



# Prohibiting Harassment and Discrimination Policy

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## Policy Summary & Purpose

Toast is committed to a supportive work environment, in which employees have the opportunity to reach their fullest potential. To that end, we will do all we can to create, maintain and promote a healthy work environment with a culture that values respect, fairness and inclusion. All Toasters have the right to be treated with respect and dignity. Each Toaster is expected to do their utmost to create a respectful workplace culture free of harassment, intimidation, bias, and unlawful discrimination of any kind.

If you have a question or ever think that one of your fellow Toasters or the company as a whole may be falling short of our commitment, speak up. Contact your Manager or a member of our Employee Relations Team.

## Policy Applies To/Eligibility

This policy applies to all Toast employees. Additionally, this policy applies whenever and wherever a Toast employee is performing a function of their job, including all Company locations, customer worksites, and Company-sponsored or customer sponsored business and social functions, or interacting with colleagues, regardless of when or where the interaction occurs.

## Policy Details

### I. Our Commitment

#### 1. Positive Environment

Toast prohibits unlawful discrimination and harassment in any form. Additionally, maintaining a positive environment, regardless of whether or not a behavior would technically violate the law, has always been a critical element of our culture. This applies to all situations related to your role at Toast, including recruiting, hiring, performance reviews, changes related to your employment (like compensation, benefits, and termination), training and performing any work duties for Toast. It also applies when you



are with fellow Toasters at a company-related social event, even if you are not actually in a Toast office and when you are traveling on behalf of Toast, including to client sites.

We are steadfast in our commitment to:

- Provide relevant, practical and continuous education about our behavioral expectations to all employees - behavior we find acceptable or unacceptable, regardless of whether it rises to the level of illegal harassment. We understand that conduct that might start out as minor or infrequent can, if left unaddressed, quickly turn into more serious misconduct;
- Provide employees, supervisors and company leaders with resources, including helpful communication tools to object to inappropriate behavior as it occurs, as well as tools to learn to report behaviors to leaders, the Employee Relations Team or All Voices, our company hotline;
- Create a safe and comfortable environment where Toasters and leaders share concerns so that we have an opportunity to look into them and resolve them; ● Fairly and promptly investigate any reports of misconduct, allowing all parties to have a say;
- Implement appropriate and meaningful corrective measures in the event our investigation uncovers misconduct (i.e., we will fix any problems we identify); and ● Implement appropriate and meaningful consequences in an even-handed way and through the use of discipline that is appropriate in light of the circumstances and issues uncovered by the investigation, and that are aimed at teaching those involved to do better, and prevent future issues from occurring.

## **2. No Harassment; No Discrimination**

Harassment is any behavior that is inappropriate by normal considerations which interfere with another's work performance. Harassment in the context of sexual advances is commonly recognized, but harassment can be much broader as well and based on membership in any protected class (as defined below). Discrimination is adverse treatment based on an individual characteristic that is protected under the law. This could take the form of making a decision to treat someone differently based on such an individual characteristic, without any legal or business rationale.

Harassment or discrimination may occur when behavior is based on individual characteristics protected under the law (also called "protected classes"), including: race, color, religion, national origin, ancestry, sex, pregnancy, gender, gender identity or



expression, sexual orientation, age, handicap (physical or mental disability), citizenship, genetic information, or active military or veteran status. Working at Toast is based solely upon individual merit and qualifications related to your role. Toast strictly prohibits unlawful discrimination of any kind. This means employment-related decisions of any kind (e.g., hiring, promotion, assignment of job duties, assignment of job duties, bonus payment, raises, termination) should never be made based on characteristics protected under applicable law.

Any form of discrimination, harassment or abusive treatment of the people we interact with, including by or amongst our employees, contractors, guests, customers, prospects, or applicants for employment that violates this policy will be investigated and addressed.

### **3. Speak Up**

Our goal is to address unacceptable behavior early to avoid it becoming severe and escalating to the point of discrimination, retaliation or harassment. We welcome reports of misconduct as opportunities to improve and address workplace problems, and we cannot fix behavior that we do not know about. It is for this reason that we strongly encourage you to Speak Up if you observe behavior that does not align with our values. Please tell us: (1) what happened and when; (2) how the behaviors affected you (and/or others); and (3) how we can work together to find solutions and move forward. We expect all employees to act in good faith and with integrity, and this includes when lodging complaints. If you believe that you or someone else at Toast has been subjected to harassment, discrimination or retaliation of any kind by anyone at Toast or by a Toast customer, prospect, partner or vendor, you should immediately report the incident to your Manager, your People Success Partner (PSP), a member of the Employee Relations team or submit a case through AllVoices. Similarly, Managers who learn of any such incident must immediately report it to the Employee Relations team so that we may work to address the behavior.

### **4. Investigations**

All reports of harassment, discrimination and retaliation will be promptly and thoroughly investigated and appropriate action will be taken based upon the results of that investigation. This investigation, at a minimum, includes an interview with the Toaster who made the report (unless submitted anonymously) and others who might have knowledge of the incident or conduct, including the person or persons whose behavior caused the complaint. All Toasters are required to cooperate and provide truthful information, if requested, as part of an investigation. No employee may take any action



that could interfere with an investigation; such interference might include, for example, deleting information (e.g., emails, Slack messages, or text messages) relevant to the investigation, sharing the fact that an investigation is ongoing with someone without a need to know, conducting your own personal “side” investigation, or discussing your view of the facts with another potential witness while an investigation is ongoing. Everyone involved in the investigation will be instructed to treat all discussions as confidential to the fullest extent possible, in order to preserve the integrity of the investigation and ensure fairness and privacy to all involved. As the investigation proceeds, a member of the Employee Relations team will discuss with you who else will need to be involved and made aware of the situation. Depending on the incident, this could include outside legal counsel, our Board, or law enforcement. Please note that absolute confidentiality cannot be guaranteed as part of an investigation because in certain circumstances, absolute confidentiality might prevent Toast from completing an appropriate investigation into the conduct, or addressing problems.

## **5. No Retaliation**

Toast wants to ensure that all employees are able to raise concerns about misconduct, discrimination or harassment free from fear of retaliation. Toast prohibits any form of retaliation, intimidation, or reprisal, against anyone at Toast who reports a concern under this policy or who cooperates or participates in an investigation of a possible violation of this policy. Any such retaliation is strictly prohibited, regardless of the result of that complaint/investigation. Such retaliation is against the law and will not be tolerated by Toast. Any employee found to have engaged in such retaliation will be subject to discipline up to and including termination of employment.

## **6. Consequences**

Toast does not tolerate unlawful harassment or discrimination and equally importantly, strives to address concerns early so they don’t escalate to the point of unlawful behavior. If we determine that there was harassing or discriminatory conduct, then we will take the remedial or disciplinary action that we consider to be appropriate to prevent future discrimination or harassment. Some examples of remedial or disciplinary action include: eliminating interaction between the Toasters involved; mandated training and/or counseling; reprimands or warnings; demotion; impacts to compensation and/or performance assessments; or termination. We strive to use consequences as a tool for learning, and our goal always is to prevent similar conduct from occurring in the future. We will also make any reports required under applicable law.



## II. Examples of Harassment and Discrimination

As mentioned above, harassment and discrimination can be based on membership in any legally-protected class. Harassing conduct could be verbal (such as making sexually-related comments or racial jokes), physical (such as unwanted touching) or visual (like displaying inappropriate or offensive images or making offensive gestures.) These are just a few examples of behavior that can constitute harassment and discrimination. This is certainly not meant to be an inclusive list of all examples or to create the impression that the examples we cover are more important than others.

Before engaging in questionable behavior, it might be helpful to ask yourself these questions:

- Would [doing this] make the other person uncomfortable?
- Did the other person ask me not to [do this] to them?
- How might [doing this] affect my ability to do my job?
- If [doing this] has a bad outcome, what might happen?
- Is [doing this] likely to offend someone else?
- Am I [doing this] or making [this decision] for the right reasons? Are those fair and unbiased reasons?

### 1. Sexual Harassment

Sexual harassment is behavior directed towards someone (of any gender or sex) on the basis of sex, regardless of whether the conduct occurs between people of the same or different genders or sexes, or the sexual orientation of the people involved. Sexual harassment also does not need to be motivated by sexual desire. Sexual harassment may come in two forms: “quid pro quo” harassment and “hostile work environment” harassment, and they might occur independently or at the same time.

“Quid pro quo” is Latin for, roughly, “something for something”. In the context of sexual harassment, it can mean sexual advances, requests for sexual favors, or verbal and physical conduct of a sexual nature exchanged for a term or condition of employment (either explicitly or implicitly) or used in making an employment decision. This means



that “quid pro quo” harassment might occur if, for example, a Toaster is offered a promotion in exchange for a sexual favor, or if a Toaster is denied a bonus for refusing to agree to a sexual favor.

“Hostile work environment” in the context of sexual harassment can mean sexual advances, requests for sexual favors, or verbal and physical conduct of a sexual nature when it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. While it is not possible to list all those additional instances that may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute harassment depending on the circumstances:

- Sexual advances - whether they involve physical touching or not;
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment;
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying or distributing sexually suggestive objects, pictures (including inappropriate computer screensavers and e-mails), or cartoons;
- Dissemination of sexually explicit voicemail, e-mail, graphics, downloaded material or websites.
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Assault or coerced sexual acts.

Conduct is still considered “unwelcome” if, for example, a person agrees to the sexual advance or favor because they are doing so to avoid being targeted further, as a coping



mechanism in a hostile environment or because it is an implicit employment condition. Even if a failure to respond to a request or gesture may mean it is “unwelcome”. The guidance on determining if conduct is welcome or not can really be boiled down to: if you are not sure, then you should ask.

## **2. Other Harassment Types**

As mentioned above, while sexual harassment can be commonly recognized, harassment directed at members of other protected classes, such as harassment based on race or religion, is also prohibited by this policy and by the law. Harassment of this kind can include derogatory or hostile behavior directed towards someone based on their membership in a protected class. Examples of this could include the use of racial or religious slurs, or making unwelcome gestures that have racial significance, a derogatory display of symbols with religious significance or jokes about someone’s age, national origin or disability.

## **3. Discriminatory Conduct**

Discriminatory behavior directed towards someone based on their membership in a protected class includes making decisions or treating someone differently than others based on that characteristic. By contrast, decisions or treatment based on individual professional merit and qualifications are not discriminatory, even if a person has a characteristic that is protected under applicable law. The key distinction is whether or not that decision or treatment was motivated by or based upon the protected characteristic.

For example, if a decision is made not to hire an individual because they are pregnant, that would be considered discrimination. But, if that decision was made because the individual did not have the experience necessary for the role, then that would not be considered discrimination.

Another example is, if a decision is made not to promote an individual because of their age, then that would be considered discrimination. But, if that decision was made because the individual did not have the performance record that would support the promotion, then that would not be considered discrimination.

## **4. Considerations Outside the Office**

Toasters are required to treat each other with respect whether they are inside or outside of the office. It is a testament to our team’s synergy that so many Toasters enjoy spending time with one another outside of the office. But, when conduct outside the



office (whether in person or virtual, such as via Zoom or social media) adversely affects our workplace, it undermines our culture and company values and, under some circumstances, could be illegal.

Whenever you interact with other Toasters, use good judgment and don't engage in behavior or conduct which could be considered harassing, regardless of the location or type of interaction (in person or virtual). In other words, whenever you are with a group of people from Toast, assume the same rules apply. If harassing behavior is happening between Toasters regardless of location, Toast's Employee Relations team and Toast's Legal team can help you assess the situation and provide advice on how to handle it.

### **III. Resources**

#### **1. Toast's Employee Relations Team & Legal**

Toast Employee Relations Team ([employeerelations@toasttab.com](mailto:employeerelations@toasttab.com); submitting a ServiceNow Ticket; or submitting a report via AllVoices) and Legal ([legal@toasttab.com](mailto:legal@toasttab.com)) are resources available to you if you have a question about the type of behavior that might violate this policy. If you would prefer to reach out to an individual, you may contact:

Mike Gutner, VP People & Org Success

Robin Patton, Senior Director, Employee Relations

401 Park Drive

Boston, MA 02215

[robin.patton@toasttab.com](mailto:robin.patton@toasttab.com)

Brian Elworthy, General Counsel

401 Park Drive

Boston, MA 02215

[belworthy@toasttab.com](mailto:belworthy@toasttab.com)

#### **2. Local Resources**





Employees also have the right to contact and/or file complaints with the state or federal employment discrimination agencies which enforce state and federal laws against harassment and discrimination. Using the internal complaint processes described in these policies does not prevent an individual from contacting or filing a complaint with these government agencies.

In Massachusetts, these local government resources are:

Massachusetts Commission Against Discrimination

One Ashburton Place, Sixth Floor, Room 601 Boston, MA 02108

(617) 994-6000

Equal Employment Opportunity Commission, Area Office

John F. Kennedy Federal Building Government Center  
Fourth Floor, Room 475 Boston, MA 02203 1-800-669-4000

Or, to be automatically connected to the nearest EEOC Field Office in other locations, call 1-800- 669-4000. Each of the agencies has a short time period for filing a claim (MCAD - 300 days; EEOC - 180 days, which might be extended to 300 days in some instances; other agencies' filing deadlines may vary.)

For information on local resources in other states, please reach out to Toast Legal at [legal@toasttab.com](mailto:legal@toasttab.com).

## **IV. Conclusion**

Everyone is entitled to a healthy workplace free of harassment and discrimination and this policy is core to who we are at Toast. Following this policy will ensure every Toaster is not only complying with the law, but fostering an atmosphere of trust and mutual respect.

Remember, if you have a question or ever think that one of your fellow Toasters or the company as a whole may be falling short of our commitment, please Speak Up. Contact your Manager, your PSP, the Employee Relations Team or Legal Team.



## **Related Policies, Processes, Guidelines**

Corporate Communication Policy

Social Media Policy

City of Chicago Addendum to Prohibiting Harassment and Discrimination Policy

Community Philosophy Policy

## **Revision History**

**Last Modified Date:** June 21, 2022

**Contact For Questions or Clarification:** Toast's Employee Relations Team via [employeerelations@toasttab.com](mailto:employeerelations@toasttab.com) or via AllVoices.

**Policy Owner:** People Team - Employee Relations

## **Updates To This Policy**

This policy may be updated or changed from time-to-time, for example, to align with changes in the law, to provide additional clarity about our expectations, or based on Toaster feedback. If this policy is updated or changed, the updated policy will be posted

on Toast's intranet, or otherwise made available by the Toast People Team. However, Toast reserves the right to change, revise, withdraw or add to its policies, processes, procedures or guidance at any time at its sole discretion with or without notice if necessary in accordance with applicable law and regulations. The updated policy will become effective as of the "Last Modified" date, which will also be updated to reflect the date of the most recent version.

If there is any discrepancy between local law, labor agreements, including works council agreements, or custom and the content of this policy, then local law, labor agreements and /or custom will always govern. This policy does not create any contractual rights or obligations, whether express or implied.

We encourage you to review this policy periodically and reach out with questions, concerns or feedback.