



# HARASSMENT-FREE WORKPLACE POLICY

## PURPOSE AND SCOPE

The Purpose of this Policy is to affirm TransCanada's commitment to a respectful and safe work environment and to establish processes for responding to allegations of Harassment in the workplace.

This Policy applies to all TransCanada Personnel. The Harassment-Free Workplace Policy applies at the workplace as well as in situations away from the workplace, but related to job responsibilities, such as conferences, trade shows, work related social events, business travel or temporary work assignments. Where there is a conflict between this Policy and any applicable collective bargaining agreement, the terms and conditions of the collective bargaining agreement will apply.

## DEFINITIONS

**Complainant** means the person lodging a complaint under this Policy.

**Contractors** means Independent Contractors, Independent Consultants, or Contract Workers as defined in the Contingent Workforce Policy.

**Good Faith Reporting** means an open, honest, fair and reasonable report made without malice or ulterior motive.

**Harassment** means any unwelcome behaviour, comment, gesture or contact, including of a sexual nature, which creates an intimidating, demeaning, embarrassing, humiliating, threatening or hostile work environment. In particular, unwelcome comments or behaviours regarding gender, racial, national or ethnic origin, disability, religion, age, sexual orientation and gender identity, marital status, family status, veteran status, National Guard or reserve unit obligations, a pardoned conviction, or any other basis as recognized by law, that can potentially make an individual feel that they are not being treated with dignity and respect, are prohibited. Harassment need not be intentional.

**Harassment Investigation Coordinator** means the individual in TransCanada's Human Resources Department responsible for overseeing the application of this Policy, or their designate.

**Personnel** means full-time, temporary and part-time employees and Contractors.



**Respondent** means the person alleged to have behaved in contravention of this Policy.

**TransCanada or the Company** means TransCanada Corporation and its wholly-owned subsidiaries and operated entities.

## POLICY

TransCanada fosters a respectful and safe work environment where Harassment is not tolerated.

TransCanada ensures that:

- allegations of Harassment are taken seriously and are consistently dealt with promptly and in a respectful, fair and thorough manner by trained investigators;
- an individual who files a complaint in Good Faith will not be penalized for doing so and no documentation of the complaint will be placed in the individual's employee file. Reprisal or retaliation against anyone who participates in the investigation of a Harassment complaint is also prohibited. Disciplinary action initiated due to violation of this Policy is not considered retaliatory action;
- to the extent possible, confidentiality will be maintained as the complaint is investigated, and as few individuals as possible will be involved. Details of the complaint, including the name of the Complainant and Respondent, will be shared only with those who need to know, where it is necessary to the investigation, resolution, decision making and corrective action implementation, or as required by law; and
- corrective action in such form as the Company deems appropriate to the circumstances, up to and including termination of employment or contract, may be taken against:
  - a Respondent who is found to have breached this Policy;
  - a Complainant who is found to have made a complaint knowing that the complaint was false;
  - anyone who interferes with the investigation or resolution of a complaint;
  - a leader who is aware of Harassment and who fails to take appropriate action; and
  - anyone who gives a false statement in the course of an investigation.

The Company strongly encourages and supports all Personnel to remove themselves from potentially harmful or violent situations that arise in the workplace or at off-site



business-related functions. Any such situations must be immediately reported to any of the resources noted within this Policy, as well as any suspected retaliatory action.

In the case of complaints made by or involving Contractors, TransCanada reserves the right to monitor any investigations conducted by the appropriate contract employer, or to launch an independent investigation.

## RESPONSIBILITIES

All Personnel are responsible for:

- complying with this Policy, or their employer's equivalent policy in the case of Contractors, and taking available associated training;
- promoting and supporting a respectful workplace, taking responsibility to resolve situations where possible and reporting any inappropriate behaviour. Contractors must notify their employer as well as the appropriate TransCanada resource of any issues;
- cooperating with investigation and resolution processes as required;
- respecting the privacy of individuals involved in Harassment-related situations;
- not retaliating against individuals involved in Harassment-related situations and reporting any retaliatory actions immediately; and
- soliciting any personal support required through the resources available within this Policy or otherwise.

Complainants are responsible for:

- filing complaints in a timely manner; and
- providing full details of the alleged behaviour.

Respondents are responsible for:

- familiarizing themselves with the details of the complaint and responding to the allegations; and
- cooperating with the resolution process.

Leaders are responsible for:

- assisting Personnel in understanding the Policy and associated processes by actively communicating expectations;
- enforcing the Policy and fostering a culture and environment that is free of Harassment;



- notifying the Harassment Investigation Coordinator of any allegations or other indicators of Harassment;
- assist Human Resources in the resolution or investigation of a complaint; and
- maintain privacy and provide support to all parties involved.

Human Resources Consultants are responsible for:

- assisting Personnel in understanding this Policy;
- notifying the Harassment Investigation Coordinator of any allegations of Harassment;
- coordinating and facilitating resolution sessions;
- assisting in the resolution and/or investigation process as required;
- maintaining privacy and confidentiality throughout the investigation process; and
- providing coaching to leaders through the final investigation, recommendations, and potential impact on employee performance plans.

The Harassment Investigation Coordinator is responsible for:

- addressing all allegations and, when required, overseeing formal investigations under the direction of the Legal Department and in accordance with the Workplace Harassment Investigation Process; and
- submitting a report of formal investigation results and subsequent recommendations to the Law Department.

The Law Department is responsible for:

- initiating a formal investigation and requesting final reports under solicitor-client or attorney-client privilege; and
- providing legal support and guidance to the investigation.

## RESOLUTION PROCESS

All allegations of Harassment must be resolved as soon as possible. There are three different options to resolve Harassment-related situations.

### Personal Resolution

Personal resolution is often the most effective method to stop harassment and should be thoughtfully considered as a first step if Harassment may have occurred. Individuals who feel they are the subject of Harassment should advise the offending party in a reasonable and appropriate manner, either verbally or in writing, that the behaviour or comment is unwelcome and should stop.



Individuals who think someone may have misinterpreted their behaviour or comments as Harassment, may attempt to clear up the misconception quickly and privately.

Attempts at personal resolution are not required to advance to facilitated resolution or formal investigation.

### **Facilitated Resolution**

If the individuals involved in a Harassment-related situation do not feel comfortable speaking directly to the other person about inappropriate behaviour, they can choose to engage a third party that can assist in the resolution efforts. Facilitated resolution includes communication, consultation and assessment of the Harassment complaint with an individual's leader, any other leader, Human Resources Consultant, or the TransCanada's [Ethics Help Line](#).

The use of coaching, counseling, facilitation, and conflict resolution can, in many instances, resolve the issue. If the Complainant is satisfied with the outcome of the facilitated resolution, they can decide to stop at this step no formal investigation would be conducted. However, if the facilitated resolution is unsuccessful, or if the behaviour is repeated even after resolutions efforts occurred, a formal investigation may be required.

### **Formal Investigation**

A formal investigation may follow a personal or facilitated resolution process or, when the alleged Harassment is serious or criminal in nature, the Company or individuals involved may choose to proceed directly to a formal investigation.

Formal investigations adhere to a very strict process and are initiated with a formal written complaint from the Complainant. Once the formal complaint is received and the Complainant is interviewed, the Harassment Investigation Coordinator will determine whether to proceed with a formal investigation.

Where a formal investigation is warranted, the Respondent will be advised that a complaint has been made and provided with a copy of the written formal complaint. The Respondent will be given adequate time to provide a written response to the complaint and will also be interviewed.

During the investigation process, witnesses may be interviewed, additional evidence may be collected and leaders of the Complainant and Respondent will be notified of the complaint.



All relevant information/evidence is considered and a determination is made and shared with the Complainant, Respondent and their leaders.

The investigation findings will be communicated to the Complainant and Respondent and any corrective actions will be implemented by their leaders, with support from the Human Resources Consultant.

### **Follow-Up Action**

The Harassment Investigation Coordinator may contact both parties as appropriate to:

- ensure the Harassment has stopped;
- ensure there was no retaliation; and
- if applicable, determine if the work group is functioning effectively.

### **Resolution Timelines**

Harassment is serious and high priority is placed on the resolution process. The timeline for investigation and resolution of alleged Harassment is dependent on the complexity of the complaint. Every effort will be made to conduct the investigation in an expedient manner.

### **External Resolution**

The Company prefers to resolve all matters of workplace Harassment internally. However, complaints related to Harassment on legally prohibited grounds can be filed directly with the appropriate federal, provincial or state agency without first filing the complaint internally. There are specific timelines that must be met to file a complaint with these agencies and it is the individual's responsibility to file a complaint accordingly.

## **COMPLIANCE**

Personnel must comply with all aspects of this document and support others in doing so. Personnel are responsible for promptly reporting suspected or actual violation of this document, applicable law, or any other concern, through available channels so that it can be appropriately investigated, addressed and handled. Personnel who fail to comply, or knowingly permit Personnel under their supervision to not comply, may be subject to appropriate corrective disciplinary action in accordance with the company's policies and process. Please refer to the TransCanada Corporate Policies website for more information.



## NON-RETALIATION

We support and encourage Personnel to report suspected incidents of non-compliance with applicable laws, regulations, and authorizations, as well as hazards, potential hazards, incidents involving health and safety or the environment, and near hits. We take every report seriously, investigate each report to identify facts, and effect improvements to our practices and procedures when warranted. All Personnel making reports in good faith will be protected. Good Faith Reporting is intended to remove protection for Personnel making intentionally false or malicious reports, or who seek to exempt their own negligence or willful misconduct by the act of making a report. We ensure immunity from disciplinary action or retaliation for Personnel for the Good Faith Reporting of such concerns. Reports can be made to management, a compliance coordinator, or anonymously to the ethics helpline.

## REFERENCES AND LINKS

- [Policy Questions and Comments](#)
- [Code of Business Ethics Policy](#)
- [Employment Equity and Non-Discrimination Policy](#)
- [Employee Family Assistance Program \(EFAP\)](#)
- [Equal Employment Opportunity, Affirmative Action and Non-Discrimination Policy \(U.S.\)](#)
- [U.S. Agency Contacts](#)
- [United States Equal Employment Opportunity Commission's Legal Definition of Harassment](#)