

Unlawful Discrimination and Harassment

The Company will not tolerate verbal or physical conduct by any employee that discriminates against any co-workers, visitors, customers or others' associated with the Company, or which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile working environment, including but not limited to any form of sexual harassment or any harassment/discrimination based on race, color, religion, gender (including pregnancy), national origin/ancestry, genetic information, age, disability status, marital or civil union party status, military/veteran status, gender identity/expression, sexual orientation, genetic information or any other categories protected by applicable federal or state law.

Discrimination or harassment can take many forms. It may be, but is not limited to: words, conduct, adverse job action, visual images, "jokes, pranks," intimidation, physical contact, or violence. While all forms of discrimination and harassment based on an employee's legally protected status are prohibited, including but not limited to any adverse job action or intimidation based on those categories identified above, it is the Company's policy to emphasize that sexual harassment is illegal and prohibited by both state and federal law. Specifically, it is contrary to Company policy for any employee to sexually harass another individual by:

- Making unwelcome sexual conduct or requests for sexual favors a condition of an employee's continued employment; or
- Using an employee's submission or rejection of such conduct as the basis for making employment decisions (ex: promotions, raises); or
- Creating a work environment in which conduct of a sexual nature substantially interferes with an individual's work performance or creates an atmosphere intimidating, hostile or offensive to employees.

Although not an inclusive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

- Unwelcome sexual advances, propositions or flirtations;
- Unwelcome attention of a sexual nature such as degrading comments, suggestive or lewd remarks, propositions, jokes, tricks or noises, drawings, doodles or cartoons;
- Unwanted hugs, touches, kisses or requests for sexual favors;
- The threat or suggestions that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment; or
- Retaliation for complaining about sexual harassment.

All employees are further advised that sexually explicit or sexually offensive material has no place within the Company. Such material may not be posted, displayed, or even possessed. Possession of such material, even if it is not posted or publicly displayed, will be considered a violation of Company policy and will subject the individual to disciplinary action, up to and including termination.

Any employee who believes that the actions or words of a supervisor/manager or fellow employee or any outside party in the workplace constitute unwelcome harassment or unlawful discrimination should immediately request that such conduct cease. Employees further have a responsibility to report such conduct or immediately make a complaint to their supervisor. If an employee is uncomfortable raising his/her complaint with someone to whom he or she reports or

if the complaint involves someone in his or her direct line of command, then that employee should bring a complaint to the HR & Compliance Manager and/or to Safety/Risk Management and/or the Company President/CEO and/or any other member of management of the Company the employee feels comfortable speaking to about the matter. An employee also has the right to file a complaint for any claimed acts of discrimination or harassment with the applicable state or federal agency.

Confidentiality at the time of reporting the incident will be preserved to the maximum extent possible. However, all allegations of unlawful harassment and discrimination must be investigated promptly. In this regard, the reporting employee, the alleged harasser or discriminator and any other employees or witnesses aware of the incident are expected to treat the information in a sensitive and confidential manner, so as not to defame anyone or invade anyone's privacy.

The Company will take prompt action upon the receipt of a complaint or unlawful harassment or discrimination. Any employee determined to have committed unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Moreover, any individual who makes unwelcome advances, threatens, or in any way discriminates or harasses another employee based on a legally protected status, may be personally liable for monetary damages and/or criminal prosecution for such actions.

Any employee who, after an investigation has been made, is found to have knowingly made a false accusation of sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination.

Any form of retaliation against an employee or any other person associated with the Company who in good faith files a complaint or cooperates in an investigation into such complaint is strictly prohibited. Any applicant or employee who feels they have been retaliated against should immediately report their complaint of retaliation as set out above. Any retaliatory actions toward the person who filed the complaint or toward any person(s) involved in any discrimination and/or harassment incident (including witnesses) will result in appropriate disciplinary action, up to and including termination.

Any supervisor who is made aware of a complaint regarding unlawful discrimination or harassment must immediately report the complaint to the HR & Compliance Manager and/or to Safety/Risk Management and/or the CEO and/or the Company President consistent with the Company's policies. All employees are responsible for helping the Company avoid and appropriately redress any potential claims of harassment or discrimination.