

Nondiscrimination and Anti-Harassment Policy

Policy Number: A900800211

Effective Date: 8/1/1990

Sponsoring Department: Human Resources

Impacted Department(s): Independent Health, its subsidiaries and affiliated organizations (IHC, IHF, PBD, Nova, Reliance)

Type of Policy: Internal External

Data Classification: Confidential Restricted Public

Applies to (Line of Business):

- Corporate (All)
- State Products, if yes which plan(s): MediSource; MediSource Connect; Child Health Plus; Essential Plan
- Medicare, if yes, which plan(s): MAPD; PDP
- Commercial, if yes, which type: Large Group; Small Group; Individual

Excluded Products within the Selected Lines of Business (LOB)

N/A

Applicable to Vendors? Yes No

Purpose and Applicability:

To define Independent Health Association's, its subsidiaries and affiliated organizations' commitment to providing a work environment free from all forms of discrimination, including harassment and bullying.

Policy:

It is the policy of Independent Health Association, its subsidiaries and affiliated organizations (hereinafter "the Company") to prohibit all forms of **unlawful discrimination** not only because it is against the law, but because it is wrong.

This includes unlawful discrimination because of a person's: race, color, creed, religion, sex (including pregnancy, childbirth or related medical conditions), sexual orientation, gender identity or expression, transgender status, age, national origin, marital status, citizenship, physical or mental disability, prior arrest or conviction record, genetic information, predisposing genetic characteristics, , domestic violence victim status, military status, protected veteran status, familial status, an individual's or a dependent's reproductive health decision making or on the basis of an individual's known relationship or association with a member or members of a protected class, or any other characteristics protected under applicable law. Employment decisions are made without regard to unlawful considerations and in accordance with Independent Health Association's Equal Employment Opportunity Policy Statement.

Further, Independent Health Association, its subsidiaries and affiliated organizations prohibit all forms of **unlawful harassment**. Unlawful harassment, as prohibited by this Policy, not only includes harassment of associates by associates, it also encompasses harassment of associates by **contingent workers** or others providing services with whom Independent Health associates come into contact in a work-related context, whether in or outside of the Company's facilities. Similarly, associates are prohibited from engaging in unlawful harassment of contingent workers or others providing services with whom they come into contact in a work-related context, whether in or outside the Company's facilities. To this end, Independent Health will endeavor to provide copies of this Policy to those entities with whom it regularly does business.

PROHIBITED FORMS OF HARASSMENT

Harassment is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment.

Harassment is a form of employment discrimination and becomes unlawful when it:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
or
- b) Has the purpose or effect of unreasonably interfering with an individual's work performance;
or
- c) Otherwise adversely affects an individual's employment opportunities.

Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Offensive conduct prohibited under this policy may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and could include any material whether placed, displayed, stored or appearing on paper, electronically or otherwise. For example, such material transmitted via or stored in e-mail, text messages, social media or any other electronic media or device would constitute a violation of this Policy.

Similarly, this Policy prohibits harassing conduct of our associates by contingent workers, others providing services or other persons or entities with whom our associates come into contact in a work-related context either in or outside of the Company's facilities. This Policy also prohibits harassing conduct by our associates to contingent workers others providing services, or other persons or entities with whom our associates come into contact in a work-related context either in or outside of the Company's facilities.

Associates should report harassment to management at an early stage to prevent its escalation and when practicable, associates are encouraged to inform the harasser directly that the conduct is unwelcome and must stop.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Additionally, under Independent Health's business conduct rules, **workplace bullying** of any kind is prohibited in the workplace.

In sum, any form of unlawful discrimination or harassment, workplace bullying or conduct violations as outlined in this policy is strictly prohibited and will not be tolerated. The Company will promptly and thoroughly investigate claims of violations of this policy and take appropriate corrective action as outlined below.

SEXUAL HARASSMENT

Sexual harassment is a form of workplace discrimination. New York Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a compliant form for employees to report alleged incidents of sexual harassment. Please see the Sexual Harassment Policy # A20181008080

NO ONE HAS AUTHORITY TO VIOLATE THIS POLICY

Under no circumstances does any manager, supervisor, associate or any other person have any authority whatsoever to engage in discriminatory, harassing or retaliating conduct in violation of this Policy. If anyone claims to have such authority, or you have any questions about whether conduct that you find objectionable is authorized by the Company, please contact your Human Resources Business Partner or Generalist.

REPORTING PROCEDURE

Every person at Independent Health, its subsidiaries and affiliated organizations impacts our culture and everyone shares in the responsibility to ensure a work environment free from all forms discrimination, including harassment and bullying.

Individuals are expected to promptly report any conduct that they are subject to, or that they witness, which may violate this Policy.

The Company provides several avenues of assistance for which an associate can go to report a claim: His/her department leader, their human resources business partner, or the EVP, Chief Human Resources Officer. It is our hope that by placing different individuals in charge of this Policy, you can freely discuss your complaint or inquiry with one of them even if you may not feel comfortable doing so with the other one. Alternatively, you may initially discuss the matter with any member of management, who will then bring your complaint to the attention of your human resources business partner or generalist. An associate may also contact the Compliance Helpline which operates 24/7/365 and can be accessed

via two methods: 1-877-229-4916 or www.reportit.net.

However, in all cases the matter will be brought to the attention of human resources, because of the need for consistency and centralized decision-making in the implementation and enforcement of this Policy. In the event the human resources business partner or generalist is involved in the conduct that is the subject of the complaint, a different human resources business partner or the EVP, Chief Human Resources Officer will then have overall responsibility for the investigation of the complaint and the taking of any appropriate action. It is extremely important that this be reported so that Independent Health can stop such conduct at the earliest possible time. Reporting to Independent Health is critical, because if Independent Health does not know about the conduct, it cannot act.

CONFIDENTIALITY

Complaints and inquires under this Policy will be kept confidential by the person(s) responsible for investigating these matters to the greatest extent practicable, consistent with the Company's need to conduct a thorough investigation so that it can take prompt and appropriate action.

INVESTIGATION

All complaints will be thoroughly and promptly investigated. The nature and details of the investigation process will vary depending on the details of the complaint. The Company's objective in every instance is to make a fair determination of what happened so that it can take appropriate corrective action, if warranted, as soon as possible. The investigation may include, among other things interviews of witnesses and the person who is the subject of the complaint. At the conclusion of the investigation, the complainant will be notified of the findings, conclusion and any appropriate actions to be taken.

CORRECTIVE ACTION

Immediate, appropriate disciplinary action will be taken on any associate who is determined to have committed discrimination, harassment, bullying, or retaliation in violation of this policy, up to and including termination of employment. Similarly, appropriate action will be taken or suggested if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom the Company does business engages in conduct that violates this Policy. In addition, when warranted, Independent Health may retrain associates concerning this Policy and what it means. Other forms of corrective action may also be called for depending on the circumstance.

ZERO TOLERANCE

The Company has zero tolerance for the type of conduct described in this policy. Because of this, Independent Health may treat instances of similarly offensive conduct, which could include bullying, as a violation of this Policy, regardless of the specific wording of this Policy or technical definition in the law, and may deal with such conduct by any disciplinary measures or other forms of corrective action.

ANTI-RETALIATION

The Company will not tolerate retaliatory action of any kind, taken by a supervisor or associate against an individual for exercising their rights under this Policy and any such retaliation will be considered a violation of this policy. This includes any retaliation for inquiring about rights or seeking remedy under this Policy or reporting or complaining or threatening to make a complaint about possible violations

under this policy, instituting a proceeding, or assisting in a complaint investigation, including providing truthful information to or testifying before any public body conducting an investigation, hearing or inquiry about a possible violation. Examples of retaliation include any action which would dissuade a reasonable associate from making or supporting a charge of unlawful discrimination or harassment or workplace bullying and may also include disclosing an associate's personnel files, except where such disclosure is made in the course of commencing or responding to a complaint in any proceeding under NY State Human Rights Law or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law. Such retaliation against the Company's associates or customers, suppliers, vendors, temporary agency employees, contractors or those utilizing Independent Health's facilities or services is prohibited and will not be tolerated.

ASSOCIATES RESPONSIBILITIES

All associates are responsible for completing any required training on this policy and reviewing any updates to this policy. Associates are expected to promptly report any conduct that they are subject to, or that they witness, which may violate this Policy.

ADDITIONAL RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

It is imperative that managers and supervisors set the tone for the enforcement of this policy. All management and supervisory personnel have an affirmative duty and are required to promptly report any discrimination, harassment, retaliation or sexual assault that they observe, learn about from others, or reasonably suspect has occurred with respect to an employee either to their Human Resource Business Partner or the EVP Chief Human Resources Officer.

Definitions

Associates: includes all people employed by Independent Health, its subsidiaries or affiliated organizations in either a full-time, part-time or per diem status. ("Workers" in Workday)

Contingent workers: are external resources, not employed by Independent Health Association, its subsidiaries or affiliated organizations which include: Temporaries (including interns), Consultants, Contractors, Vendors and Board Members.

Reproductive health decision making is defined under the law as including, but not limited to, the decision to use or access a particular drug, device or medical service. The Company affirms the privacy rights of associates' medical records and will not access an associate's personal information regarding the associate's (or the associate's dependent's) reproductive health decisions, without the associate's prior informed affirmative written consent.

Unlawful Discrimination includes practices such as refusal to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

Unlawful Harassment: unwelcome conduct that is based on any protected class.

Workplace bullying is repeated, health-harming mistreatment in the form of verbal abuse, threats, intimidation, humiliation and work sabotage that undermines business and services.

References

Related Policies, Processes and Other Documents

- Associate Handbook
- Corrective Action/Progressive Discipline Policy
- Equal Employment Opportunity Policy Statement

Regulatory References

- Title VII of the Civil Rights Act of 1964 (title VII)
- Civil Rights Act of 1991
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), as amended (ADA AA)
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
- Family and Medical Leave Act (FMLA)
- The Equal Pay Act of 1963 (EPA)
- New York State Human Rights Law
- New York State Labor Law Sections 201-g; 203-e
- State and local congruent laws

Version Control

Sponsored By:

Name sponsor: Patricia Clabeaux
 Title of sponsor: EVP, Chief Human Resources Officer
 Signature of sponsor:



| Revision Date | Owner | Notes |
|---------------|-------|---------|
| 8/1/1999 | | Revised |
| 10/1/2004 | | Revised |

| | | |
|------------|----------|--|
| 6/15/2005 | | Reviewed |
| 9/3/2014 | Jen Barr | Revised |
| 3/9/2015 | Jen Barr | Revised |
| 12/17/2015 | Jen Barr | Revised (updates; separate EEO policy statement) |
| 2/15/2016 | Jen Barr | Reviewed and Revised |
| 6/21/2017 | Jen Barr | Reviewed and revised-protected class, terminology |
| 5/11/2018 | Jen Barr | Reviewed and revised (updates to reporting) |
| 10/8/2018 | Jen Barr | Reviewed and updated (reference to new NY Sexual Harassment Law) |
| 11/11/2019 | Jen Barr | Updates (NYS HRL; Labor Law) |
| 7/1/2020 | Jen Barr | Updated to remove Evolve |
| 7/1/2021 | Jen Barr | Updated to remove DxID |
| 5/1/2022 | Jen Barr | Reviewed, updated anti-retaliation section |
| | | |
| | | |