

## MOZILLA POLICY AGAINST DISCRIMINATION AND HARASSMENT

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At the Mozilla Foundation, we are committed to creating and maintaining a work environment where each and every individual is treated with respect and dignity and can work free of discrimination or harassment.

Our policy aims to be user friendly and goes beyond what is required by law to encourage each of us to become more conscious of how we act as individuals, correct misunderstandings and assumptions about harassment and discrimination, and enable us to fully live the policy and the spirit that it represents.

We will respond promptly to allegations of harassment and discrimination and hold anyone in violation of the policy accountable for their actions.

### **Policy: the nuts & bolts**

All employees and contractors of Mozilla as well as visitors, candidates for employment and others having business at our workplace shall not be subjected to any form of harassment and/or discriminatory behavior. This policy applies to conduct in and out of the office whether the employee is at a work-related social event, on a business trip or visiting a vendor.

Harassment and discrimination of any sort is strictly prohibited. This includes any such behavior based on race, religion, gender (with or without sexual conduct), color, national origin, disability, sexual orientation, age, genetic predisposition or carrier status, marital status, creed, lineage or citizenship status or any other basis.

### **Discriminatory Behavior**

Discriminatory behavior refers to and includes limiting opportunities on the basis of, for example, race, color, gender, age, religion, national origin, disability or sexual orientation, especially when these decisions have a negative impact on hiring, earnings, development, career progression or termination, in particular when this discrimination is unjust or prejudicial.

### **Hostile Work Environment**

*Behavior that would tend to make the work environment unpleasant, inhospitable or hostile to employees by insult, degradation or exploitation is also prohibited.*

A hostile working environment can be created by:

- Persistent unwelcome flirtations or unwelcome physical contact, including continuing to express personal interest after such interest has not been reciprocated. *The absence of objection does not constitute consent or imply that the behavior is welcome.*
- Slurs, jokes, statements, remarks, questions or gestures that are derogatory or demeaning to an individual's or group's characteristics or that promote negative stereotypes.
- Visual displays (including photographs, cartoons and drawings) of suggestive or degrading images or stereotypes of any individual or group based on protected characteristics.

### **Sexual Harassment Defined**

The Equal Employment Opportunity Commission Guidelines define sexual harassment as unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behavior and may involve individuals of the same or different gender. While it is not possible to specify all the circumstances that may constitute sexual harassment it may include, but is not limited to:

- unwelcome or unwanted sexual advances;
- subtle or overt pressure for sexual favors;
- sexual jokes or innuendoes;
- sexual propositions;
- verbal abuse of a sexual nature;
- graphic commentary about an individual's body;

- discussions of sexual prowess or sexual deficiencies;
- leering, whistling, touching, pinching, fondling, assaulting or coercing sexual acts; suggestive, insulting or obscene comments or gestures;
- display in one's office or work space of sexually suggestive objects or pictures.

Behavior need not be explicitly "sexual" to constitute sexual harassment. "Sex-based harassment" includes conduct not involving sexual activity or language (e.g., male manager yells only at female employees and not males). Such conduct may constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

N.B. While this document is intended to be broader reaching than specific legal definitions of sexual harassment, the legal definition of sexual harassment varies state to state, country to country. For example, the Ontario Human Rights Commission has defined it at this URL: <http://www.ohrc.on.ca/english/guides/sexual-harassment.shtml>.

## **Preventing & Reporting Incidents of Discrimination or Harassment**

While we cannot prevent all incidents of harassment or discrimination, we can, as individuals and an organization, be aware of our actions and ensure that others are held accountable for theirs.

If you believe you have experienced or seen incidents of harassment or discrimination we strongly encourage you to come forward. Many times, people suffer because they are concerned about what happens if they speak up, are uncertain whether they are being harassed, or are simply too embarrassed to come forward.

### **What happens when I complain?**

When you come forward with a question regarding or allegation of harassment or discrimination, we will respond to you with respect. We are concerned about your well-being and will discuss the issue with you in depth, provide assistance in determining what reporting method will work best for you and discuss with you options for stopping and/or reporting the behavior to proper authorities.

Complaints and resolutions fall into a number of categories. Just as there is not one simple form of harassment, there is not one simple fix for it. All allegations of harassment will be investigated and appropriate measures taken to prevent it from happening again.

In some cases, you may want to just ask whether a behavior constitutes harassment. We welcome these types of discussions and will be glad to work with you to determine the best way to move toward resolution.

Generally when bringing incidents of harassment or discrimination forward, we will discuss what has happened, listen to your concerns, explain the options available to you and work to stop it from happening again. This may be helping you script a discussion with the person, having a manager tell the offender the behavior is unwelcome and must stop or gathering information to complete a full complaint and launch an investigation. We will work closely with you throughout the process to ensure you are informed of what is happening, comfortable that we are working towards a resolution and ensure you are able to work without fear of continued harassment or discrimination.

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## **Complaint Procedure**

To give individuals the most options in reporting and stopping behaviors above, we have outlined a number of ways to bring the matter to our attention and/or directly to the individual displaying the behavior.

We encourage you to come forward in a timely manner to ensure constructive action can be taken and additional incidents prevented.

### **Direct confrontation**

You may want to tell the offender that their behavior is unwelcome and must stop. This may stop the offending behavior and be a simple issue.

We do of course understand that while this approach may be helpful in some cases, individuals may not be comfortable confronting the offender directly.

Please also be aware that you do not need to directly confront the individual before taking a more formal approach to the issue.

### **Informal Complaint – no formal charge, no investigation requested**

You may want to talk to someone – you may not be certain harassment has occurred, you may wish to discuss the matter with someone who can help you determine the best course of action to take or you might want help scripting a conversation with the offender. We encourage this and will work with you to bring appropriate closure to the situation.

- With an informal complaint, you are not making a formal charge against the offender and are not requesting an investigation.

- You may use this method to request that a manager speak informally to the offender.
- In most informal complaints no investigation will be initiated and no management action will be taken against the offender, if that is what you desire.
- Please be aware however that we may decide independently that it is necessary to take action beyond an informal discussion with the offender in order to deal with that situation appropriately. This is usually only true in cases of severe harassment or when there are extenuating circumstances (the person has been reprimanded for prior incidents, for example) . In any case, the person bringing the complaint will be advised of this
- The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible.
- As with the direct confrontation, please understand that the informal procedure is not a required first step for reporting a violation of this policy.

## Formal Complaint

If you believe you have been the victim of a violation of this policy, or have witnessed such a violation, you can initiate a formal complaint with your manager, Mitchell or John. With a formal complaint we will discuss with you what happened, investigate the incident(s), take appropriate action against the offender and work with you to ensure your comfort in the workplace during and after the investigation.

- Investigation. The investigation may include individual interviews with the parties involved and, where necessary, with others who may have seen or heard the conduct or have other knowledge relevant to the reported behavior.
- Confidentiality. The complaint and investigation will be handled with sensitivity, and confidentiality will be maintained throughout. However, often during an investigation, it is necessary to discuss the incident with others as appropriate under the circumstances.
- Protection Against Retaliation. You are protected from retaliation for reporting harassment or assisting in any related investigation. Retaliation is a violation of this policy and will be treated with the same strict discipline as the harassment or discrimination itself. Acts of retaliation should be reported immediately and will be investigated promptly.

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- **Disciplinary Action.** Disciplinary action for anyone who is found to have violated this policy may include, for example, training, referral to counseling and/or disciplinary action including warnings, reprimands, temporary suspension without pay or termination of employment, as we find appropriate under the circumstances.
- **Appeals Process.** If a party to a complaint does not agree with the resolution, that party may discuss her or his concerns with Mitchell or John, or request that a third party mediator be brought in to review the process and findings.
- **False and Malicious Accusations.** False and malicious complaints of harassment or discrimination, as opposed to complaints which, even if erroneous, are made in good faith, will be the subject of appropriate disciplinary action.

## **Anonymous Reporting**

There may be times when an individual absolutely wishes to remain anonymous in the reporting of a violation of this policy. We understand that this may sometimes be the only way a person feels comfortable bringing the behavior to the attention of management and these cases, it may be reported via <https://intranet.mozilla.org/anonymousComment/>. This mail is sent only to Mitchell.

Be advised however that an anonymous report severely limits what actions can be taken by the organization – therefore the likelihood of a recurrence of the offending behavior is likely.

If reporting anonymously:

- No investigation of the incident can be made
- No discussion with the alleged harasser can take place
- We will not be able to provide support or follow up with you

## **Conclusion**

We have developed this policy to ensure that all individuals can work in an environment free from harassment and discrimination. We will endeavor to ensure that all individuals are familiar with this policy and are aware that all complaints will be investigated and resolved promptly and appropriately.

Any individual who has any questions or concerns about this policy is encouraged to discuss them with any manager or Mitchell.