



## Harassment-free workplace in Canada policy.

### Purpose and scope

This Policy affirms TC Energy's commitment to:

- preventing and protecting against Harassment in the Workplace;
- fostering a respectful, safe and inclusive Workplace where Harassment of any kind is prohibited; and
- being an industry leader in health and safety practices and maintaining a safe and healthy Workplace.

This Policy applies to all Employees and Contractors in Canada and outlines processes for reporting and resolving allegations of Harassment in the Workplace.

### Policy

#### 1 Roles and responsibilities

##### 1.1 TC Energy will:

- a) respond to a Complaint promptly and in accordance with the resolution process outlined in this Policy; and
- b) take appropriate corrective action, up to and including termination of employment or contract, against:
  - Employees and Contractors who breach this Policy;
  - Employees and Contractors who do not engage in Good Faith Reporting;
  - Employees and Contractors who interfere or fail to cooperate with the resolution of a Complaint, including:
    - intentionally destroying or concealing relevant information; or
    - knowingly providing false information; and
  - a leader who is aware of Harassment and who fails to take appropriate action.

##### 1.2 All Employees and Contractors must:

- a) comply with this Policy;
  - Contractors must also comply with their employer's harassment prevention policy.

- b) complete the mandatory training as described in section 5 of this Policy (Employees and CWCs only);
- c) promptly report any real or suspected violation of this Policy in accordance with section 6;
- d) promote and support a respectful Workplace that is free from Harassment;
- e) cooperate with any applicable resolution processes;
- f) maintain strict confidentiality about and respect the privacy of individuals involved in the resolution of any Complaint; and
- g) not retaliate against individuals involved in Harassment-related situations and report any retaliatory actions immediately as described in the Non-retaliation section of this Policy.

1.3 The Harassment Investigation Coordinator must:

- a) conduct an initial review of every Complaint; and
- b) oversee the resolution process in accordance with this Policy.

1.4 The Safety Policy Committee will work jointly with the Company to meet the requirements imposed by applicable legislation as it pertains to Workplace Harassment prevention.

## 2 Workplace assessment

2.1 The Company will, jointly with the Safety Policy Committee, perform a Workplace assessment taking into consideration both internal and external risk factors that may contribute to Harassment in the Workplace. The Workplace assessment considers:

- a) the culture, conditions, activities and organizational structure of the Workplace;
- b) any reports, records, and data related to Harassment in the Workplace;
- c) physical layout of the Workplace;
- d) existing measures to protect psychological health and safety in the Workplace; and
- e) external factors including, but not limited to, family violence.

2.2 The Company will, jointly with the Safety Policy Committee:

- a) review the Workplace assessment every 3 years and as required by law;
- b) update the Workplace assessment as necessary; and
- c) develop and implement preventive measures to mitigate the risk of Harassment in the Workplace within six months after the risk factors are identified in the Workplace assessment.

2.3 See the Corporate Security Program Manual for a description of the risk factors that contribute to Workplace Harassment.

### 3 Immediate danger and emergency procedures

3.1 The Company encourages and supports all Employees and Contractors to remove themselves from potentially harmful or violent situations in the Workplace. If Employees and Contractors determine that they are in immediate danger of Workplace violence or when there is a threat of such occurrence, they should contact 9-1-1 immediately or follow the Corporate Security Program Manual.

### 4 Additional supports

4.1 The Company makes medical, psychological and other supports available to all Employees in Canada through an anonymous third-party service, the Employee Family Assistance Program (EFAP).

### 5 Training

5.1 The Company, jointly with the Safety Policy Committee, establishes anti-Harassment training that all Employees and CWCs are required to complete annually.

5.2 The training must include:

- a) the elements of this Policy;
- b) the relationship between Workplace Harassment and the prohibited grounds of discrimination set out in the *Canadian Human Rights Act*;
- c) how to recognize, minimize and prevent Workplace Harassment;
- d) crisis prevention, personal safety, and de-escalation techniques; and
- e) how to appropriately respond to various types of Harassment.

### 6 How to report Harassment

6.1 Complaints should be reported promptly to the Harassment Investigation Coordinator via TC Energy's Ethics Help Line.

6.2 A Complaint may be made orally or in writing and must include:

- a) the name of the Principal Party and the Respondent, if known;
- b) the date of the occurrence; and
- c) a detailed description of the occurrence.

6.3 A Witness may provide a Complaint anonymously.

6.4 Contractors should also notify their employer if filing a Complaint.

- TC Energy will determine whether to resolve the Complaint or delegate resolution to the Respondent's employer.
- TC Energy reserves the right to monitor any resolution conducted by the Contractors' employer.

6.5 Former Employees may file a Complaint within three months after the day they cease to be employed by TC Energy.

- 6.6 The Harassment Investigation Coordinator will conduct an initial review of a Complaint and confirm receipt within seven calendar days.
- 6.7 The Harassment Investigation Coordinator may contact the Complainant/Principal Party to collect additional information or set up a confidential interview.

## 7 Internal resolution process

7.1 The Principal Party may choose to stop the resolution process at any time by informing the Harassment Investigation Coordinator of their decision.

7.2 TC Energy adheres to the following processes to respond to a Complaint:

a) Negotiated resolution.

- Negotiated resolution is the required first step in the resolution process.
- Following the initial review, the Harassment Investigation Coordinator will make every reasonable effort to resolve the Complaint by a negotiated resolution.
- The Harassment Investigation Coordinator and the Principal Party will review the Complaint together to determine whether it constitutes Harassment. The Harassment Investigation Coordinator will then determine the appropriate next steps.
- If the Principal Party and the Harassment Investigation Coordinator agree that the allegations do not constitute Harassment, the Complaint will be resolved.
- If the Principal Party is not satisfied with the outcome of the negotiated resolution, they may request conciliation or a formal investigation.

b) Conciliation.

- The Principal Party and the Respondent may attempt to resolve a Complaint if they both agree to conciliation and on the person to facilitate the process.
- Conciliation may include coaching, counseling, and/or conflict resolution with a neutral third-party facilitator. Other parties, such as leaders or Human Resources Business Partners, may be engaged as required.
- If the Principal Party is satisfied with the outcome of the conciliation, the Complaint will be resolved.
- If the Principal Party is not satisfied with the outcome of the conciliation, they may request a formal investigation.

c) Formal investigation.

- A formal investigation must be initiated if requested by the Principal Party.
  - A formal investigation will be conducted under the direction of the Legal department.
  - While the formal investigation is ongoing, attempts at negotiated resolution and/or conciliation may continue if agreed to by the Principal Party.

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- If a Complaint that is being formally investigated is resolved by negotiated resolution or conciliation before the investigator has provided their report, the investigation will be discontinued.
- The Company, jointly with the Safety Policy Committee, develops and maintains a list of qualified investigators and the Harassment Investigation Coordinator will assign one of them to conduct the formal investigation.
- When a formal investigation is initiated, the investigator will provide notice of the investigation to the Respondent and Principal Party.
- The investigator will provide the Respondent with details of the Complaint in writing. The Respondent will be allowed reasonable time to respond in writing to the Complaint and will be subsequently interviewed.
- During the formal investigation process, the investigator may interview Witnesses and collect additional evidence as required.
- The investigator will provide monthly investigation updates to the Principal Party and Respondent.
- The investigator will consider all relevant evidence gathered to determine whether a breach of this or any other Company policy has occurred. The findings will be shared in a formal report with the Principal Party, Respondent, Harassment Investigation Coordinator and others as required by the resolution process. The version of the report provided to the aforementioned individuals will not reveal directly or indirectly the identity of persons involved in the investigation.
- In cases where the investigator finds the Respondent to be in breach of any Company policy, appropriate corrective action will be recommended by the investigator.
- Any required course of corrective action will be communicated to the Human Resources Business Partner and to the appropriate leader(s) for implementation.

### 8 Resolution timelines

- 8.1 Allegations of Harassment are serious and high priority is placed on resolving them.
- 8.2 The timeline for investigation and resolution of alleged Harassment is dependent on the complexity of the allegation.
- 8.3 All allegations of Harassment will be resolved as soon as possible. TC Energy will ensure that the resolution process is completed within one year after the day on which a Complaint is provided to the Harassment Investigation Coordinator.

### 9 Additional recourse

- 9.1 The Company prefers to resolve a Complaint internally. However, a Complaint related to any legally protected grounds can be filed directly with the appropriate federal or provincial agency at any time during or after the resolution process. This includes:

- a) pursuing recourse under the *Canadian Human Rights Act* with the Canadian Human Rights Commission; or
- b) pursuing recourse under the *Criminal Code*.

## 10 Privacy and confidentiality

- 10.1 To protect the privacy of the persons involved in a Complaint, the Safety Policy Committee is not permitted any involvement in the resolution process.
- 10.2 To the extent possible, the Company will maintain confidentiality while the Complaint is investigated and involve as few individuals as possible.
- 10.3 Details of the Complaint, including the name of the Complainant, Principal Party, Respondent, and any Witnesses will be shared only with those who need to know for the purposes of the resolution, decision making and corrective action implementation, and/or as required by law.

## Your responsibility

Employees and Contractors must follow all applicable provisions and the spirit and intent of this corporate governance document and support others in doing so. Employees and Contractors must promptly report any suspected or actual violation of this corporate governance document through available [channels](#) so that TC Energy can investigate and address it appropriately. Employees and Contractors who violate this corporate governance document or knowingly permit others under their supervision to violate it, may be subject to appropriate corrective action, up to and including termination of employment or contract, as applicable, in accordance with the Company's corporate governance documents, employment practices, contracts, collective bargaining agreements and processes.

## Interpretation and administration

The Company has sole discretion to interpret, administer and apply this corporate governance document and to change it at any time to address new or changed legal requirements or business circumstances.

## Non-retaliation

TC Energy supports and encourages Employees and Contractors to report suspected violations of corporate governance documents, applicable laws, regulations, and authorizations, as well as hazards, potential hazards, incidents involving health and safety or the environment, and near hits. Such reports can be made through available [channels](#). TC Energy takes every report seriously and investigates it to identify facts and, when warranted, makes improvements to our corporate governance documents and practices. All Employees and Contractors making reports in good faith will be protected from retaliation, and all Employees and Contractors must report if they or someone they know is being or has been retaliated against for reporting. Good Faith Reporting will

not protect Employees and Contractors who make intentionally false or malicious reports, or who seek to exempt their own negligence or willful misconduct by the act of making a report.

## Definitions

**Complaint** means formal notice of occurrence to the Harassment Investigation Coordinator of an allegation of Harassment.

**Complainant** means the individual filing a Complaint under this Policy. The Complainant may also be the Principal Party or a Witness.

**Contractor** means a third party hired by TC Energy to perform services for or supply equipment, materials, or goods to the Company. Contractors include, without limitation, Contingent Worker Contractors and Excluded Contractors.

**Contingent Workforce Contractor (CWC)** means an individual who typically:

- is employed by a third party to work on behalf of TC Energy;
- uses TC Energy's assets (e.g., workstation, email, phone) and corporate services;
- is compensated on an hourly or daily rate basis (Canada and the U.S.) and monthly (Mexico); and
- works under the direction of a TC Energy leader.

**Employee** means full-time, part-time, temporary and student employees of TC Energy.

**Excluded Contractor** means a third party or individual employed by a third party who:

- delivers services, equipment, materials, or goods to the Company using their own tools and assets (e.g., work station, laptop, email, phone, PPE, vehicle);
- does not increase TC Energy corporate headcount and overhead costs;
- does not use TC Energy's assets and corporate services; and
- directs their own work or receives direction from their employer.

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

**Harassment** means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offense, humiliation or other physical or psychological injury or illness to Employees and Contractors, including any action, conduct or comment prescribed in Canadian legislation. Harassment is a form of violence.

**Harassment Investigation Coordinator** means the designated recipient of Complaints in TC Energy's Human Resources department to oversee the administration of this Policy. The Harassment Investigation Coordinator may delegate the responsibilities under this Policy to another trained investigator.

**Principal Party** means the person who is the object of the Harassment allegation. The Principal Party may also be the Complainant.

**Respondent** means the responding person or party alleged to have behaved in violation of this Policy.



## Harassment-free workplace in Canada policy.

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

**Safety Policy Committee** means the individuals who oversee implementation of preventive measures at the local Workplace level including the review of the Harassment Free Workplace Policy, Workplace safety assessments and anti-Harassment training.

**Witness** means a person who witnessed an occurrence of harassment or is informed of an occurrence by the Principal Party, Complainant or Respondent.

**Workplace** means any place where Employees and Contractors are employed or engaged in work for the Company. Workplace includes physical and virtual locations and activities related to work responsibilities, such as conferences, trade shows, meetings, after hour social events, business travel or temporary assignments.

## References

### Related corporate governance and supporting documents

- Code of Business Ethics Policy
- Corporate Security Program Manual
- Our Commitment Statement (Employees may request a printed copy from [Harassment Investigation Coordinator](#))

### Other references

- [Canada Labour Code](#) (Employees may request a printed copy from [Harassment Investigation Coordinator](#))
- [Canadian Human Rights Act](#)
- Human Resources Business Partner
- Employee Family Assistance Program (EFAP)
- Work Place Harassment and Violence Prevention Regulations (Employees may request a printed copy from [Harassment Investigation Coordinator](#))

## How to contact us

- [Policy Questions and Comments](#)

## TC Energy's reporting channels

- [Ethics Helpline](#)
- [Corporate Compliance](#)
- [Internal Audit](#)
- Human Resources
- Legal department
- Compliance Coordinators

