

**Policy document for PwC Israel (hereinafter: the "Firm") pursuant to Section 7(d)(2) to the Prevention of Sexual Harassment Prevention Law, 1998**

Sexual harassment and sexual-related retaliation compromise the dignity, choice and privacy of a person, and undermine gender equality. Beyond that, following the coming into effect of the Law for the Prevention of Sexual Harassment, 1998 (hereinafter - the "Law") (September 20, 1998) such actions are also criminal offenses and are grounds for seeking damages in a civil legal action.

Sexual harassment and retaliation are detrimental to work relations, run counter to the policy of PwC Israel and will not be tolerated.

This policy document is intended to present the main provision in the Law and the Prevention of Sexual Harassment Regulations (Duties of Employers), 1998 (hereinafter - the "Regulations"). In any case of inconsistency between the guidance in this document and that in the Law and Regulations, the latter prevail, and they can be consulted, as said in article 10 of this policy document.

The use of male/female pronouns in this document is for convenience purposes only.

This document is available on the Firm's website and is available to any employee.

Part A: What is sexual harassment and retaliation?

1. What is sexual harassment?

(1) Even though most cases of sexual harassment are committed by men against women, this can be perpetrated by both men and women against others of their own or the opposite gender, and the Law covers all these options.

(2) According to the Law, sexual harassment can materialize via the following five prohibited behaviors:

(1) compelling a person to perform an action that is sexual in nature through extortion; for example: an employer threatening to fire an employee if she refuses to have sex with him.

- (2) indecent acts; for example: a colleague or superior touching an employee for sexual stimulation or performing non-consensual indecent exposure in front of her, or a supervisor performing such acts against an employee reporting to him while taking advantage of his authority over her.
- (3) repeated offers that are sexual in nature, despite the targeted person showing lack of interest to the harasser. However, there is no need to demonstrate "lack of interest" in cases covered by subsection (c) in order for such a behavior to fall within the scope of sexual harassment;
- (4) repeated remarks that focus on the gender or sexuality of a person, despite that person showing lack of interest in receiving such remarks. For example, repeated behavior concerning the sexual aspect in the appearance of a person, despite that person clarifying that she finds it uncomfortable. However, there is no need to demonstrate "lack of interest" in cases covered by subsection (c) in order for such a behavior to fall within the scope of sexual harassment;
- (5) derogatory or humiliating remarks about the gender or sexual orientation of a person, whether that person showed to be uncomfortable or not;
- (6) publication of an image, video or audio of a person focused on their sexuality, in circumstances in which such publication may humiliate that person, and no consent by the person was given to such publication. However, in criminal or civil proceedings under this paragraph, the publisher will have a good defensive argument of demonstrating that the publication was done in good faith, or for a legitimate purpose, or that the publication is in the public interest, was truthful and was not beyond what is reasonable for achieving its purpose. It is clarified that for the purposes of this provision, "image, video or audio" also include editing or incorporating an image, video or audio in a way that enables to identify a person, for example:
  - 1) Distribution of a video on publicly-available websites capturing sexual acts without the consent of all individuals appearing in the video, and in a situation where the protections listed do not exist;
  - 2) publication of an edited image showing the head of an identifiable person together with any nude image without the consent of the identifiable person in a way that

may humiliate or shame that person, and in a situation where the protections listed do not exist.

(3) If the acts listed in subsection (b)(3) and (b)(4) – i.e. repeated offers that are sexual in nature and repeated remarks that focus on the gender or sexuality of a person – are directed at one of those listed in the following paragraphs, those actions shall constitute sexual harassment even without that person showing lack of interest:

(1) in the case of employees, when the act is performed in or related to work setting, and for a service person during or in connection to their service, when the actor abuses seniority or service.

(2) in case of a minor or vulnerable persons, when authority, dependency, educational or caregiving settings are abused. In the case of a minor younger than 15 years of age, this applies even without abuse of those types of relationships, and provided that the abuser is not a minor. For example, a person in a higher hierarchy position against an employee or a person abusing an educational role against a minor.

Lack of interest can be shown by both words and behavior that clearly mark absence of interest in the other person's offer.

## 2. What is retaliation?

Retaliation is harm of any kind originating from sexual harassment, or complaint, lawsuit or indictment filed for sexual harassment or retaliation. For example:

(1) harm originating in sexual harassment – an employer dismissing an employee or preventing her promotion due to her refusal to repeated sexual advancements by the employer<sup>[P1]</sup> ;

- (2) harm following a complaint, lawsuit or indictment relating to sexual harassment or retaliation – an employer or a superior on the employer's behalf downgrading the work conditions of an employee who filed a complaint about derogatory or humiliating behavior against them;
- (3) harm following assistance to investigate sexual harassment<sup>[IP2]</sup>. For example: an employee gave testimony relating to harassment experienced by another employee and the employer or superior retaliates due to that.

### 3. What is "in a work setting"?

By law, sexual harassment or retaliation in a work setting exists in any of the four following circumstances:

- (1) In the workplace;
- (2) In another location where activity performed by or on behalf of the employer takes place, for example:
  - 1) a showroom where the employer and its employees present products of the employer;
  - 2) a training institution where courses are performed for the employer;
  - 3) a restaurant in which a party for staff is held by the employer.
- (3) while performing work, for example: work-related travel, including to attend meeting outside the workplace;
- (4) abusing work-related authority in any place (such as the house of the superior).

### Part B: The outcome of sexual harassment of retaliation

4. Sexual harassment and retaliation are illegal. They represent:
  - 1) a criminal offense that can carry a prison sentence or fine, and it is possible to file a complaint with the police<sup>[IP3]</sup> ;
  - 2) a civil tort, which can be sued for monetary damages and other permanent and temporary remedies from the harasser, the retaliator, and in certain cases, the employer;
  
5. Sexual harassment and retaliation are serious disciplinary offenses that need to be addressed as such by employers subject to Regulation 3 of the Regulations for the Prevention of Sexual Harassment (Duties of Employers), 1998 (an employer with disciplinary arrangement that is independent of statutory requirement).<sup>[IP4]</sup>

Part C: The policy of the firm and its responsibility to prevent sexual harassment and retaliation

6. Sexual harassment and retaliation are in violation of the firm's policy. Sexual harassment and retaliation undermine a healthy workplace environment and run counter to the policy adopted by the firm, and they will not be tolerated.
  
7. The responsibility of the firm
  - (1) Beyond the prohibition that applies to the employer, as to any person, to harass and retaliate, the law also imposes special liability on employers in relation to acts performed by their employees and their leadership team in the work setting. Employers are required to put in place three types of reasonable measures, as indicated in this policy documents:
    - 1) implementing measures for the prevention of sexual harassment and retaliation, as elaborated in this part of the document;
    - 2) effectively address sexual harassment and retaliation when they become know (see Part E);
    - 3) remedy the damage caused by sexual harassment and retaliation, or due to filing a complaint or a lawsuit (see Part E).

- (2) According to the law, an employer failing to put in place the measures listed in this section, will be held liable to cases of sexual harassment and retaliation performed in a work setting by an employee (either in position of authority or not), and such employer is exposed to civil legal action as a result.

## 8. Preventive measures

- (1) The firm demands from anyone in position of authority to take active part and to champion the prevention of sexual harassment and retaliation in the work setting, and to do their utmost to prevent such acts, to do their part in the overall effort by the firm to create [IP5] a work environment that is free of sexual harassment.
- (2) The firm demands from anyone in position of authority to take active part and to champion the prevention of sexual harassment and retaliation in the work setting.[IP6]
- (3) Awareness-raising and training activity: The firm demands from all staff members to take active part in in training and awareness sessions it provides relating to the prohibition of sexual harassment and retaliation. Additionally, the Firm gives permission to its employees to participate in awareness and training activities organized by other entities, such as advocacy groups, and do so during workhours, provided that those are reasonable in duration and do not disrupt normal work. The Firm cooperates with employee representatives in awareness and training activities related to the prohibition and prevention of sexual harassment and retaliation. The employee representative organization relating to the Firm is \_\_\_\_\_.[IP7]

[Paragraph 9 in the model policy document in the addendum to the Regulations is not relevant, since there is no organization representing its employees.][IP8]

## 9. Receiving information and its sources

- (1) An employee is entitled to the following:

1. be able to read and receive copies of the following:
  - The Prevention of Sexual Harassment, 1998;
  - The Prevention of Sexual Prevention Regulations (Duties of Employers), 1998
  - Disciplinary guidelines of the workplace regarding sexual harassment and retaliation (if any are in place);
2. Receive information on awareness and training activities of the employer regarding the prohibition and prevention of sexual harassment and retaliation.
3. Employees may demand to receive additional materials and information from the officer responsible for this matter, which is:

Ms. Ilil Negbi-Nice, Head of HR

Email: [ilil.negbi-nice@pwc.com](mailto:ilil.negbi-nice@pwc.com)

Mobile: +972-54-7108084

#### Part D: What to do if you have been a target of sexual harassment or retaliation

10. (a) If a person believe that he/she was a target of sexual harassment or retaliation, there are three avenues available by law to deal with the situation. That person can choose whether to take one or more of those available routes:
  - 1) The case is addressed by the employer: if the sexual harassment or retaliation took place in a "work setting", the harmed individual may file a complaint within the workplace, and it should be processed according to the proceedings listed in Part E;
  - 2) Criminal proceedings: the harmed individual may file a complaint with the police;

- 3) Civil action: the harmed individual may file a lawsuit to a court (usually the regional labor court) against the harasser or retaliator individually;

#### Part E: Processing a complaint by the Firm

#### 11. Who can file a complaint and in what circumstances?

Anyone of the following can file a complaint:

- (1) An employee claiming that an employer or staff member (in authority position or not) sexually harassed her or retaliated in the work setting;
- (2) Another person claims that a staff member (in authority position or not) sexually harassed or retaliated in the work setting;
- (3) Another person on behalf of a person covered by subparagraphs (1) or (2) above.

#### 12. Who to address the complaint?

- (1) A complaint should be filed to the officer responsible for the prevention of sexual harassment or retaliation, as indicated in paragraph 10(b).
- (2) If that officer is the person against which the person filed the complaint (hereinafter – the "Respondent") or has personal connection to the complaint or any others who are involved, the complaint will be filed to that officer's deputy, another officer, or, in their absence, to the employer (if the complaint is filed to the employer as above, the employer is required to act according to this part, similarly to the way that the responsible officer should have acted).



(3) If the Respondent is an employee of an employment agency, but work in practice with the employer:

- 1) the complaint will be filed to the officer on behalf of the agency or the employer;
- 2) If the complaint is filed to the officer on behalf of the agency, that officer may assign processing of the complaint to an officer of the employer, and if this is the case, the officer of the agency is required to notify about that to the person who filed the complaint.

13. The process for filing a complaint

(1) A complaint can be filed in writing or verbally.

(2) In the case of a verbal complaint,

- 1) The responsible officer is required to put the complaint in writing, and whenever possible, indicate the following information:
  1. The identity of the of individuals involved and whether dependency, authority relationship, etc. exists between them, and identify witnesses if any exist;
  2. the location of the incident;
  3. time of the incident;
  4. description of the incident, including whether the harassed person showed to the Alleged Perpetrator that the behavior was uncomfortable to her;
- 2) The person who filed the complaint will sign the document written by the responsible officer in order to confirm that the information therein is accurate;

- 3) The responsible officer will give the person filing the complaint a copy of the signed document.

#### 14. Processing the complaint

- (1) Once a complaint is received, the responsible officer will:
  - 1) inform the person who files the complaint about the ways the complaint about sexual harassment or retaliation is processed according to the Law (Part D, paragraph 11);
  - 2) will act to investigate the complaint, and to that end, will interview the person who filed the complaint, the Alleged Perpetrator and the witnesses (if any) and examine any available information relating to the complaint.
- (2) The responsible officer will not process the complaint whenever having any personal connection to the complaint or the individuals involved.
- (3) A responsible officer who has such a personal connection, will assign the task of processing the complaint to another officer or anyone who the employer appoints in their place, and in the absence of any of those, processing will be performed by the employer. If the responsible officer assigned the processing to the employer, the latter is required to act as a responsible officer, according to the provisions of this paragraph.
- (4) Processing the complaint needs to be performed effectively and promptly.
- (5) Investigating the complaint must be carried out while protecting the dignity and privacy of the person who files the complaint, the Alleged Perpetrator and other witnesses, including:
  - 1) The officer may not disclose any information that came to their possession while processing the complaint, unless they are required to do so for the investigation or under the law;
  - 2) The officer may not ask the person filing the complaint questions about their sexual history, and will not take into consideration such sexual history. The provision in this

paragraph does not apply if the responsible officer believes that failing to ask such questions or considering such information may cause an irreparable damage to the Defendant;

- 3) The responsible officer has to instruct all individuals involved in processing the complaint to protect the dignity and privacy of all those involved and not to disclose any information that came to their possession while processing the complaint, unless required otherwise by law.
  
- (6) An employer will protect the person who files the complaint during processing the complaint from any work-related harm resulting from filing a complaint or any other harm in the work setting that may disrupt processing the complaint. Among other things, the employer should act to ensure that no contact exists, as much as possible, between the Alleged Perpetrator and the person who filed the complaint, as deemed necessary by the responsible in the circumstances of the matter.
  
- (7) At the end of processing the complaint, the responsible will duly file a written summary of complaint investigation, along with substantiated recommendations for further action, including any of the matters listed in paragraphs 16(a) and (d).
  
- (8) If the Alleged Perpetrator works for an employment agency and works at the premises of the employer, the responsible will file the summaries to both the agency and the employer.
  
- (9) If the employer is being notified of an incident of sexual harassment or retaliation in a work setting, and no complaint is filed, or a person who filed a complaint withdrew it, the employer needs to refer the incident to the responsible officer to investigate the incident. For this purpose, the Firm instruct all staff in leadership positions to provide any information about sexual harassment coming to their possession to the responsible officer. If an incident is assigned to be investigated by the responsible officer, or the responsible officer becomes aware of such incident, the responsible officer is required to inquire the matter, as possible, based on the provisions of this paragraph, with necessary changes, and if a person withdrew a complaint, to inquire the reason for that.

## 15. How the Firm addresses sexual harassment or retaliation

- (1) As the Firm receives the summary and recommendations of the responsible officer under paragraph 15(g), it will decide without delay and within not more than 7 workdays, whether to exercise its powers regarding any of the following:
  - 1) Giving instructions to employees involved in the incident, including regarding the appropriate conduct in the work setting; preventing contact between the Alleged Perpetrator and the person who filed the complaint; and implementing further employment-related steps to prevent recurrence of sexual harassment or retaliation or to remedy the harm caused to the person who filed the complaint due to the harassment or retaliation;
  - 2) Launching disciplinary action in compliance with internal disciplinary rules in place that deal with sexual harassment or retaliation.
  - 3) Not taking any action.
  
- (2) The Firm will act without delay to exercise its decision under subparagraph (a) and provide the person who filed the complaint, the Alleged Perpetrator and the responsible officer a substantiated written notification on its decision. Additionally, the Firm will allow the person who filed the complaint and the Alleged Perpetrator to read the summary and recommendations of the responsible officer.
  
- (3) The Firm is permitted, due to change in circumstances, to modify its decision under subparagraph (a) or delay its implementation and deliver a substantiated notification to that effect to the person filing the complaint, the Alleged Perpetrator and the responsible officer.
  
- (4) Notwithstanding the above, the Firm is permitted to delay its decision, delay implementation or change it due to disciplinary or legal proceedings concerning the decision. If the Firm does so:
  - 1) provide the person who filed the complaint, the Alleged Perpetrator and the responsible officer a written notification with reasons;
  - 2) as long as the said proceedings are not concluded, the Firm shall act according to the provisions of paragraph 15(f);
  - 3) When the proceedings are concluded, the Firm shall take a decision under subparagraph (a).

- (5) If the Alleged Perpetrator is working for an employment agency but works in practice at the premises of the employer, the employer and the agency may agree between them regarding which of them will fully or partially implement the provisions of this paragraph.

#### Part F: Miscellaneous

16. An employee of an employment agency working in practice at the premises of the Firm

- (1) According to the law and regulations, when an agency employee is working in practice at the premises of the employer (the employer in practice)
  - 1) Anything referred to in this policy document to "employee" also covers the employee of the agency;
  - 2) Anything referred to in this policy document to "employer" also covers the employer in practice;

Therefore, the employer in practice has the responsibility and liability of a regular employer (see paragraph 7) in the event of sexual harassment or retaliation performed by an agency employee working at its premises.

- (2) Special provisions are found in paragraphs 13(c), 15(h) and 16(e) of this policy document.
- (3) Until the implementation of the provisions in Section 7(d) of the Law, the rules set under the said section and are applicable to an employment agency, an employee thereof and the employer in practice, shall also apply to a service contractor, its employee and the party commissioned the service.

The terms "party commissioned the service" and "service contractor" shall have the meaning given to them by Section 20A(d) to the Law of Work and Rest Hours, 1951.