

Policy:	Harassment Free Workplace	Policy Reference and Revision Number:	HR 004 Rev 000
Department:	Human Resources	Effective Date:	08/01/2021
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Purpose

To provide a work environment that is free from all forms of conduct that can be considered harassing, coercive or disruptive, including sexual harassment, and to provide procedures for the investigation and resolution of harassment claims.

Policy

The Company expressly prohibits any form of harassment based on any legally-recognized basis, including but not limited to: race, color, religion, marital status, gender, national origin, citizenship, age, sexual orientation, sex (including pregnancy), gender identity, disability, genetics, veteran status, or any other characteristic protected under applicable federal, state, or local laws.

The Company's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of the Company, including supervisors, managers, and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers. If such harassment occurs in the workplace by someone not employed by Company, the procedures in this policy should be followed. The workplace includes actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), Company-sponsored events, or Company owned/controlled property.

The Company shall protect employees from coercion, intimidation, retaliation, interference, or discrimination and ensure that no employee is discharged, disciplined, reprimanded, or otherwise retaliated against because they complained in good faith about harassment, participated in an investigation, filed a charge with a state or federal human rights or civil rights agency or commission, testified in a hearing before a commission, or participated or assisted in any internal or external investigation.

Definitions

Harassment

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, citizenship, age, disability, veteran status or genetic information, or any other characteristic protected under federal, state, or local laws. Harassment may also include, but is not limited to:

- Verbal conduct, including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;
- Visual and/or written conduct, including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status;
- Physical conduct, including assault, unwanted touching or blocking normal movement because of an individual's protected status; and

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- Conduct that interferes with an individual’s ability to perform their job, creates an intimidating, hostile, or offensive working environment, or adversely affects an individual’s employment opportunities.

Sexual Harassment

Sexual harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes various forms of offensive behavior based on sex. The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages;
- Verbal conduct: making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, or comments about an individual’s body or dress, whistling or making suggestive insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual’s body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: touching, assault or impeding or blocking normal movements; or
- Retaliation for making reports or threatening to report sexual harassment.

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Complaint Procedure

Responsibility of Employees

Any applicant or employee who believes they have been subjected to prohibited harassment or retaliation by a co-worker, supervisor, manager, client, visitor, vendor, customer or temporary or seasonal worker of Company, or who believes another individual has been subject to such conduct, should report it immediately. Applicants and employees are encouraged to report concerns, even if they relate to incidents in the past, involve individuals who are no longer affiliated with the Company, or concern conduct occurring outside of work if it impacts the individual at work.

Complaints can be made verbally, or in writing, to the highest-ranking on-site supervisor or manager or to Human Resources. Employees are not required to report any prohibited conduct to a supervisor or manager who may be hostile, who has engaged in such conduct, who is a close associate of the personal who has engaged in such conduct, or with whom the employee is uncomfortable discussing such matters.

Alternatively, any employee may call the Company's Alertline at 1-800-721-7234 or make a report on the internet at <https://BWCTerminals.alertline.com/>. Please note that all reports of harassment will be investigated.

Employees may make an anonymous report, and when doing so, should provide as much detail as possible concerning the incident(s) in question, including but not limited to time, place, and the identity of persons involved or with knowledge, so the Company may be able to investigate the anonymous report. If a report lacks sufficient detail, it may prevent the Company from taking appropriate action.

After a report is received, a thorough and objective investigation will be undertaken. Confidentiality will be maintained to the extent practical and permitted by law. Investigations will be conducted as confidentially as possible and related information will only be shared with others on a need-to-know basis. The investigation will be completed, and a determination made and communicated to the employee as soon as practical. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of proscribed harassment, discrimination, or retaliation, or regarding the alleged violation of any other Company policies, and during the investigation, to keep matters related to the investigation confidential.

If a complaint of prohibited harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the Company may take appropriate action to reinforce its commitment to providing a work environment free from harassment.

The Equal Employment Opportunity Commission ("EEOC") and equivalent state agencies will accept and investigate charges of unlawful discrimination and harassment at no charge to the complaining party. The nearest office of the EEOC and equivalent state agencies can be found in your local telephone directory or online at www.eeoc.gov.

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Responsibility of Managers and Supervisors

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the designated Human Resources representative so they may be investigated and resolved in a timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action up to and including termination.

Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by Company for using this complaint procedure, reporting proscribed harassment, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation or believe that another individual has been subjected to retaliation, should report this concern to the highest ranking on-site supervisor or manager or to any Human Resources representative or to the Senior Vice President and General Counsel. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation prohibited by this policy is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the Company may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

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Support for Individuals Impacted by Harassment or Retaliation

The Company will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to feel more comfortable in the work environment. Such assistance may but does not necessarily include transfer or reassignment. Any such assistance is at the Company's sole discretion.