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STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra08021019
EEOC NO. 24FA80228

ANITA DRIVER,
Complainant,

FILE DATED

v.

APR 24 2009

BURGER KING CORP.,
Respondent.

Indiana State Civil Rights Commission

NEGOTIATED SETTLEMENT AGREEMENT

This Agreement between Anita Driver (hereinafter called "Complainant") and Respondent, Burger King Corporation (hereinafter called "Respondent"), is hereby entered into in full settlement of the complaint filed by Complainant with the Indiana Civil Rights Commission (hereinafter called "the Commission") as Docket No. EMra08020109 and charge filed with the U.S. Equal Opportunity Commission (hereinafter called "EEOC") as Charge No. 24FA80228, charging Respondent with unlawful discrimination on the basis of race and racial harassment in employment.

The parties agree to and do settle the above matter as follows:

1. Complainant and Respondent shall forego their right to a Public Hearing before the Commission and trial in the United States Federal Court system on the issues raised by Complainant's above-referenced complaint and charge. The parties agree to waive their right to a formal determination by the Commission on matters which were or might have been alleged as charges settled by this Agreement.

2. Complainant hereby waives any and all claims to remedies except as herein provided and covenants not to sue Respondent with respect to the matters, actions

or circumstances which gave rise to the above-referenced complaint and charge, subject to performance by Respondent of the promises and representations contained herein.

3. Complainant and Respondent agree that the Commission may review compliance with this Agreement.

4. The parties acknowledge that execution of this Agreement does not constitute any admission on the part of Respondent it has violated any law or committed any wrongful acts. Such execution only represents the parties' desire to settle and conciliate this matter without the necessity and burdens of a Public Hearing.

5. Respondent agrees that there will be no discrimination or retaliation of any kind against Complainant because of the filing of this complaint with the Commission and charge with the EEOC.

~~6. Respondent agrees to pay Complainant and to deliver to the Commission,~~
as escrow agent, a payroll check in the amount agreed to by the parties at mediation and indentified in the parties' separate agreement and general release signed contemporaneously with this document. The monetary settlement will be made payable to Complainant only, such amount representing full settlement of any and all damages at issue in relation to the above-referenced complaint and charge. Respondent will issue to Complainant a Federal 1099 tax form. Complainant agrees that she will be responsible for payment of all applicable taxes and will indemnify Respondent from liability for payment of the same. Respondent agrees to submit said check on or before March 26, 2009.

7. Respondent agrees to remove any reference to the complaints giving rise to Complainant's Charge and the ICRC Charge from Complainant's personnel file. In

the event Respondent is contacted by a third party seeking a reference regarding Complainant's employment history, Respondent will direct the third party to contact the BKC's HR Service Center ("The Center") in Miami, Florida and The Center will only confirm dates of employment, position title and rate of pay. Respondent further agrees to provide Complainant with a neutral letter of reference, the terms of which are attached herein and incorporated by reference as Exhibit A.

8. Respondent represents that it is and shall be the continuing policy of Burger King Corporation to recruit, hire, and promote qualified employees without regard to the race, color, sex, disability, religion, ancestry or national origin of the individual, and to prohibit unlawful harassment in the workplace.

9. Within sixty (60) calendar days of the execution of this Agreement, Respondent agrees to do the following:

(a) post and maintain, in conspicuous places and in areas normally used to disseminate employee information at the Respondent's restaurant located at 2650 Cherry Street, Indianapolis, Indiana, a copy of Respondent's EEO Policy, Anti-Harassment Policy and any applicable federal and state posters regarding equal employment opportunity and anti-harassment.

(b) submit to the ICRC a copy of its EEO Policy and Anti-Harassment Policy contained in Respondent's Employee Handbook and Working Together Policy distributed at new hire orientation. Respondent will also redistribute copies of its EEO Policy, Anti-Harassment Policy and Working Together Policy to all employees at its restaurant located at 2650 Cherry Street, Indianapolis, Indiana.

10. Within one year of the execution of this Agreement, Respondent agrees to conduct one training session using its "Shades of Harassment" program for then current management employees at its 2650 Cherry Street, Indianapolis, Indiana restaurant. Respondent further agrees that in advance of this training session, it will provide the Director of the Indiana Civil Rights Commission with a copy of its "Shades of Harassment" program for review. Proof of completion, together with copies of all training materials, shall be provided to the Commission within thirty (30) days of completion of the training, or before March 31, 2010, whichever occurs first

11. Complainant agrees to withdraw her complaint against Respondent pending before the Commission, and any other complaint, charge, grievance, or action of law regarding the issues herein resolved, which she may have filed under Title VII of the Civil Rights Act of 1964, as amended, or filed with the EEOC, or with any other tribunal having jurisdiction. Complainant agrees that this Agreement, when fully executed, shall constitute her request and motion for withdrawal of any such complaint, charge, grievance, or action to any such tribunal or agency.

COMPLAINANT:

Anita Driver

Signature of Complainant

Anita DRIVER

Type or print name of Complainant

STATE OF Indiana)

) SS:

COUNTY OF Marion)

Before me, a Notary Public, in and for said County and State, personally appeared ANITA DRIVER, and acknowledged the execution of the foregoing Consent Agreement, this 20th day of March, 2009.

Bradford E. Shockney
Signature of Notary Public

BRADFORD E. SHOCKNEY
Type or print name of Notary Public

County of Residence:

Marion

My Commission Expires:

10-24-2016



BRADFORD E. SHOCKNEY
Resident of Marion County
Commission Expires 10/24/2016
Commission No. 596753

RESPONDENT:

By:

For:

[Signature]
Jose Tomas P. VP Human Resources
Burger King Corporation

STATE OF Florida)

COUNTY OF Miami Dade) SS:

Before me, a Notary Public in and for said County and State, personally appeared Jose Tomas, the VP Human Resources of Burger King Corp. and acknowledged the execution of the foregoing Consent Agreement, this 20th day of March, 2009.



[Signature]
Sandra M. Cintado

Signature of Notary Public

Sandra M. Cintado

Type or print name of Notary Public

County of Residence:

Miami Dade

My Commission Expires:

6/14/2010



March 25, 2009

To Whom It May Concern:

Anita Driver was employed by Burger King Corporation from May 4, 2007 to May 1, 2008. Her last job title was Assistant Restaurant Manager with an annual salary of \$24,360. This letter is intended to provide a neutral letter of reference for Ms. Driver.

Sincerely,

BURGER KING CORPORATION

A handwritten signature in black ink, appearing to read "Jose Tomas", with a horizontal line extending to the right.

Jose Tomas
VP, Human Resources

BURGER KING CORPORATION
5505 Blue Lagoon Drive • Miami, Florida 33126 • (305) 378-7011

EXHIBIT A

Burger King Corporation Working Together



To Burger King Corporation Employees:

We are part of an extremely large organization that touches the lives of thousands of people daily. We make a difference every day by treating each other, as well as our customers, with the utmost respect and dignity.

As a company, Burger King Corporation is committed to providing a work environment where all employees are free of discrimination and harassment. We have a zero tolerance level for acts of discrimination and harassment and it's up to every employee, at all levels, to ensure that happens. This brochure, "Discrimination and Anti-Harassment Policy & Guidelines," outlines the Company's commitment to these concerns.

The time you take to read this brochure will help us ensure a positive work experience for people of all ages, races, nationalities, religions, abilities, and backgrounds.

Burger King Corporation employees are expected to conduct themselves in a truly professional, business-like manner at all times. That includes any situation, such as attendance at seminars, business travel or business-related functions where an employee is representing Burger King Corporation.

Whether you're an employee who has been on the job your first day or for 20 years, please continue to keep "respect and dignity" as the foundation for your everyday behaviors. Mix in a dose of genuine friendliness and you'll have a combination that will help you, and Burger King Corporation, be successful in everything we do.

Thank you for your contribution to making Burger King Corporation a great place for everyone.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Lindsey".

John Lindsey
Chief Executive Officer

We would like all employees to feel good about coming to work and know that Burger King Corporation provides a safe environment. It takes all of us to respect our coworkers and customers, and make this a friendly place to work.



This brochure contains Burger King Corporation's Non-Discrimination, Anti-Harassment and Equal Employment Opportunity Policy and Guidelines as well as your responsibilities as an employee.

NON-DISCRIMINATION, ANTI-HARASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Company is committed to a work environment in which all individuals are treated with dignity and respect. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Company expects that all relationships among persons in the workplace will be business-like and free of bias, discrimination, prejudice and harassment.

Equal Employment Opportunity

It is the policy of the Company to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, ethnicity, sex, age, religion, national origin, pregnancy, sexual orientation, disability, veteran status or any other characteristic protected by law. The Company prohibits and will not tolerate any such discrimination or harassment.

The Company is fully committed to the concept and practice of equal opportunity and affirmative action in all aspects of employment and has an affirmative action program that is designed to achieve equal opportunity and a climate of growth for every employee.

If you have a problem or concern in any matter relating to equal opportunity or any other policy, practice or procedure, please discuss it as soon as possible with your supervisor or if it concerns your supervisor, please contact your human resources representative. Equal opportunity at work is the right, and responsibility, of all of us.

Definitions of Harassment

Sexual harassment constitutes discrimination and is unlawful under federal, state and local laws. For purposes of this policy, sexual harassment is defined as it is in the Equal Employment Opportunity Commission Guidelines: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- 2) submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting such person; or
- 3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- uninvited touching
- sexually suggestive pictures
- indecent gestures
- unwanted sexual advances or requests for sexual favors
- sexual jokes or innuendo

- verbal abuse of a sexual nature
- commentary about an individual's body, sexual prowess or sexual deficiencies
- leering
- catcalls
- touching
- insulting or obscene comments or gestures
- display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail)
- other physical, verbal or visual conduct of a sexual nature

Sex-based harassment — that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) — may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward a person because of his or her race, color, ethnicity, sex (with or without sexual conduct), age, religion, national origin, pregnancy, sexual orientation, disability, veteran status or any other characteristic protected by law, and that:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. has the purpose or effect of unreasonably interfering with a person's work performance; or
3. otherwise adversely affects a person's employment opportunities.

Harassing conduct includes, but is not limited to:

- epithets, slurs or negative stereotyping
- threatening, intimidating or hostile acts
- off-color and denigrating jokes
- display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone who may have a business relationship with the Company (e.g., a franchisee, an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited

The Company prohibits retaliation against any individual who complains of discrimination or harassment or who participates in an investigation of such reports. Retaliation against an individual for complaining of harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination or Retaliation

All incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position, must be reported in accordance with the complaint reporting procedure in this policy. Employees who believe they have experienced conduct that is contrary to the Company's policy, who have observed such conduct or who have other concerns should contact their immediate supervisor, their human resources representative, the Company's chief ethics and compliance officer or use the Company's toll-free reporting line (1-800-245-1398) before the conduct becomes severe or pervasive. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other Company designated representatives identified above.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation. Therefore, while no fixed reporting period has been established, the Company strongly urges the prompt reporting of complaints or concerns so that rapid and corrective action can be taken. The Company will take appropriate actions to prevent discrimination,

harassment and retaliation before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

The availability of this complaint procedure does not preclude employees who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with persons who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with the Company's need to conduct an adequate investigation and take appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include training, referral to counseling, monitoring of the offender, disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination as the Company believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Company's chief human resources officer.

Individuals who have questions or concerns about these policies should talk with their human resources representative.

The law and the policies of the Company prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges or perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Treatment of Customers

Every interaction with customers should be handled professionally and with courtesy. Burger King Corporation will not tolerate any mistreatment of a customer based upon an individual's race, sex, color, religion, national origin, sexual orientation, disability, or any other protected status. All instances of prohibited conduct should be reported promptly to Burger King Corporation management. Burger King Corporation strives to provide the best possible service to all of its guests, including those with special needs. Please refer to the Guest Service Basics section of the Burger King Corporation Operations Manual for service requirements applicable to Company restaurants.

Burger King Corporation reserves the right to amend, modify, or discontinue these Policies and Guidelines at any time, for any reason.

Burger King Corporation
March 2007
An Equal Opportunity Employer

Equal Employment Opportunity and Reasonable Accommodations.

BKC is all about equal opportunity. This means our goal is to always provide equal opportunities to each and every person who ever puts on a BKC uniform. So our policies, from recruitment and hiring to compensation, benefits, promotions, and training and education, all reflect this goal. It can also be seen in our social programs, and, in general, covers all our conditions of employment.

What's more, we prohibit discrimination of any kind based on race, color, sex, age, religion, national origin, disability, veteran status, or any other protected status. And we also make sure this policy provides accommodations for qualified individuals with disabilities.

In short, equal opportunity at work is the right and responsibility of all of us — we expect every employee to take it as seriously as we do. Discrimination in the workplace by any manager or team member will not be tolerated. And if you ever have a problem or concern relating to equal opportunity or reasonable accommodations, please talk to your Manager, or contact your Human Resources Representative right away.

Finally, please remember that our guests deserve our best at all times. BKC will not tolerate any mistreatment of a guest based upon an individual's race, sex, color, religion, national origin, sexual orientation, disability, or any other protected status. All instances of prohibited conduct should be reported promptly to your Manager.

We have zero tolerance for harassment. Anti-Harassment Policy

Every employee has the right to be treated with dignity and respect and so harassment of any kind will not be tolerated. More specifically, it is the stated policy of BKC that all employees have the right to work in an environment free of discrimination, which includes freedom from harassment - whether that harassment is of a sexual nature or is based on race, age, religion, national origin, sexual orientation, disability or other protected status. We prohibit harassment of our employees in any form - by supervisors, co-workers, guests or suppliers.

Guidelines: According to EEOC Guidelines, the following conduct constitutes sexual harassment and is illegal: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when...

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual's is used as the basis for employment decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual Harassment

May include unwanted physical contact, indecent gestures, off-color jokes, sexually suggestive pictures, inferior comments about an individual's gender, crude or offensive language, questionable or inappropriate compliments.

Verbal Harassment

Abusive words, slurs, or negative stereotyping; threatening, intimidating or hostile acts; slanderous jokes.

Electronic/Written/Visual Harassment

Visual, written or graphic material that demeans or shows hostility or negative attitude toward an individual or group. These materials may not be placed on any surfaces on BKC premises or circulated in the workplace.

Physical Harassment

Unwelcome gestures, blocking movements or other threatening, intimidating or hostile conduct.

Anti-Harassment Policy (continued)

If you think you're being harassed, ask the person you believe is harassing you to stop. Then, talk to your supervisor or your Company Business Manager right away or contact a member of our Human Resources team. Every case will be thoroughly investigated and there will never be retaliation for anyone who makes a complaint in good faith.

Also, we have a toll-free reporting line called **We're Listening — 1-888-880-8020**. It's always available.

Who and what is your Human Resources Representative?

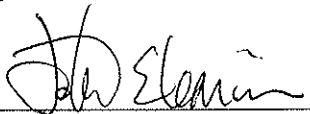
The Human Resources' Department in any company is really the People Department. For starters, we're the people who wrote this book. We're also the people who coordinate pay and benefits, we examine company policies to make sure they work for every member of the BKC family, and above all we're here to help employees with work issues that simply cannot be planned for.

In addition to the Human Resources' professionals at the Restaurant Support Center in Miami, BKC has Field Human Resource Representatives that cover every region you'll find a BKC-owned BURGER KING® restaurant. Every one of us is dedicated to helping all BKC restaurant employees, from Managers to Team Members to everyone in between.


Nine times out of ten your Manager can help you with any work issue you may have. For those unique issues listed in this playbook, or for other issues that you may want to speak to your Human Resource Representative about, simply check your restaurant's "We Care" poster for the name and contact information, or ask your Manager for the appropriate contact information.

We're here to help.

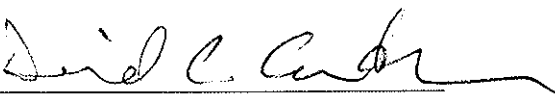
The foregoing Agreement has been signed and entered as record before the Indiana Civil Rights Commission, this 24th day of April, 2009.



Commissioner



Commissioner



Commissioner



Commissioner

Anita Driver
1460 Panama
Indianapolis, IN 46241

Jean Crenshaw
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