treat others as you would your most respected colleague or mentor. When in doubt, don't say it.

No Retaliation

Rock Hawaiian strictly prohibits and will not tolerate any retaliation or retribution, directly or indirectly, against any team member who in good faith: (1) makes a complaint of harassment; (2) reports the harassment of another Rock Hawaiian team member; (3) opposes any prohibited discrimination or harassment; or (4) participates in, provides information in connection with, or otherwise assists in the investigation of any incidents of alleged sexual or other unlawful harassment conducted by the company or by any governmental agency. Any team member who engages in or encourages any such retribution or retaliation, directly or indirectly, will be subject to disciplinary action, up to and including immediate discharge. Further, any team member who knowingly and intentionally provides false or misleading information regarding any complaints or reports of alleged sexual harassment or other unlawful harassment or discrimination will be subject to disciplinary action, up to and including immediate discharge.

Consensual Relationships

At times, consensual romantic relationships may develop between team members. Rock Hawaiian will not interfere with the private lives of team members or off-duty conduct. Nonetheless, consensual relationships involving a manager or a team member who has supervisory authority over another team member can result in actual or perceived favoritism, disruptions in the workplace, lowered morale, and actual or perceived conflicts of interest. Romantic or sexual relationships between team members, including those who are not in a supervisor / subordinate relationship but in co-worker roles, may also affect Aloha Bros' ability to enforce its policy against harassment.

Accordingly, any manager or supervisory team member involved in a consensual romantic or sexual relationship with another team member is required to report the relationship to his/her/their General Manager, Director of Operations, or the HR team. All such reported relationships will be carefully considered, and Rock Hawaiian may take appropriate action, including, but not limited to, a change in responsibilities of the individuals involved or a transfer to another location or position within the company. If no opportunities are available and the team member does not wish to terminate the relationship, resignation by one of the parties involved may be necessary.

If a manager or supervisor fails to report his/her/their involvement in a consensual romantic relationship with another team member, he/she/they may be subject to disciplinary action, up to and including termination. Favoritism due to dating will not be tolerated. If you experience unwelcome conduct, you should report it according to Aloha Bros' Non-Harassment / Discrimination Policy.

Co-workers without management or supervisory responsibilities who may be dating or involved in a romantic relationship do not have similar duty to apprise management of such a relationship. However, such team members are expected to act professionally while at work, and not engage in any conduct or behavior that may create an uncomfortable work environment for other coworkers and guests.

Regardless of role, you are always required to act professionally and are restricted from dating or pursuing romantic relationships with guests and/or customers while on duty or when representing the company in a professional capacity.

Complaint Process; Confidentiality and Communication

Team members who believe they have been subjected to or witnessed any unlawful harassment or discrimination must immediately report the matter to store management or HR by calling our employee hotline at 972-432-0456. You may also visit our website at www.rockstrategic.com, click "ethics" on the top of the page and submit a complaint or issue. Team members are not required to complain first to any supervisor or manager who they believe engaged in or condoned the harassment or discrimination.

Any supervisor or manager who receives a complaint or report of any alleged unlawful harassment or discrimination must immediately refer the matter to the store management or HR by calling our employee hotline at 972-432-0456. You may also visit our website at www.rockstrategic.com, click “ethics “on the top of the page and submitting a complaint or issue. Further, any supervisor or manager who knows or has reason to know that any employee is being subjected to unlawful harassment is instructed and required to immediately take appropriate corrective action to stop any ongoing harassment, regardless of whether the supervisor or manager has received a complaint or report regarding the harassment, and must immediately thereafter report the matter to the store management or HR by calling our employee hotline at 972-432-0456. You may also visit our website at www.rockstrategic.com, click “ethics “on the top of the page and submitting a complaint or issue. Further Any supervisors or managers who fail to abide by this policy will be subject to disciplinary action, up to and including immediate discharge.

Rock Hawaiian will protect the confidentiality of harassment and other discrimination complaints to the extent possible, except as necessary to conduct a thorough investigation. Please do not assume that ROCK HAWAIIAN management is aware of any incidents of sexual harassment or other unlawful harassment or discrimination. ***It is your responsibility to bring any such incidents to our attention so that we can promptly investigate and attempt to resolve the matter.***

Rock Hawaiian will promptly commence a thorough, impartial, and objective investigation of all incidents of alleged sexual harassment or other unlawful harassment or discrimination that are reported to management. Upon completion of the investigation, the company will make a determination as to whether unlawful harassment or discrimination has occurred and will provide an explanation of the results of the company’s investigation to the individual(s) who made the complaint or report and to the accused harasser(s). If the company makes a determination that unlawful harassment or discrimination has occurred, then the company will promptly take appropriate remedial action commensurate with the circumstances. Appropriate disciplinary action will be taken against any employee who the company determines has violated this policy, up to and including immediate discharge. Appropriate remedial measures will also be taken to correct the effects of the harassment or discrimination and to deter any future harassment or discrimination. Whatever remedial action is taken by the company will be communicated to the individuals involved in the matter.