



## Harassment-free Workplace in Canada policy.

### Purpose and scope

This Policy affirms TC Energy's commitment to creating a respectful and safe Workplace, which is any place where Employees and Contractors are employed or engaged in work for the Company, including all 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. This Policy establishes processes for reporting and responding to allegations of Harassment in the Workplace.

This Policy applies to all Employees and Contractors in Canada. 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.

### Policy

#### 1 General provisions

- 1.1 TC Energy is committed to being an industry leader in health and safety practices, and maintaining a safe and healthy Workplace (refer to the Company's [Health, Safety and Environment Commitment Statement](#) for details).
- 1.2 TC Energy fosters a respectful, safe and inclusive Workplace where Harassment of any kind is prohibited. In addition, the Company makes medical, psychological and other supports available to all Employees and their families in Canada through an anonymous third-party service, the [Employee Family Assistance Program \(EFAP\)](#).
- 1.3 TC Energy will:
  - a) take allegations of Harassment seriously and investigate them promptly in a respectful, fair and thorough manner by trained investigators;
  - 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.

## 2 Responsibilities

### 2.1 All Employees and Contractors must:

- a) comply with this Policy;
  - Contractors must also comply with their employer's equivalent policy.
- b) promptly report any real or suspected violation of the Harassment-free Workplace Policy (refer to section 6 of this Policy);
- c) complete the mandatory training described in section 5 of this Policy (Employees and CWCs only);
- d) promote and support a respectful and Harassment-free Workplace;
- e) cooperate with any applicable resolution processes;
- f) respect the privacy of individuals involved in Harassment-related situations and maintain confidentiality;
- g) not retaliate against individuals involved in Harassment-related situations;
- h) report any retaliatory actions immediately; and
- i) solicit any personal support required through the resources referenced within this Policy or otherwise.

### 2.2 Principal Parties and Complainants must:

- a) engage in Good Faith Reporting;
- b) file complaints in a timely manner;
- c) provide full details of the alleged Harassment;
  - Employees and Contractors making complains anonymously must provide sufficient details to allow the Company to conduct a thorough investigation; and
- d) fully cooperate in the resolution process as required.

### 2.3 Respondents must:

- a) familiarize themselves with the details of the complaint and respond to the allegations; and
- b) cooperate with the resolution process.

### 2.4 Leaders must:

- a) promptly report any suspected violation of this Policy as described in section 6 of this Policy;

- b) actively communicate to Employees and Contractors the Company's expectations regarding this Policy;
- c) foster a culture and environment that is free from Harassment;
- d) assist Human Resources in the resolution of a complaint; and
- e) maintain privacy and confidentiality in all matters related to this Policy and provide support to all parties involved.

2.5 Human Resources Consultants must:

- a) assist Employees in understanding this Policy;
- b) notify the Harassment Investigation Coordinator of any allegations of Harassment;
- c) assist in the resolution process as required; and
- d) provide coaching to leaders on the resolution process and potential impact on Employee's performance plans.

2.6 The Harassment Investigation Coordinator must:

- a) address all allegations and, when required, oversee the resolution process under the direction of the Law Department and in accordance with the resolution process; and
- b) submit a report of formal investigation results and subsequent recommendations to the Law Department.

2.7 TC Energy, with participation of the Joint Health, Safety, and Environment Committee (JHSEC) and JHSEC Chairperson Committee, will meet the requirements imposed by applicable legislation to establish governance committees with Harassment-free Workplace responsibilities.

### 3 Workplace assessment

3.1 The Company will perform a Workplace assessment taking into consideration both external and internal risk factors that may contribute to Harassment in the Workplace. This Workplace assessment will consider:

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

3.2 The Company will:

- 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.

#### 4 Immediate danger and emergency procedures

- 4.1 The Company strongly 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, they should follow the [Security TC Energy Operating Procedure](#).

#### 5 Training

- 5.1 The Company will establish an anti-Harassment training that all Employees and CWCs will be required to complete annually.
- 5.2 The training will include:
- the elements of this Policy;
  - the relationship between Workplace Harassment and the prohibited grounds of discrimination set out in the *Canadian Human Rights Act*;
  - how to recognize, minimize and prevent Workplace Harassment;
  - crisis prevention, personal safety, and de-escalation techniques; and
  - how to appropriately respond to various types of Harassment.

#### 6 Filing a complaint

- 6.1 Complaints of Harassment should be reported (either orally or in writing) promptly to the [Harassment Investigation Coordinator](#) or anonymously via TC Energy's Ethics Help Line (1.888.920.2042 or online: [www.TCEnergy.com/ethics](http://www.TCEnergy.com/ethics)).
- Employees may also file a complaint with their leader or [Human Resources Consultant](#).
  - Contractors must also notify their employer.
    - TC Energy will determine whether the resolution will be conducted by the Company or by the Contractors' employer.
    - TC Energy reserves the right to monitor any resolution conducted by the Contractors' employer.
- 6.2 Former Employees and Contractors may make a complaint within three months after the day they cease to be employed/engaged by TC Energy.
- 6.3 The Harassment Investigation Coordinator must review all complaints and confirm their receipt within seven calendar days.
- 6.4 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 has established the following three different processes to resolve Harassment allegations.

a) Negotiated resolution.

- Negotiated resolution is the required first step in the complaint resolution process.
- Following an initial assessment, 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 a 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 such as a Human Resources Consultant. Other parties, such as leaders, 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 agreed to or requested by the Principal Party.
  - While the formal investigation is ongoing, attempts at negotiated resolution and/or conciliation may continue if agreed to by the Principal Party.
  - 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 maintains a list of qualified investigators and the Harassment Investigation Coordinator will assign one of them to 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, collect additional evidence and notify the Respondent's leader(s) and Human Resources Consultant.
- 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 and Harassment Investigation Coordinator and others as prescribed by the legislation or 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. Any required course of corrective action will be communicated to the Human Resources Consultant and to the appropriate leader(s) for implementation.

### 8 Follow-up action

- 8.1 Once the resolution process is complete, the Harassment Investigation Coordinator may contact Employees and Contractors involved in a Harassment complaint to:
- a) ensure the Harassment has stopped;
  - b) ensure there was no retaliation; and
  - c) assess if the work group is Harassment-free.

### 9 Resolution timelines

- 9.1 Allegations of Harassment are serious and high priority is placed on resolving them.
- 9.2 The timeline for investigation and resolution of alleged Harassment is dependent on the complexity of the complaint.
- 9.3 All allegations of Harassment will be resolved as soon as possible. TC Energy may take up to one year to resolve the complaint.

### 10 Additional recourse

- 10.1 The Company prefers to resolve all Workplace Harassment complaints internally. However, complaints related to Harassment on legally prohibited grounds can be filed directly with the appropriate federal or provincial agency at any time during or after the resolution process.

### 11 Privacy and confidentiality

- 11.1 To the extent possible, the Company will maintain confidentiality while the complaint is investigated and involve as few individuals as possible.

- a) Details of the complaint, including the name of the Complainant and Respondent, 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.

## Compliance

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

## Interpretation and administration

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

## Non-retaliation

We support and encourage Employees and Contractors 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 Employees and Contractors making reports in good faith will be protected. Good Faith Reporting is intended to remove protection for Employees and Contractors 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 Employees and Contractors for the Good Faith Reporting of such concerns. Reports can be made to management, a compliance coordinator, or anonymously to the ethics helpline.

## Definitions

**Complainant** means the individual lodging a complaint under this Policy. Complainant may also be the Principal Party.

**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;

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- uses TC Energy's assets (e.g., workstation, email, phone) and corporate services;
- is compensated on an hourly or daily rate basis; and
- works under the direction of a TC Energy leader.

**Employee** means full-time, part-time 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. Violence is a form of Harassment.

**Harassment Investigation Coordinator** means the individual in TC Energy's Human Resources Department designated 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 person alleged to have behaved in violation of this Policy.

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

**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 and links

### Supporting or related governance documents

- [Code of Business Ethics Policy](#)
- [Health, Safety and Environment Commitment Statement](#) (Employees may request a printed copy from [Harassment Investigation Coordinator](#))
- [Security Threats TC Energy Operating Procedure](#).



### References

- [Canada Labour Code](#) (Employees may request a printed copy from [Harassment Investigation Coordinator](#))
- [Canadian Human Rights Act](#)
- [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](#)