

Policy.



Background Screening Policy.

Purpose and scope

This Policy describes TC Energy's background screening process and outlines corresponding requirements and roles and responsibilities.

This Policy applies to all Employees and Contractors in all jurisdictions where the Company operates.

Where there is a conflict between this Policy and any applicable collective bargaining agreement, that collective bargaining agreement shall be paramount.

Policy

1 General Provisions

- 1.1 Background screening is a process the Company initiates after the conditional decision to employ an Employee or engage a Contractor is made.
- 1.2 The purpose of background screening is to:
 - a) validate individuals' background and character; and
 - b) meet the applicable requirements of Governing Regulations designed to identify, limit and safeguard unrestricted access to facilities, proprietary or financial information, electronic data, and operational controls at critical electrical, pipeline and/or marine facilities.
- 1.3 Background screening may include, but is not limited to, the following checks:
 - a) civil litigation;
 - b) credit/bankruptcy;
 - c) criminal background;
 - d) driver/motor vehicle license record abstract;
 - e) education/credential;
 - f) employment history;

- g) identification/social security number; and
 - h) references.
- 1.4 Fit-for-work testing is part of the Company's background screening, but it is governed separately by the Alcohol and Drug (Employees) Policy and Contractor Alcohol and Drug Policy.
 - 1.5 Background screening must be performed on all prospective Employees/Contractors by or on behalf of the Company before the start of employment/contract.
 - 1.6 Acceptable background screening results are a condition of employment/contract (refer to section 3 of this Policy for details).
 - 1.7 Employers of Contractors must incorporate all provisions of this Policy into the hiring practices for Contractors to be engaged by TC Energy. Employers of Contractors must also ensure that they can provide sufficient proof that requirements of this Policy were integrated into their hiring processes in case of an audit by the Company or any governing regulatory body.
 - 1.8 Costs associated with background screening of existing and potential Employees of the Company are the responsibility of TC Energy.
 - 1.9 Costs associated with background screening of Contractors are the responsibility of employers of Contractors.

2 Additional background screening

- 2.1 Additional background screening must be based on and limited to the elements designated in the Governing Regulations (refer to Table 1 of this Policy for details).
- 2.2 Applicable additional background screening must be conducted before the start of employment/contract in a Sensitive Role and repeated at re-testing dates required by Governing Regulations/TC Energy (refer to Table 1 of this Policy for details).
- 2.3 Applicable additional background screening on Employees and Contractors may be required before the start of new or changed duties.
- 2.4 The Company may determine that a cause exists that warrants re-testing of Employees and Contractors earlier than the re-testing dates required by the Governing Regulations/TC Energy.

Table 1: Selection of Governing Regulations requirements and their interpretation

| Governing Regulation | Applicable roles | Applicable screening components | Frequency of re-testing |
|---|--|--|--------------------------------|
| Sarbanes-Oxley Act (SOX) | Positions of trust, positions with significant discretionary decision making, some accounting professionals, positions providing financial reporting oversight, and positions with direct access to corporate assets, trade secrets, or information systems at both energy and pipeline facilities. | Civil proceedings, bankruptcy, credit reports and criminal history search. | 7 years |
| Federal Sentencing Guideline Amendments (FSGA) | Positions of trust, influence, authority or discretionary decision making, including those with control of critical operational or information systems. | Civil proceedings, bankruptcy, credit reports and criminal history search. | 7 years |
| Transportation Security Administration Pipeline Security Guidelines | Positions that are: <ul style="list-style-type: none"> authorized regular unescorted access to control systems or sensitive areas; authorized access to sensitive information; assigned security roles; and assigned to work at or granted access rights to critical facilities. | Identify verification and validation; authorization to work verification and validation; and, criminal history search. | 7 years |
| Department of Transportation (DOT) | Pre-employment background check, medical screening, and alcohol & drug testing for applicable roles regulated by Federal Motor Carrier Safety Administration, DOT, and Pipeline and Hazardous Materials Safety Administration. | Background, medical screening, alcohol and drug testing. | As required by the regulation. |

3 Background screening results

- 3.1 If any result of the background screening is not clear, the final employment/contract decision by the Company must be made by Internal Audit, who may consult with other internal stakeholders in the process. Employers of Excluded Contractors must work with their Supply Chain representative at TC Energy to facilitate the adjudication process by Internal Audit (please refer to the Protection of Personal Information Policy for direction regarding managing personal information).

- 3.2 Applicants may be notified of the results of their background screening and the impact these results had on the final employment/contract decision in accordance with the regulations and practices in effect in the applicable jurisdiction.
- a) Applicants in the U.S. must be notified if the Company takes an adverse employment action based on information obtained through the background check.
 - b) Applicants in Mexico must not be notified of the results of their background screening.

4 Protection of personal information and records retention

- 4.1 Private information required for background screening for existing and potential Employees and Contractors must be collected, maintained, accessed and disseminated in accordance with all applicable privacy legislation and background screening laws in the applicable jurisdiction and TC Energy's Protection of Personal Information Policy and Records Retention Schedule.

5 Responsibilities

- 5.1 Leaders who plan to engage Contractors must:
- a) obtain Human Resources' agreement that the use of a Contractor is an appropriate option; and
 - b) contact the appropriate Supply Chain representative at TC Energy to complete Supply Chain's engagement process for such a Contractor, including the required background screening.
- 5.2 Existing Employees must provide the Company and Contractors their employers with written consent and accurately completed forms within a reasonable time from receipt of the background screening request as a condition of consideration for continued employment/service or transfer into a new role.
- 5.3 Human Resources, Corporate Security and Supply Chain must:
- a) in alignment with their respective departmental accountabilities, develop internal protocols and resources to establish pertinent standards for background screening for new Employees/Contractors as well as for transfers of existing Employees/Contractors to new/changed roles;
 - b) support Internal Audit in adjudicating final background screening results as needed; and
 - c) notify Internal Audit of new governance issues and other developments within their area of expertise and accountability that may require changes to this Policy.
- 5.4 Human Resources must:
- a) ensure that all TC Energy's core and student roles, including Sensitive Roles, are appropriately classified, and advertised accordingly in all job bulletins, career postings and advertisements; and

- b) manage all aspects of the background screening process:
 - for all new Employee positions; and
 - when internal transfers result in Employees' transition to new roles or when Employees' duties change.
- 5.5 Corporate Security must ensure that Sensitive Roles identified by Corporate Security are appropriately classified as such and communicated to Human Resources and Supply Chain.
- 5.6 Supply Chain must engage Internal Audit, Human Resources and Corporate Security as appropriate to ensure that the required background screening described in this Policy, including the additional background screening for Sensitive Roles, is built into the process of engaging Contractors.
- 5.7 Internal Audit must:
 - a) ensure that Personnel in Sensitive Roles that require SOX-imposed screening are re-tested at SOX-required re-testing dates; and
 - b) adjudicate all unacceptable final screening results in conjunction with other departments, if required.

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

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 Workforce Contractors and Excluded Contractors.

Contingent Workforce Contractor (CWC) means an individual who:

- 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., workstation, 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.

Governing Regulations means background screening requirements imposed by the following governing bodies and legislation:

- Department of Transportation;
- Fair Chance to Compete for Jobs Act or any state law governing background checks;
- Fair Credit Reporting Act (FCRA);
- Federal Motor Carrier Safety Administration;
- Federal Sentencing Guidelines Amendments (FSGA);
- Federal Trade Commission (FTC);
- Pipeline and Hazardous Materials Safety Administration;
- Sarbanes-Oxley Act (SOX); and

- Transportation Security Administration (TSA).

Personnel means Employees and Contingent Workforce Contractors of TC Energy.

Sensitive Roles means roles at TC Energy that meet any of the following criteria:

- Positions where impaired performance could result in a safety risk to self, co-workers, property, the community or the environment;
- Positions that require physical or electronic access to critical facilities, systems and information;
- Positions of safety, trust, influence, authority or discretionary decision making;
- Positions that perform safety sensitive operations or operate safety sensitive equipment, such as operation of motor vehicles or heavy equipment, piloting and/maintaining aircrafts; and
- Positions with access to facilities and locations that are specifically defined by regulation or legislation and locations deemed by the Company to be security sensitive.

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

References

Related corporate governance and supporting documents

- Code of Business Ethics Policy
- Contract Worker Management Policy
- Corporate Security Policy
- Protection of Personal Information Policy
- Records Retention Schedule

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