

RP-23: NON-DISCRIMINATION AND NON-HARASSMENT POLICY

**Dated 2/1/2000
Revised 3/8/2011**

NON-DISCRIMINATION POLICY

The Company is deeply committed to providing an environment that is free of discrimination for our employees as well as our guests. This is reflected in the Company's making diversity one of our Core Values. The Company strictly prohibits any form of discrimination by any of our employees. Discrimination in the workplace based upon sex, race, color, religion, age, national origin, disability, sexual orientation, gender identity or expression, or any other protected category not only demonstrates a lack of judgment and good common sense, it violates our personnel policies and practices, our Core Value of respect and caring, and in most instances the law.

Additionally Prohibited Conduct of Supervisors

The Company is also committed to employing individuals regardless of sex, race, color, religion, age national origin, disability, sexual orientation, gender identity or expression, or any other protected category. As a supervisor with influence over the hiring process and the conditions of employment for your employees, you are strictly prohibited from engaging in any form of unlawful discrimination in hiring, promotion, terms and conditions of employment, discipline, and termination of employees on the basis of any protected category.

For example, no supervisor shall:

- Make, or permit acquiescence in, submission to, or rejection of, discrimination to be the basis or any part of the basis for an employment decision affecting any other person, except to take disciplinary actions under this policy;
- Permit discrimination to have the purpose or effect, from the perspective of a reasonable person, of substantially interfering with any other person's work performance or of creating an intimidating, hostile, or offensive work environment;
- Take or fail to take a personnel action as reprisal against any other person for rejecting or reporting any discrimination hereunder; and/or
- Grant, recommend, or refuse to take any personnel action in favor of any person because of any relationship with such person.

Reporting Discrimination

- If you believe you have experienced or witnessed discrimination in violation of this policy, you are encouraged and expected to report such conduct to your Supervisor, your Department Leader or your Human Resources Partner if you work at the Restaurant Support Center; or to your General Manager/Managing Partner, Director of Operations/Regional Manager, Senior Vice President/Regional Vice President, or Employee Relations if you work in the field. Additionally, if you are a supervisor, you are charged with reporting to these individuals any reports of discrimination that are made known to you or that you witness.
- Complaints will be handled confidentially to the maximum extent possible and will be investigated and resolved promptly. Where complaints are found to have merit, appropriate disciplinary action will be taken against the offender — up to and including termination of employment.

Our Commitment to an Effective Non-Discrimination Policy

There will be no retaliation against any employee for making a good-faith complaint under this policy or for participating in any investigation conducted pursuant to this policy. If you think you are being retaliated against as a result of your good-faith complaint of a violation of this policy, you should report your concerns to your Supervisor, your Department Leader or your Human Resources Partner if you work at the Restaurant Support Center; or to your General Manager/Managing Partner, Director of Operations/Regional Manager, Senior Vice President/Regional Vice President, or to Employee Relations if you work in the field. For the protection of the interests of persons wishing to report violations of this policy, the Company does not require individuals to report incidents of harassment to their immediate supervisors. As a supervisor, if you retaliate against any employee for making a good faith complaint about a violation of this policy, your own employment will be subject to termination. The Company simply does not tolerate retaliatory behavior from its employees, especially those employed in a supervisory capacity.

SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY

Harassment based on race, color, sex, religion, age, national origin, disability, sexual orientation, gender identity or expression, or any other legally protected category is also discrimination. Such conduct that creates an abusive or hostile working environment is also prohibited by the Company. Respect and caring is one of our Core Values, and harassment simply has no place here.

Sexual harassment is misconduct that deprives employees of a workplace free from unwanted and unwelcome sexual overtones. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature. Such conduct can create an offensive, hostile and intimidating working environment, and prevents individuals from effectively performing the duties of their position.

Examples of conduct that may create a hostile working environment if based on a protected category also include:

- Inappropriate touching.
- Verbal acts such as derogatory comments, name-calling or continual taunting based on a protected group.
- Conduct that is physically threatening, harmful or humiliating.
- Taking advantage of employees with physical or mental disabilities, such as encouraging inappropriate behavior.
- Jokes, drawings, photographs, etc., that are offensive to the reasonable person in a protected group.

Sometimes an action that is not intended to be discriminatory or harassing can nevertheless be viewed or perceived by the other person, employee or guest in a different way and thereby becomes a problem. The best rule of conduct is simple: treat everyone the same way you expect and want to be treated.

Additionally Prohibited Conduct of Supervisors

As a supervisor, you are responsible for influencing and taking Company personnel actions and accordingly, you must not engage in gender-based employment discrimination in the form of sexual harassment, or harassment on the basis of any other protected category.

For example, no supervisor shall:

- Make, or permit acquiescence in, submission to, or rejection of, harassment to be the basis or any part of the basis for an employment decision affecting any other person, except to take disciplinary actions under this policy;

- Permit harassment to have the purpose or effect, from the perspective of a reasonable person, of substantially interfering with any other person's work performance or of creating an intimidating, hostile, or offensive work environment;
- Take or fail to take a personnel action as reprisal against any other person for rejecting or reporting any harassment hereunder; and/or
- Grant, recommend, or refuse to take any personnel action in favor of any person because of any sexual relationship with such person.

Reporting Harassment

If you believe that you have experienced or witnessed sexual or other harassment in violation of this policy, it is VERY IMPORTANT that you REPORT THIS CONDUCT to your Supervisor, your Department Leader or your Human Resources Partner if you work at the Restaurant Support Center; or to your General Manager/Managing Partner, Director of Operations/Regional Manager, Senior Vice President/Regional Vice President, or to Employee Relations if you work in the field. Additionally, if you are a supervisor, you are charged with reporting to these individuals any reports of harassment that are made known to you or that you witness.

Complaints will be handled in confidence to the maximum extent possible and will be investigated and resolved promptly. Where complaints are found to have merit, appropriate disciplinary action will be taken against the offender — up to and including termination of employment.

Our Commitment to an Effective No-Harassment Policy

There will be no retaliation against any employee for making a good-faith complaint under this policy or for participating in any investigation conducted pursuant to this policy. If you feel that you are being retaliated against as a result of your good-faith complaint of a violation of this policy, you should report your belief to your Supervisor, your Department Leader or your Human Resources Partner if you work at the Restaurant Support Center; or to your General Manager/Managing Partner, Director of Operations/Regional Manager, Senior Vice President/Regional Vice President, or to Employee Relations if you work in the field. For protection of the interests of persons wishing to report violations of this policy, the Company does not require individuals to report incidents of harassment to their immediate supervisors. As a supervisor, if you retaliate against any employee for making a good faith complaint about a violation of this policy, your employment will be subject to termination. The Company simply does not tolerate retaliatory behavior from its employees, especially those employed in a supervisory capacity.