

## **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, they should be able to demonstrate their compliance with this Code upon the 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 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 laws and regulations to mitigate risk of a data breach.

#### **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 applicable labor laws 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 regarding the right of their employees to affiliate with lawful organizations without interference.
- **Nondiscrimination:** Vendors shall maintain a workplace free of unlawful discrimination, which includes race, gender, marital status, age, color, religion, national origin, disability, veteran status, sexual orientation, or any other characteristic or status 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. DIVERSITY, EQUITY & INCLUSION

The Company is committed to fostering relationships with high-performing and underrepresented vendors and expects its Vendors to promote an inclusive work environment within their operations. The Company encourages its Vendors to carefully consider how diversity and inclusion efforts can make a positive and lasting impact on their business and communities.

## 6. 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. 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. Vendors shall minimize employee and visitor exposure to potential safety hazards by appropriately identifying, assessing and minimizing risks.

## 7. 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 diversity and equal opportunity employment, child labor laws, etc.), cut sheets, material safety data sheets (MSDS) and training performed.

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

- **Anti-Bribery and Anti-Corruption:** Vendors shall not engage in any form 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.
- **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.

## 9. 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.

## 10. 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.

## 11. 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 of the 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.