



Harassment Policies for Six Flags Magic Mountain



ZERO TOLERANCE OF HARASSMENT AND DISCRIMINATION

Six Flags is committed to providing all employees with an enjoyable and productive work environment. You have the right to a workplace that is free of unlawful discrimination or harassment of any kind and from any source, including management, co-workers or Guests. Following are the policies and practices the Company has instituted to promote a positive, fair and respectful work environment. These policies apply to all employees, including Management Personnel, Supervisors and Agents.

Harassment, Including Sexual Harassment

Six Flags seeks to provide a harassment-free environment for its employees and Guests. Conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive environment will not be tolerated. In this regard, the Company will not tolerate any derogatory, abusive, threatening or intimidating behavior, and/or references to attributes of race, religion, color, national origin, ancestry, age, sex, sexual orientation, disability, marital status or any other characteristic protected by federal, state or local law (protected classes).

Examples of prohibited conduct include:

- Intentionally making performance of another employee's job more difficult because of the protected attributes of that employee;
- Use of ethnic slurs and insults, or other verbally abusive, threatening or intimidating behavior; or
- Physically abusive, threatening or intimidating behavior.

Sexual Harassment

Six Flags also strictly prohibits sexual harassment on Company property. Under the Company's policy, sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other visual or physical conduct of a sexual nature where:

- Submission to such conduct is made an explicit or implicit condition of employment;
- Submission to or rejection of such conduct by an individual is used as a basis of employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or offensive working environment.

In accordance with this policy, the Company will neither condone nor tolerate:

- Unwelcome sexual advances;

- Requests for sexual acts or favors;
- Threats, demands or suggestions that an employee's work status is conditioned upon her or his toleration of, or acquiescence to, sexual advances;
- Acts of verbal or physical aggression;
- Intimidation or hostility based on sex;
- Inappropriate or overly familiar touching;
- Sexual innuendoes, obscene gestures, jokes and remarks of a sexual nature; or
- Other verbal, visual or physical conduct of a sexual nature.

The Company also prohibits retaliation against employees for complaining about harassing behavior. In the context of this policy, retaliation is any adverse employment action against an employee because the employee lodged a harassment complaint or participated in the Company's investigation of a complaint. Such conduct will itself give rise to appropriate corrective action.

How to Report a Problem

Because Six Flags views any violations of its nondiscrimination policies and any type of harassment, including sexual harassment, as a major offenses, it has instituted the following complaint procedure for use when any employee or applicant encounters any violations or suspected violations of the above policies.

Any individual who believes either of these policies has been violated should promptly report the facts of the incident or incidents and the names of the individuals involved to his or her Supervisor, Department Manager or to the Human Resources department. If the individual feels uncomfortable reporting the facts to his or her Supervisor or Department Manager, or if the Supervisor or Department Manager is the subject of the complaint, the individual should by-pass the Supervisor and Department Manager and directly contact the Human Resources Department.

Any Supervisor or Manager receiving a report of discrimination or harassment must report it immediately to the Human Resources Department. Six Flags will promptly and thoroughly investigate all complaints of discrimination or harassment. During the investigation, the complaining employee's identity will be kept confidential to the extent reasonably achievable. Depending on the findings of the investigation and taking into account the totality of the circumstances, appropriate corrective action will be taken. Such action may include, depending on the circumstances, warnings, suspension, demotion or discharge.

SEXUAL HARASSMENT

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **“Quid pro quo”** (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **“Hostile work environment”** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with CRD within three years of the last act of harassment or retaliation.

CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. CRD may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

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CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1.** Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- 2.** Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- 3.** Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of CRD and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

4. Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

5. If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

6. In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320