

Policy pursuant to Section 7(d)(2) of the Law for the Prevention of Sexual Harassment, 1998

Sexual harassment and maltreatment on a sexual basis, harm the human dignity, freedom and privacy and violate gender equality; such actions are also criminal (*actus reus*) and constitute a ground for a tort claim, commencing from September 20, 1998, on which the Law for the Prevention of Sexual Harassment, 1998 (the "**Law**") came into effect.

Sexual harassment and maltreatment damage the working relations in a work place, and contradict the policies of Wix.com Ltd, (together with its worldwide affiliated companies – "**Wix**"). Wix will not tolerate any such sexual harassment and maltreatment.

The following Policy is designed to clarify the principles of the Law and the regulations promulgated thereunder (the "**Regulations**"). In case of conflict between this Policy and the Law and the Regulations, the Law and the Regulations shall take precedence. The Law and the Regulations may be viewed pursuant to Section 11 of this Policy.

What do this Policy consist of?

<u>Part</u>	<u>Sections</u>	<u>Content</u>
A	1-4	What are sexual harassment and maltreatment (and 'working relations framework')?
B	5-6	The legal repercussions of sexual harassment and maltreatment (criminal offence, cause of action in tort)
C	7-8	Wix' policy and responsibility
D	9-11	Preventing sexual harassment and maltreatment
E	12	What should you do if you have been sexually harassed or maltreated?
F	13-18	The procedure for filing a complaint and how complaints are handled within relations framework
G	19	Miscellaneous: manpower company, who is placed in a workplace of another person (Section 19)

Part A: What are Sexual Harassment and Maltreatment?

1. What constitutes a sexual harassment?

a. Although in most cases sexual harassment is perpetrated by a man towards a woman, sexual harassment may occur in situations where a woman harasses a man, or even between two men or two women; the Law covers all of these possibilities.

b. Pursuant to the Law, sexual harassment is one of five forms of prohibited behaviors. These are:

(1) Forcing someone, through extortion or threat, to perform an act of a sexual nature.

e.g.: An employer who threatens to fire an employee if she refuses to have intimate relations with him.

(2) An indecent act.

e.g.: An employee or appointee who touches another employee in an intimate place or exposes himself, against her will.

(3) Making repeated overtures of a sexual nature to someone who has made it abundantly clear that he/she is not interested.

I. In cases where the harasser is taking advantage of superior/subordinate status relations in the workplace, the person towards whom these propositions are directed is not obligated to show his/her objection or lack of interest in order for this to be considered an harassment.

e.g.: An appointee takes advantage of his rank in relation to an employee who is his subordinate (for example, his secretary).

II. In cases where the harasser is taking advantage of superior/subordinate status relations while taking care of a minor, helpless or a patient, the person towards whom these propositions are directed is not obligated to show his/her objection or lack of interest in order for this to be considered harassment.

e.g.: An employee takes advantage of his rank or his educational position towards a student; a care center employee takes advantage of his position towards a patient.

(4) Making repeated remarks or treatment directed towards a person focusing on that person's sexuality, when that person has made it clear to the harasser that he/she is not interested in such remarks.

e.g.: Repeated remarks concerning sexual aspects of someone's appearance, despite that person's expressed objection to such remarks.

In cases where the harasser takes advantage of superior/subordinate status relations in the workplace, the person towards whom these remarks are directed is not obligated to show his/her objection or lack of interest in order for this to be considered harassment.

(5) Degrading or humiliating treatment directed towards a person on the basis of his/her gender, sexuality or sexual inclination.

c. Expression of lack of interest:

(1) As a rule, a person must externalize the fact that he/she is not interested in the sexually harassing act. This obligation does not apply to harassment through:

- Extortion (Section b(1) above).
- Degrading or humiliating behavior (Section b(5) above).
- Exploitation of superior/subordinate status relations (with respect to actions as set forth in Section b(3) and b(4) above).
- Taking advantage of authority, dependence of education or treatment of a minor or helpless (with respect to actions as set forth in Section b(3) and b(4) above).
- Taking advantage of a patient by his tender in a frame of medical or mental treatment (with respect to actions as set forth Section b(3) and b(4)).

(2) A person must express the fact that he/she is not interested in the sexually harassing behavior in words or in behavior that is unequivocal.

2. Is it an harassment? What does not constitute an harassment?

In spite of the legislature's effort to define in detail what constitutes sexual harassment, it is the nature of definitions to always leave a gray area. For example, it is hard to define in advance what will constitute "degrading" or "humiliating" treatment with regards to a person's sex or sexuality. The prohibition of sexual harassment does not forbid courtship performed in good will and with mutual interest.

3. What is maltreatment?

a. Pursuant to the Law and the Employment Equal Opportunities Law, 1988, maltreatment is each one of the followings if the action was performed in the working relations framework:

(1) Sexual harassment of an employee or candidate for employment, perpetrated by the employer, by his/her representative or any other employee in this regard, it must be emphasized that the harassment in question need only be a single proposition or overture. To clarify the intention of this clause: harassment need not be repeated several times in order for the damage to be considered as emanating from sexual harassment.

e.g.: An employer who does not promote or fires a qualified employee because she refused his sexual advances.

(2) A complaint or legal action filed by an employee or candidate for employment on the grounds of damages emanating from sexual harassment.

(3) Assistance given by one employee to another in connection with a complaint or legal action on the grounds of damages emanating from sexual harassment or maltreatment complaint.

e.g.: An employee gives testimony regarding an employer or appointee's maltreatment of another employee. As a consequence, the working conditions of the employee who testified are worsened.

b. False complaint/ false suit.

In a case of maltreatment as mentioned in sections (A) (2) or (3), the employer could claim in his defense that the lawsuit or complaint was based on incorrect details.

4. What does a "working relations' framework" mean?

According to the Law, sexual harassment or maltreatment in connection with sexual harassment in a "working relations framework" takes place under one of the four circumstances:

a. In the workplace.

b. In another place where activity is undertaken on the employer's behalf.

e.g.: At an employer's booth at a convention;
At a professional workshop or course held by the employer outside the workplace.
At a restaurant that holds a party for the employees on behalf of the employer.

c. In the course of work.

e.g.: Sexual harassment that takes place while travelling on behalf of the employer or during a working meeting outside of the office.

d. Through exploitation of superior/subordinate status working relations in any other setting.

e.g.: Sexual harassment that takes place at the home of a superior.

Part B: The Consequences of Sexual Harassment and Maltreatment

5. Sexual harassment and maltreatment, constitute illegal behavior.
 - a. Sexual harassment and maltreatment on a sexual basis, are illegal and harm the human dignity, freedom and privacy and violate gender equality.
 - b. Sexual harassment and maltreatment constitute (according to the Law, and with respect to maltreatment, also Employment Equal Opportunities Law, 1988):
 - (1) A criminal offense that may lead to the imprisonment and/or fining of the person perpetrating the harassment or maltreatment.
 - (2) A civil offense that can serve as a ground for a civil suit. In such suit, the plaintiff may sue the harasser or perpetrator of maltreatment for monetary compensation, including punitive damages without proof of damage as well as other forms of compensation – permanent or temporary. In certain cases, a suit can be filed against the employer as well.

6. Sexual harassment and maltreatment constitute disciplinary offenses.

Sexual harassment or maltreatment constitute severe disciplinary offenses and shall be treated with discipline penalties.

Part C: Wix' policy and Liability

7. Sexual harassment and maltreatment are contrary to Wix' policy and will not be tolerated.
8. Wix' legal responsibility.
 - a. In addition to the prohibition which applies on the employer as on any other person, not to harass and maltreat, the Law states special liability on employers for the behavior of their employees and appointees in a working relations framework – as detailed in this Policy, an employer shall take 3 kinds of reasonable steps:
 - (1) To prevent of sexual harassment and maltreatment (Part D).
 - (2) To deal efficiently with every case of sexual harassment and maltreatment, brought to the employer's attention (Part F).
 - (3) To cure any damage suffered due to a sexual harassment or maltreatment, or due to filing a complaint with respect thereto, or a statement of claim (Section F).
 - b. According to the Law, an employer that did not take action according to this Section 8, will be deemed liable for sexual harassment or maltreatment caused by its employee or its appointee, thus the offended may be entitle to file a claim against the employer.

Part D: The prevention of sexual harassment and maltreatment

9. Preventive measures.
 - a. Wix demands all of its employees, and appointees to refrain from sexual harassment and maltreatment within the working relations' framework of Wix and to do their best efforts to prevent any such detrimental behavior, in order to maintain the safe working environment in Wix, free of any such

detrimental behavior.

b. Wix requires every appointee to use his/her best efforts to prevent sexual harassment and maltreatment in the working relations framework.

10. Collaboration and participation with the employees.

Wix will cooperate with its employees and appointees in the work place, in organized informational activities and guidance, regarding the prevention of sexual harassment and maltreatment in a working relations framework.

11. Accessibility of information.

a. Each employee and appointee is entitled and encouraged to:

(1) In accordance with the Regulations, read and receive a copy of each of the following:

- The Law;

- The Regulations.

- Wix' discipline policies in respect of with sexual harassment and maltreatment (if any).

(2) Receive information regarding Wix' informational and instructional activities and guidance concerning the prohibition of sexual harassment and maltreatment and their prevention.

b. Wix employees or appointees can obtain these documents and further information and explanations from:

Mrs. Shelly Meyer

Phone number at work is: 03-5454900, Ext. 18.

Email: Sheli@wix.com

Part E: What should you do if you have been sexually harassed or maltreated?

12.

a. The Law offers to a person who thinks he/she has been sexually harassed or maltreated, the following 3 courses of action:

(1) Have the matter dealt with, within Wix: If the harassment or maltreatment took place within the working relations framework, a complaint can be filed with the officer nominated by the employer pursuant to this Policy. The procedure for this is explained in Part F below.

(2) Criminal proceeding: the offended can file a complaint with the police.

(3) Civil proceeding: the offended may file a claim within three year period (usually to the local labor court) against the person who performed the harassment or the maltreatment; and in the event that the offended claims the employer shall be liable - then against the employer as well (see Section 8 above regarding liability of employer).

b. What is the connection between the above mentioned procedures?

(1) The complainer may choose whether to initiate one or more of the above mentioned procedures.

(2) The employer may decide how the civil or criminal procedures will affect the manner in which

it is handling a complaint (see Part F, Section 18(d)).

Part F: The procedure for filing a complaint and the treatment by the Employer

13. Who can file a complaint and under what circumstances?

Complaints may be filed by one of the following:

- (1) An employee who claims to have been sexually harassed or maltreated within the working relations framework, whether he/she is an employee, appointee or employer.
- (2) Other person who claims to have been sexually harassed or maltreated by an employee or appointee of the employer, within a working relations framework.
- (3) A person on behalf of any one of the above persons (subsection 1 or 2) - In such a case, it is recommended that such person (representative) will provide evidence evidencing that the offended has agreed to file a complaint (e.g. a letter signed by the victim).

14. With whom a complaint shall be filed?

- a. A complaint should be filed with the officer nominated as per Section 11(b) above.
- b. In case that such nominated officer is the defended (the "**Defendant**"), or if such nominated officer has any personal interest to the subject matter, to the persons involved or to the Defended, then the complaint shall be filed with a substitute officer, to any other nominated office, and in the absence of which – to the employer. If such complaint was filed with the employer, then the employer shall act in accordance with this Part as a nominated officer.
- c. In case where the Defendant is an employee of a manpower company, who is employed in the employer workplace -
 - (1) The complaint shall be filed with a nominated officer of such manpower company or to the employer's nominated officer.
 - (2) In case where a complaint was filed with the manpower company's nominated officer manpower contractor, such officer may assign the treatment of such complaint and investigation, to the employer's nominated officer, in such case – the manpower company's nominated officer shall inform the complainer of such assignment.

15. The content of a complaint.

The complaint will contain a description of the incident(s), including:

- a. The identity of the persons involved and witnesses (if any).
- b. Location of the incident(s).
- c. In cases in which the subject matter of the complaint is sexual harassment:
 - (1) An indication whether or not the complainer made it clear to the harasser that he/she finds the harassing behavior disturbing.
 - (2) An indication whether or not there any relationship of dependence or subordination or the like, exist between the complainer and the accused.

16. Filing procedure.

- a. Complaints may be filed in writing or made verbally.

b. In the case of a verbal complaint:

- (1) The nominated officer will write the content of the complaint;
- (2) The complainer, or other person on his behalf, will sign on the officer's transcription, authorizing its content;
- (3) The officer will provide the complainer with a copy of the transcription.

17. The procedure for investigating the complaint.

a. After a complaint was filed, the nominated officer will take the following steps:

- (1) Inform the complainer of the course of actions legally available to him/her (as described in Section E – 12)
- (2) Act to investigate the complaint. For this purpose, and among other steps, the officer will hear the complainer, the Defendant and other witnesses (if any), and will investigate any information he/she receives in connection with the complaint.

b. A nominated officer will not handle an investigation of a complaint if he/she has any personal interest in the complaint subject matter or to any of the persons involved.

c. A nominated officer with a personal interest as afore-said, will assign the investigation to any other nominated officer to any person who was nominated as his/her substitute officer, and in the absence of which – to the employer, in such case the employer shall act as a nominated officer in accordance with this Section.

d. Investigation of the complaint will be made efficiently without delay.

e. The investigation will be made, while preserving the privacy and dignity of the complainer, Defendant and other witnesses, including, among others:

- (1) The nominated officer will not disclose information he/she receives during the investigation unless it is required for the investigation itself or pursuant to any applicable law;
- (2) The nominated officer will not ask questions regarding the sexual history of the complainer, which is not related to the Defendant and will disregard any such information if it brought to his/her attention. This subsection will not apply if the nominated officer believes that failure to ask such information or disregarding such information, will result in an irreparable injustice to the Defendant.

f. The employer will protect the complainer during the investigation, from any harm related to work matters or any other harm within the working relations framework, that may result in disrupting the investigation. Among others, the employer will act in order to separate the Defendant from the complainer, to the extent possible, and as the employer deems fit.

g. At the end of the investigation, the nominated officer will submit his/her findings in writing without delay, along with his/her detailed recommendations regarding further action in connection with the complaint, including in respect of any one of the courses of action described in Sections 18(a) and 18(d) below.

h. In cases where the complaint is made against an employee of a manpower company, who is placed in the employer's workplace, the findings shall also be submitted to the employer and the manpower company.

i. In the event that an incident of sexual harassment or maltreatment in working relations framework, has come to the employer's knowledge, and no complaint was filed or the complaint was withdrawn by the complainer, the employer shall assign such information to the nominated officer. When such incident was brought to the nominated officer's attention, he/she shall investigate the incident, to the extent possible, pursuant to this Policy (with necessary changes), and in case that the complaint was withdrawn by the complainer, the nominated officer will investigate the reasons for such withdrawal.

18. Employer's actions in the case of sexual harassment or maltreatment.

a. Promptly upon receipt of the conclusion and recommendations of the nominated officer, by the employer pursuant to Section 17g above, and in any case within 7 business days, the employer shall make a decision and take action in accordance with its authority in respect of any of the following:

(1) Instructing the involved employees, including proper codes of conduct within the framework of working relations, and separating the Defendant from the complainer, as well as taking steps in respect of working matters, all in order to prevent recurrence of the sexual harassment or maltreatment, or to remedy the harm caused to the complainer as a result of the harassment or maltreatment.

(2) Holding disciplinary proceedings pursuant to the employer's disciplinary policies concerning sexual harassment or maltreatment

(3) Not taking any steps.

b. The employer will act without delay to implement the decision of the appropriate authority pursuant to subsection a. above, and will send a written and reasoned decision to the complainer, the Defendant and to the nominated officer; likewise, the employer shall make the conclusion and recommendations of the nominated officer, available for review of the complainer and Defendant.

c. The employer is entitled, due to a change in circumstances, to alter its decision according to subsection a. above or suspend its implementation, provided that it will provide the complainer, Defendant and nominated officer, with a detailed notice in such regard.

d. Notwithstanding anything to the contrary, an employer may postpone its decision, suspend its implementation or to change it, due to pending legal or disciplinary proceedings concerning the incident, which is the subject matter of such decision. In such case -

(1) The employer will provide the complainer, Defendant and nominated officer, with a detailed notice in such regard.

(2) So long as such proceedings have yet to be concluded, the employer will act pursuant to the provisions of Section 17g above;

(3) After the conclusion of the proceedings, the employer shall make a decision pursuant to subsection a. above.

e. In case that the Defendant is an employee of a manpower company, who is placed in the employer's workplace, the employer and the manpower company may agree on the one to perform the actions pursuant to the provisions of this section, in whole or in part.

Part G: Miscellaneous.

19. A worker of a manpower company who is placed in the workplace of another person.

a. Pursuant to the Law and Regulations, in case that an employee of a manpower company is placed in a workplace of other person (the "Actual Employer") -

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- (1) Any reference in this Policy to an employee shall be deemed to include an employee of a manpower company.
- (2) Any reference in this Policy to an employer shall be deemed to include an Actual Employer.

Therefore, Actual Employer carries the same liability as a regular employee (see Section 8 above) with respect to sexual harassment or maltreatment that performed by an employee of a manpower company.

- b. Special provisions are included in Sections: 14(c), 17(g), 18(e) of this Policy.