



New York Addendum to the PepsiCo Global Anti-Harassment/Discrimination Policy and the PepsiCo Global Non-Retaliation Policy

Introduction

This Addendum (“Addendum”) applies to PepsiCo’s New York employees, as well as applicants for employment, interns (whether paid or unpaid), contractors, and persons conducting business with PepsiCo in New York. This Addendum supplements [PepsiCo’s Global Anti-Harassment/Discrimination Policy](#) and [PepsiCo’s Global Non-Retaliation Policy](#) (the “Policies”) for those individuals.

PepsiCo is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. PepsiCo has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This addendum is one component of PepsiCo’s broader commitment (as outlined in the Global Anti-Harassment Policy) to a discrimination-free work environment.

Sexual Harassment

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. The laws of many countries, states, and localities prohibit sexual harassment, and there are varying legal definitions of what constitutes sexually harassing conduct. While PepsiCo will in all respects abide by and enforce those laws, the PepsiCo policy on sexual harassment is intended to be, and will be enforced as being, even more restrictive in preventing harassing conduct in the workplace than what some country, state and local laws may require.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, sexual orientation, gender identity, and/or the status of being transgender when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation, or acts of physical violence which are of a sexual nature or which are directed at an individual because of their sex. Sexual harassment also may consist of unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment can also occur when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Examples of sexual harassment include but are not limited to: unnecessary and unwelcome touching; unwelcome sexual flirtation; direct or subtle pressure for sexual activity; coercion to date or unwelcome demands for dates; unwelcome or offensive sexual jokes, innuendo, lewd language or obscenities; explicit or degrading remarks about another person or his/her appearance or body; e-mails, posters, graffiti, calendars or other sexually suggestive pictures or objects displayed in the work place; demands for sexual favors accompanied by implied or overt threats concerning pay or other aspects of employment; and/or the taking of or the refusal to take any personnel action based on an employee's submission to or refusal to submit to sexual overtures or behavior.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law and the Policies protect employees, unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Retaliation

PepsiCo has a zero-tolerance policy for retaliation against anyone who in good faith complains or provides information about suspected sexual harassment. No person covered by the Policies or this Addendum shall be subject to adverse employment action, including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action, because the employee reports an incident of sexual harassment, provides information, testifies, or otherwise assists in any internal or external investigation of or legal proceeding regarding a sexual harassment complaint.

Such retaliation is unlawful under federal, state, and (where applicable) local law. Unlawful retaliation can be any action, more than trivial, that keeps a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee of PepsiCo who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any individual who believes they have been subject to such retaliation should report it internally with PepsiCo as described in the Policies, or may report it externally as described below in the section on Legal Protections.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. PepsiCo cannot prevent or remedy sexual harassment unless it knows about it. Any individual subject to the Policies and this Addendum who has been subjected to behavior that may constitute sexual harassment or retaliation is encouraged to report such behavior in accordance with the Policies. Anyone who witnesses or becomes aware of potential instances of sexual harassment or retaliation should likewise report such behavior in accordance with the Policies.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees are likewise encouraged to use the complaint form and note that it is on another employee's behalf.

Any employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek redress in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, any supervisor or manager who receives a complaint of harassment and fails to notify Human Resources, fails to report suspected sexual harassment, or knowingly allows sexual harassment to continue, will be subject to discipline up to and including termination.

Complaint And Investigation Of Sexual Harassment

All complaints or reports of suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner (generally, within 30 days), and will be confidential to the extent possible.

The Company will conduct a prompt and thorough investigation that ensures due process for all parties. Complaints and actions taken to resolve complaints of harassment will be handled

as confidentially as possible. Appropriate corrective action will be taken if sexual harassment or other Policy violations are found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

Upon receipt of a complaint, the Company will conduct a prompt review of the allegations and take any interim actions, as appropriate. Investigations generally will include the following steps:

- Review relevant documents (including hard copy or electronic documents, emails, other electronic communications, and phone records);
- Interview the relevant parties and witnesses;
- Determine whether any violations of the Policies have occurred and any appropriate corrective action;
- Notify the person who made the complaint and the person(s) complained about of the investigation findings (but the complainant will not necessarily be notified of disciplinary action taken against other employees);
- Implement any corrective action; and
- Retain relevant documents in accordance with Company document retention policies.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by PepsiCo but also by state, federal, and, where applicable, local law. Individuals can enforce their rights by filing a complaint internally with PepsiCo as described in the Policies. Employees may also choose to communicate and/or pursue adjudication with the governmental entities listed below **at any time**.

Adoption of this policy in and of itself does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, unpaid interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info], www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department for more information.



PepsiCo Sexual Harassment Complaint Form

If you believe that you have been subjected to or have witnessed sexual or other harassment, you are encouraged to complete this form and submit it to Human Resources.

If you are more comfortable reporting verbally or in another manner, you may do so.

COMPLAINANT INFORMATION

Name:

Job Title:

Email:

Select Preferred Communication Method:

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

COMPLAINT INFORMATION

1. Your complaint of harassment is made against:

Name:

Title:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reason concluding that the conduct is sexual or other harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred:

Is the harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

5. (Optional) Have you previously complained or provided information (verbal or written) about harassment at PepsiCo? If yes, when and to whom did you complain or provide information?

6. (Optional) Have you filed a claim regarding this complaint with a federal, state or local government agency?

Yes No

Have you instituted a legal suit or court action regarding this complaint?

Yes No

Have you hired an attorney with respect to this complaint?

Yes No

I request that the Company investigate this complaint of harassment in a timely manner and advise me of the results of the investigation.

Signature: _____ Date: _____