

## **Empire State Realty Trust, Inc.**

## **Empire State Realty OP, L.P.**

### **Vendor Code of Conduct**

Empire State Realty Trust, Inc. and Empire State Realty OP, L.P. (collectively, the “Company”) are committed to fair and ethical business conduct consistent with the Company’s Code of Business Conduct and Ethics. As honest and ethical conduct is the core of the Company’s values, the Company requires its partners, suppliers, and vendors, as well as their employees, agents, and subcontractors, to adhere to the standards set forth in this Vendor Code of Conduct (the “Code”).

#### **1. COMPLIANCE WITH THE VENDOR CODE**

The Code may not cover every situation a Vendor may face. When in doubt or when there are questions or concerns about a violation of the Code, Vendors can seek guidance from the Company’s legal department.

Though Vendors must self-monitor, Vendors will provide Company with information reasonably required to enable Company to assess their compliance with this Code at Company’s request. If a Vendor is noncompliant, the Company reserves the right to take appropriate actions, including contract termination. The Company may require removal from the Company’s account of any Vendor personnel who behaves in a manner that is unlawful or incompatible with this Code.

#### **2. LEGAL AND REGULATORY COMPLIANCE PRACTICES**

The Company’s Code of Business Conduct and Ethics focuses on compliance with applicable governmental laws, rules and regulations. We require Vendors conduct business in full compliance with all laws and regulations applicable to their business.

Nothing in this Code grants additional rights or expectations to a Vendor or alters the Company’s contractual or legal rights. The Company reserves the right to modify this Code at any time in its sole discretion, without prior notice.

#### **3. CONFIDENTIALITY AND DATA PROTECTION**

Vendors may be entrusted with proprietary and personal information. Vendors should uphold all legal obligations and otherwise ensure protection of all sensitive information, including confidential, proprietary, and personal information. Information should not be used for any purpose beyond the scope of the business arrangement with the Company without prior authorization.

Vendors must also ensure information remains private by maintaining adequate cyber security and complying with all applicable laws and regulations to mitigate risk of a data breach. Vendors must report to Company any potential incident that involves Company data as soon as possible.

#### **4. HUMAN RIGHTS AND LABOR STANDARDS**

The Company is committed to maintaining a work environment in which all individuals are treated with respect and dignity. The Company believes every individual has the right to work in an environment that promotes equal opportunities and prohibits discriminatory practices. The Company expect our Vendors to uphold these values:

- **Wages and Benefits:** Vendors must comply with all applicable wage and compensation

requirements under local, state, and federal labor laws as well as applicable Collective Bargaining Agreements for regular work, overtime, maximum hours, piece rates, and other elements of compensation and employee benefits. The Company encourages Vendors to work toward improving standards of living and quality of life for their employees and communities.

- **Freedom of Association:** The Company believes its employees are its most important asset and values employee engagement. The Company expects its Vendors to adhere to applicable laws under the National Labor Relations Act, particularly regarding the right of their employees to organize and affiliate with lawful organizations to bargain collectively with their employers without interference. Additionally, the Company adheres to the conventions of the International Labor Organization, including CO87 – Freedom of Association and Protection of the Right to Organise, and expects the same of its Vendors. The Company encourages, but does not mandate, its contractors for construction-related work to, consider union labor for construction projects as part of the relevant bid solicitation process where such bids are competitive based on price, reputation, experience, quality of work and workforce, warranties and ability to complete the project on time.
- **Nondiscrimination:** Vendors shall maintain a workplace free of unlawful discrimination (including any form of unlawful harassment or retaliation) on account of a person's race, color, citizenship status, national origin, ancestry, sex, gender identity or expression, transgender status, gender dysphoria, sexual orientation, age, religion, creed, physical or mental disability, HIV/AIDS status, use of a service/guide dog, child-bearing status, childbirth, pregnancy or related medical condition(s), marital or partnership status, caregiver status, veteran status, political affiliation, domestic violence victim status, stalking or sex offense victim status, predisposing genetic characteristic, unemployment status, arrest or conviction records, credit history, reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service, or any other characteristic protected by law.. Employees shall not be subject to verbal, physical, sexual, or psychological abuse, harassment, and shall be treated with respect and dignity.
- **Prevention of Underage Labor:** Vendors must comply with all applicable minimum age labor laws and not use child labor. Workers must be no younger than the minimum age for employment under applicable law.
- **Human Trafficking:** Vendors must not engage in the recruiting, transporting, or use of forced, bonded (including debt bondage) or indentured labor, involuntary prison labor, slavery, or trafficking of persons.

## 5. HEALTH AND SAFETY

The safety, health and wellness of its partners, suppliers, and vendors, as well as their employees, agents and subcontractors are a primary focus for the Company. Vendors shall incorporate health and safety management practices into all aspects of their business. The Company supports and encourages the provision of employer paid safety training by vendors to ensure that all employees have the skills and legal certifications necessary to perform assigned work safely.

Vendors must fully comply with all applicable safety and health laws, including in the areas of occupational safety, emergency preparedness, occupational injury and illness, industrial hygiene, physically demanding work, machine safeguarding, sanitation, food, and housing. Construction contractors and subcontractors must comply with the codes and ordinances adopted by the locality in which the work is being completed.

Vendors shall minimize employee and visitor exposure to potential safety hazards by appropriately identifying, assessing, and minimizing risks. If a work-related injury, illness, or incident occurs in connection with work done for the Company, the affected Vendor must report the incident to the building's Property Manager.

## **6. ENVIRONMENT**

The Company is committed to an environmentally sustainable future and its sustainability program is structured around quantifiable improvement in key areas, including energy efficiency, water efficiency, recycling and waste diversion and healthy work environments for our tenants and employees. The Company expects that its Vendors comply with all applicable federal, state and local environmental laws, including laws regarding hazardous materials, air emissions, waste, and wastewater discharges.

Additionally, the Company requires its Vendors to comply with the Company's sustainability and healthy building guidelines and are strongly encouraged to undertake sustainability initiatives that align with the Company's own sustainability objectives, including but not limited to:

- Resolve to reduce waste of all types, including energy, water, and waste by implementing appropriate conservation measures and best practices, as applicable. Vendors should strive to provide products and services which meet the following criteria:
  - develop best practices that reduce negative environmental and social impacts associated with core service offering.
  - develop strategies to benchmark and reduce water and energy consumption, as compared to typical usage for the sector, service, or product.
  - deploy waste reduction and diversion strategies throughout the lifecycle of the service or product.
  - deploy procedures to minimize the packaging-to-product ratio in order to reduce waste. All packaging should be easily reusable, returnable or recyclable.
- Make conscientious efforts on:
  - DIRECT IMPACT – As applicable, all chemicals and other hazardous materials intended for use on the Company's property that has been identified as harmful to human health or the environment by the EPA under Section 5(b)(4) of the Toxic Substances Control Act (Concern List) be stored in a secure, well-ventilated area and managed appropriately to ensure safe handling, use, reclamation and/or disposal.
  - INDIRECT IMPACT
    - Environmental Product Standards:
      - As applicable, Vendors work to minimize or eliminate the use of products containing hazardous chemicals and materials, which have been identified as harmful to human health or the environment by the EPA under Section 5(b)(4) of the Toxic Substances Control Act (Concern List) to mitigate harm within the supply chain.
      - As applicable, all emission omitting materials, such as

adhesives, sealants, paints, coatings, flooring systems, composite wood and agrifiber products be monitored, controlled and/or treated prior to disposal.

- Action Plans & Protocols: Have in place environmental management systems or protocols for potential environmental liabilities. This may include a review of the internal environmental goals, evaluation of environmental impacts and development of an action plan for improvement.
- The Company reserves the right to request supporting documentation for applicable performance metrics (such as greenhouse gas emissions, waste diversion, purchasing logs, vendor policies (such as child labor laws, etc.), cut sheets, material safety data sheets (MSDS) and training performed.
- Disclosure participation of Vendor's environmental performance to CDP, a global environmental impact non-profit that runs a global disclosure system that enables companies to measure and manage their environmental impacts. Disclosure may be asked of Vendor's annually to support the Company's sustainability objective to calculate the Company's Scope 3 upstream purchased goods and services greenhouse gas emissions.

## 7. ANTI-CORRUPTION, FAIR COMPETITION AND BUSINESS PRACTICES

- **Anti-Bribery and Anti-Corruption:** Vendors shall not engage in and prohibit any and all forms of corrupt practices including, without limitation, extortion, fraud, impersonation, false declarations, bribery, money laundering, supporting or involvement with terrorist or organized crime organizations or activities. Vendors shall not offer bribes or kickbacks to any Company representative, government official or third party with the intention of obtaining or retaining a business advantage. Vendors must immediately report to the Company if it has become aware that any of its personnel, representative or subcontractors engaged in any unethical conduct in connection with work done for the Company, including without limitation, bribery, kickbacks, intimidation, organized crime or other similar conduct.
- **Antitrust:** Vendors must comply with applicable antitrust and fair competition laws. Unethical business practices such as improper exchange of competitive information, price fixing, bid rigging, or improper market allocation are prohibited.
- **Conflicts of Interest and Fair Dealing:** Vendors must avoid offering gifts, favors or benefits that are intended (or could appear) to influence the Company's employees to act in their personal interest ahead of the Company's best interest. Vendors must avoid unfair dealing.
- **Licensing/Permits:** Vendors must obtain all required licenses and permits to conduct business in applicable jurisdictions.

## 8. FINANCIAL RESPONSIBILITY/ACCURATE RECORDS

Vendors must accurately record, maintain, and report business records, including financial account, quality reports, time records, expense reports, and any submission to regulatory authorities and not alter any such records to conceal or misrepresent the underlying transaction. Vendors are to retain all records for a minimum of seven (7) years.

## 9. CODES OF CONDUCT AND SUB-TIER VENDORS

Vendors must have management systems in place to support compliance with laws, regulations, and this Code. We encourage our Vendors to implement their own written code of conduct to which they require their own vendors to comply with.

## **10. REPORTING VIOLATIONS**

If a Vendor encounters any possible ethical concerns, including but not limited to violation of laws, rules or regulations, or this Code, it may submit a report anonymously and confidentially via the Company's:

- (i) Compliance Hotline at 855-326-9626; or
- (ii) Compliance email in-box at [www.esrt.ethicspoint.com](http://www.esrt.ethicspoint.com).

All concerns will be taken seriously by the Company and, when appropriate, the Company may request Vendor data about their performance. Vendors are expected to cooperate fully with the Company's investigations of wrongdoing or misconduct, and failure to cooperate fully with any such investigations may lead to termination of our relationship.

The Company will not tolerate any retaliation against any person for raising, in good faith, a possible violation of this Code or of a law, rule or regulation.

Notwithstanding anything to the contrary herein, it is the Company's sole and absolute discretion to select any vendor it so chooses for any projects commenced or undertaken or funded by Company.

*Last Updated: June 6, 2025*