

## Shutterstock Anti-Harassment Policy

Shutterstock, Inc. (“Shutterstock”) is committed to maintaining a workplace free of unlawful harassment. **Shutterstock does not tolerate sexual harassment or other harassment of any kind.** Harassment is a form of discrimination against an individual or group on the basis of protected characteristics. **Shutterstock likewise does not tolerate any form of discrimination, including but not limited to harassment<sup>1</sup>.** Violation of Shutterstock’s Anti-Harassment Policy will result in discipline, up to and including termination of employment.

### **I. Introduction:**

This Anti-Harassment Policy (“Policy”) defines and strictly prohibits sexual and other forms of harassment, explains how to make a harassment complaint, sets forth the responsibilities of managers and other senior employees in preventing and reporting harassment, and strictly forbids retaliation against complainants under this Policy.<sup>2</sup>

This Policy applies to any person in contact with any other person associated with Shutterstock, including all employees; applicants for employment; interns; contractors; assignment photographers and other editorial, entertainment, and news personnel; production freelancers and crew; or any other individual engaged to provide services to Shutterstock; those employed by or contracted by Shutterstock’s vendors or clients; and persons otherwise conducting business with Shutterstock and / or interacting with Shutterstock personnel (each, a “Covered Person”). The conduct prohibited under this Policy is prohibited regardless of the setting and during all hours. This Policy is not limited to Shutterstock offices but also includes, by way of example, remote work locations, business trips, client visits, conferences, industry events and other off-site gatherings, on set (i.e. photo or film shoots), social settings, virtual settings (such as Zoom or Google Meets calls, Slack, social media, etc.) and anywhere else that harassing conduct may occur.

### **II. Protected Characteristics:**

Shutterstock strictly prohibits and does not tolerate unlawful harassment by or against any covered person on the basis of a person’s protected characteristics. Shutterstock also prohibits

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<sup>1</sup> For concerns about other forms of discrimination in the workplace, please see Shutterstock’s Equal Opportunity Policy. If you have a concern about discriminatory conduct that does not constitute harassment as described in this Policy, Shutterstock encourages you to report your concern as described in Section V of this Policy.

<sup>2</sup> Shutterstock operates in a number of different countries and states. If municipal, local, state, or country laws conflict with this Policy, this Policy will be deemed modified or supplemented to conform to the laws applicable to that work location.

and does not tolerate harassment by or against covered persons who are perceived to have any of these characteristics or who associate with a person who has, or is perceived to have, any of these characteristics.

Protected Characteristics: race; color; age; religious belief, observance and practice (including dress or grooming practices); national origin (including language use restrictions)<sup>3</sup>; ancestry; physical disability; mental disability; medical condition<sup>4</sup>; marital status; sex<sup>5</sup>; sexual orientation (including but not limited to heterosexuality, homosexuality, bisexuality, pansexuality, and queer-identified); military or veteran status; or any other personal characteristic protected by applicable federal, state, or local law.

### **III. Sexual Harassment:**

Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

For the purposes of this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

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<sup>3</sup> In California, also including an employee's or applicant's possession of a driver's license issued under Vehicle Code Section 12801.9 (which authorizes licenses to individuals who cannot provide satisfactory proof of their presence in the US under federal law) <sup>4</sup>

including: any cancer-related physical or mental health impairment from a diagnosis, record or history of cancer; a genetic characteristic; genetic information, including information about: (i) an individual's genetic tests; (ii) family members' genetic tests; family members' diseases or disorders; (iii) an individual's or family member's receipt of, or request for, genetic services; and (iv) participation by an individual or their family member in clinical research that includes genetic services. <sup>5</sup> including: (i) pregnancy; (ii) childbirth; (iii) breastfeeding or medical conditions related to breast-feeding; (iv) medical conditions related to pregnancy or childbirth; (v) gender; (vi) gender expression, meaning a person's gender-related appearance or presentation, whether or not stereotypically associated with the person's sex at birth; and (vii) gender identity, meaning a person's personal pronouns and identification as male, female, a gender different from the person's sex at birth, or transgender, non-binary, or gender non-conforming.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex.

Examples of Sexual Harassment: Sexual harassment may include a range of subtle and not so subtle behavior and may involve individuals of the same or different gender. Depending on the circumstances, this behavior may include, but is not limited to: unwanted sexual advances; subtle or overt pressure for sexual favors; sexual jokes; innuendos; advances or propositions; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender; and other physical, verbal, or visual conduct of a sexual nature.

Quid Pro Quo Harassment: Sexual harassment also occurs 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.

Sexual harassment also encompasses e-mail, Slack, and other digital communications between or among Shutterstock personnel. In this regard it is important to emphasize that email, Slack and other Shutterstock communication systems are intended for work-related use only, and not for the transmission of personal correspondence, jokes, or offensive material.

Consensual Relationships: It is also essential to understand that consenting romantic and sexual relationships between coworkers or between employees of differing levels of seniority may lead to unforeseen complications. The respect and trust accorded a more senior or supervisory person by a less senior associate or staff member, as well as the power held by that person in evaluating or otherwise supervising the less senior person could diminish the extent to which the less senior employee really feels free to choose. Perceptions of favoritism may surface in other employees. Therefore, each employee should be aware of the possible risks of even an apparently consensual sexual relationship. An employee who enters into a sexual relationship with another employee, where there exists a difference in seniority or authority between the individuals involved, should be aware that, if a complaint of sexual harassment is subsequently made, it could be exceedingly difficult to prove immunity on grounds of mutual consent. With this in mind, the supervisor must promptly disclose such a relationship to HR and Shutterstock may reassign or rearrange responsibilities or other roles of parties engaged in a consenting relationship to avoid potential problems.

#### **IV. Other Forms of Harassment:**

This Policy applies equally to harassment based on any Protected Characteristic. Harassment is conduct toward someone with a Protected Characteristic that has the purpose or effect of (a) unreasonably interfering with an individual's work performance; (b) creating an intimidating, hostile or offensive working environment (even if the complaining individual is not the intended target of the harassment); or (c) otherwise adversely affects an individual's employment opportunities.

Harassment may be verbal, physical, or visual (display of derogatory material or making derogatory gestures), and may occur in-person or virtually / online.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts (including but not limited to, threatening to reveal or revealing a specific person's sexual orientation, gender identity, or gender transition against the express or implied wishes of such person); denigrating jokes and display or circulation of written or graphic material that denigrates or shows hostility or aversion toward an individual or group; assault or inappropriate physical contact.

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated.

#### **V. Reporting an Incident of Harassment:**

Prompt reporting of any perceived incidents of harassment is critical to maintaining a workplace free of harassment. If you believe you have been the victim of harassment or believe you have witnessed or become aware of potential instances of harassment, or otherwise have information to suggest that harassment may have occurred, please discuss this as soon as possible with management. Specifically, you may reach out to your direct supervisor, your Human Resources Business Partner (HRBP), your function leader, our Chief Human Resources Officer (CHRO), or our General Counsel (GC)<sup>4</sup>.

Anonymous complaints can be made through Shutterstock's third party whistleblower hotline by calling 1 877 778 5463 or online at [www.reportit.net](http://www.reportit.net). Use login: "Shutterstock" and password: "2003". The hotline is available to receive complaints 24/7, every day of the year.

The complaint should be as detailed as possible, including the names of all individuals involved and any witnesses, to facilitate Shutterstock's ability to thoroughly investigate the issue. A

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<sup>4</sup> Production freelancers and crew may additionally reach out to their line producer or executive producer, or to the VP of Studios or the regional Director of Production. Assignments photographers and others covering editorial, entertainment, or news in the field may also reach out to your respective Assignment Manager (East or West Coast), the Senior Manager of Event Assignments, the Senior Manager of Editorial Photography or the Editorial Director.

sample complaint form is attached as Exhibit A to this Policy and may be used in the submission of a complaint, but use of the complaint form is not required.

Complaints will be handled with sensitivity, discretion and confidentiality to the extent consistent with Shutterstock's need to investigate and take any necessary corrective action/s. Impartial and qualified personnel will conduct a prompt and appropriate investigation and take suitable corrective action where warranted, as determined based on the findings of the investigation.

If you have a concern about conduct that does not constitute harassment as described in this Policy but that you believe is discriminatory or potentially discriminatory, Shutterstock encourages you to also report your concern as set forth above, in line with the company's broad prohibition on discriminatory conduct in any form.

#### **VI. Responsibilities of Managers and Leaders:**

It is the responsibility of every member of Management, regardless of whether they individually manage other employees, to ensure that the work environment is free of harassment of any kind. For purposes of this Policy, Management is defined as anyone who (a) manages people or who is (b) an individual contributor at the Director-level and above. All Managers who receive a complaint or information about suspected harassment, observe what may be harassing behavior, or for any reason suspect that harassment is occurring, are required to report such suspected harassment to Human Resources

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In addition to Managers being subject to discipline if they engaged in any form of harassing conduct themselves, Managers will also be subject to discipline for failing to report harassment of any kind, or otherwise knowingly allow any form of harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation against complainants who report instances of potential harassment.

#### **VII. Prohibition on Retaliation:**

Retaliation against covered person who in good faith raises a complaint under this Policy or truthfully participates in or assists with an investigation or proceeding involving sexual or other harassment, is unlawful. Shutterstock prohibits retaliation against individuals who complain of sexual or other harassment or who cooperate in an investigation or testify or assist in any proceeding under the law. No one will be subject to, and Shutterstock prohibits, any form of discipline, reprisal, intimidation, or retaliation for good faith reporting of incidents of sexual harassment or harassment of any kind, pursuing any sexual or other harassment claim, or assisting another individual to report sexual harassment or other harassment, or cooperating in related investigations or other proceedings.

If you believe you have been subjected to retaliation, please discuss this as soon as possible with management. Specifically, you may reach out to your direct supervisor, your HRBP, your function leader, our CHRO, or our GC.

Please note that retaliation is an adverse employment action that is taken specifically in response to and /or as a reprisal for one's involvement in reporting harassment. An adverse employment action is not retaliatory merely because it occurs at a time after an employee has reported harassment or assists in an investigation. After having reported harassment or assisted in an investigation, employees continue to be subject to all of Shutterstock's workplace policies, procedures, and expectations.

## **VIII. Alternative Reporting and Remedies**

Shutterstock encourages employees to report incidents of sexual harassment internally. However, employees who believe they have been subjected to sexual harassment in the workplace also may seek relief as follows:

- A. In New York State, by filing a complaint alleging violation of the NYSHRL either with the Division of Human Rights (NYSDHR) or in New York State Supreme Court. NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: <http://www.dhr.ny.gov>. You can also contact NYSDHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint.
- B. In New York City, by filing a complaint 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](http://www.nyc.gov/html/cchr/html/home/home.shtml)
- C. In California, by filing a complaint through the Department of Fair Employment and Housing (DFEH) at 800-884-1684 or visiting <https://www.dfeh.ca.gov/contactus/>.

D. In the United States, by filing a "Charge of Discrimination" with the Equal Employment Opportunity Commission (EEOC) for violation of federal anti-discrimination laws, including Title VII of the Civil Rights Act of 1964 (Title VII). Employees can contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at <http://www.eeoc.gov>, or by email at [info@eeoc.gov](mailto:info@eeoc.gov).

## EXHIBIT A

### ANTI-HARASSMENT COMPLAINT FORM

If you are aware of conduct which you suspect violates Shutterstock's Anti-Harassment Policy, you **must** promptly report such conduct to Management (Management includes: the Chief Human Resources Officer, the General Counsel, your HRBP, your direct supervisor, or your function leader, or any other senior personnel).

You are not required to use this form to report a suspected violation of company policy. You may instead report the situation verbally or in another manner, if you are more comfortable doing so.

Please be as specific as possible in responding to the following questions, to facilitate Shutterstock's investigation of the events giving rise to your concerns.

1. Your full name, job title and primary work location:
  
2. Your supervisor's name:
  
3. Please identify the individual(s) against whom this complaint is made, and their relationship to you (e.g., supervisor, subordinate, coworker, or third party):
  
4. Date(s) conduct in question occurred:
  
5. Is the conduct continuing? Yes  No
  
6. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct violates Shutterstock policy. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.



7. Have you previously complained about the conduct that you have described in response to Question #6 above? If so, to whom did you complain, and when?
  
  
  
  
  
  
  
  
  
  
8. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint.
  
  
  
  
  
  
  
  
  
  
9. Please provide a phone number and/or email address at which you can be reached regarding this matter:

By signing and submitting this complaint form, you certify that the information you have provided above is true and accurate to the best of your knowledge. Providing knowingly false information in connection with a complaint of harassment may result in corrective action.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_