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| Approved By:            | Policy & Ethics Committee |

## **EQUAL EMPLOYMENT, NON-DISCRIMINATION & ANTI-HARASSMENT POLICY**

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### **PURPOSE**

ATC Management Inc. ('ATC' or the 'Company') is committed to a policy of equal employment opportunity and non-discrimination for all employees. It is ATC's policy to seek and employ the most appropriately qualified personnel in all positions and to provide equal opportunity for employment and advancement to all employees in hire, transfer, promotion, compensation, benefits, training, development, and all other terms and conditions of employment.

ATC is further committed to maintaining a work environment that is free from harassment and discrimination. This applies to all facilities, company-related settings, and company social events.

ATC complies with all applicable federal, state, and local laws which prohibit discrimination and harassment on the basis of any race, national origin, age, sex, religion, disability, and any other characteristic protected by applicable federal, state, or local law.

In compliance with this policy, ATC will not tolerate any discrimination or harassment of, retaliation against, or inappropriate conduct toward its employees or guests by anyone — including, but not limited to, supervisors, coworkers, customers, contractors, or suppliers. ATC will also make reasonable accommodations for disabled applicants and employees and for the sincerely held religious beliefs of applicants and employees depending upon individual circumstances.

### **SCOPE**

This policy applies to all ATC employees and employment applicants.

### **DEFINITIONS**

*Discrimination* – Includes any unjust or prejudicial conduct or action taken with respect to any individual because of that individual's race, color, religion, age, sex, national origin, disability or handicap, veteran status, ancestry, marital status, sexual orientation, gender identity and expression, genetic information, or any other characteristic protected by applicable federal, state, or local law.

*Sexual Harassment* – Includes any unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal, physical, visual, or other acts of a sexual or sex-based nature between members of the same or opposite sex where:

- Submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- An employment decision is based on an individual's acceptance or rejection of such conduct; or
- Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is not limited to sexual advances or expressions of sexual desire. It may also include expressions of hostility, dislike, or other inappropriate conduct toward another based on that individual's sex

or gender. Sexual harassment may be a single incident or a series of harassing acts. The offender or victim of sexual harassment may be either a man or a woman and sexual harassment can occur between persons of the same or opposite sex.

Examples of sexual harassment include, but are not limited to, the following:

- Unwelcome sexual advances, flirtations, innuendo, explicit sexual propositions, or demands for sexual favors in exchange for favorable treatment or continued employment.
- Threats or insinuations that the individual's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.
- Sexually-oriented kidding, teasing, practical jokes or horseplay, jokes about gender specific traits, sexually suggestive or obscene body language or gestures.
- Display of sexually suggestive, obscene, or offensive printed or visual material including viewing or displaying such material on a computer via the Internet, e-mail, or other electronic means.
- Inquiries into one's sexual experiences, or discussions of one's sexual activities.
- Graphic or degrading comments about an individual's appearance or sexual activity.
- Unwelcome physical contact, such as touching, patting, pinching, or brushing against another's body.
- Vulgar, obscene, or other inappropriate language.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

*Discriminatory Harassment* – Includes, but is not limited to, verbal, physical, visual, or other conduct relating to an individual's race, color, religion, age, sex, national origin, disability or handicap, veteran status, ancestry, marital status, sexual orientation, gender identity and expression, genetic information, or any other characteristic protected by applicable federal, state, or local law, where the conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Examples of discriminatory harassment include, but are not limited to, the following:

- Referring to an individual's national origin, race, age, physical or mental condition, particularly when making decisions affecting the individual in the workplace or which affect the individual's ability to perform his or her job.
- Derogatory comments, epithets, slurs, or jokes.
- Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
- Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
- Bullying behavior including but not limited to threats, intimidation, coercion, ridicule, insults, or belittling.
- Spreading false, vicious, or malicious rumors.
- Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, or intimidated.

The examples describing discrimination, harassment, and inappropriate conduct is not exhaustive. The absence of any inappropriate conduct from this list does not mean the conduct is not harassing, discriminatory, or inappropriate. The Company retains the right and discretion in all situations to discipline any employee, up to and including termination, if it finds to have engaged in harassing, discriminatory, retaliatory, or other inappropriate conduct, regardless of whether the conduct is specifically described above.

## **RESPONSIBILITIES**

Employees are responsible for:

- Helping create a work environment which is compliant with this policy.
- Promptly reporting inappropriate conduct to their supervisor or Human Resources, whenever there is reason to believe that they or another employee has been subjected to harassment, discrimination, inappropriate, or offensive conduct.
  - Note: Prompt reporting allows for a more rapid response and resolution of objectionable behavior or conditions for both the reporting employee and any other affected employees.
- Bringing any employment opportunity related questions or concerns to either their supervisor or the VP of Human Capital.
- Cooperating and participating in investigations, as necessary.

Supervisors are responsible for:

- Giving this policy full support through leadership and personal example.
- Ensuring the workplace and their areas of responsibility are free of conduct that is harassing, discriminatory, or inappropriate.
- Enforcing this policy at all times with respect to all employees.
- Reporting any concerns to Human Resources.
- Communicating to employees under their supervision their rights under this policy.
- Encouraging employees to report any conduct prohibited by this policy.

## **REPORTING**

If you have questions regarding this policy or believe in good faith that you have been subjected to, witnessed, or otherwise learned of conduct prohibited by this policy by anyone, including supervisors, co-workers, customers, contractors, or suppliers, you should immediately report the incident. Reports may be made to your direct supervisor, Human Resources, or otherwise in accordance with ATC's Open Door Policy.

ATC employees must report any suspected violations of this policy to their supervisor, Human Resources, or otherwise in accordance with ATC's [Open Door Policy](#), so an investigation into the complaint can be undertaken.

ATC will provide a prompt and thorough investigation. Any person employed by ATC who is found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination. ATC will take immediate and proportionate corrective action if it determines discrimination or harassment has occurred. The identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible, without impeding the ability of ATC to conduct a discrete and thorough investigation. Any employee that knowingly makes a false report of harassment or discrimination will be subject to disciplinary action, up to and including termination. We trust that all employees will act in a responsible and professional manner to establish a pleasant working environment free of discrimination and harassment.

## **NON-RETALIATION**

ATC strictly prohibits retaliation in any way against anyone who has submitted a harassment or discrimination complaint, has expressed a concern about harassment or discrimination, or has cooperated in an investigation. Therefore, the initiation of a complaint, based on a reasonably good faith belief, shall not under any circumstances be grounds for discipline. It is a violation of Company policy for an individual to be disciplined or otherwise disadvantaged because of good faith resort to the procedures in this policy for

reporting discrimination, sexual harassment, or other unlawful harassment. Persons engaging in any form of retaliation will be subject to disciplinary action, up to and including termination.

### **EXCEPTIONS/VIOLATIONS**

There are no exceptions to this policy.

Supervisors who fail to report or respond to a complaint of discrimination or harassment or have knowledge of unlawful discrimination or harassment and fail to take action to eliminate the unlawful behavior are in violation of this policy.

Employees who violate this policy are subject to disciplinary action, up to and including termination.