

## DISCRIMINATION, HARASSMENT AND WORKPLACE VIOLENCE POLICY

### 1.0 POLICY STATEMENT and COVERAGE

Tubestar is committed to ensure that the working environment is free from harassment, discrimination, bullying and workplace violence and ensures equal employment opportunity.

The company considers all types of harassment, discrimination, bullying and workplace violence to be unacceptable form of behaviours that will not be tolerated under any circumstances. We believe all employees should be treated with respect, fairly and in a reasonable way.

The company is therefore committed to ensuring that:

- Harassment, discrimination, bullying and workplace violence complaints are treated seriously;
- Complaints are attended to promptly and confidentially;
- Complaints are investigated impartially;
- Action is taken to ensure that misconduct does not continue; and
- Complainants and witnesses are not victimised in any way.

This policy covers all Tubestar ***employees, contractors and representatives are required to follow in preventing and addressing harassment, discrimination and violence in the workplace.***

***This policy applies to all employees, contractors and representatives across Tubestar facilities, including joint ventures, and to all activities that occur while on Company premises or while engaging in Company business activities or social events.***

***All employees, contractors and representatives are entitled to work in an environment free from discrimination, harassment and violence in which all individuals are treated with respect and dignity. As such, the Company will not tolerate any form of discrimination, harassment or violence. Any employee, contractor or representative whose behaviour constitutes discrimination, harassment or violence will be subject to disciplinary action, including, without limitation, termination for cause, and further legal action.***

Tubestar employs and provides services to a cross section of people from diverse social, political and cultural backgrounds in providing products and services to our clients. We aspire to recognise and benefit from the differences in experience and perspectives that our employees bring to the business.

Just as Tubestar values diversity in managing investment risk, diversity in the workplace adds value to our business decisions through different perspectives and experiences. The term diversity in the workplace recognises that individuals within the workforce differ from each other. As a result, they have a wide range of different needs, skills and experiences. Differences between employees are both observable (such as race, gender and age) and not immediately apparent (such as marital status, family/parental status, sexual orientation, political affiliation, religious affiliation, education level, socio-economic status and physical or intellectual impairments).

Tubestar encourages diversity in the workplace, because diversity creates:

- effective adjustment to demographic and cultural changes;
- effective team membership and increased productivity;
- new approaches and ideas;
- wider pool for recruitment selection;
- multi-dimensional corporate image;
- utilisation of employees' overseas experience and qualifications;
- increased access to a diverse market; and

- increased business opportunities

We aim to give every job applicant and employee a fair go. We recruit and promote on the basis of merit; that is, the person who is best for the job will get the job.

As an employer, Tubestar recognises the rights of individuals and groups to be free from discrimination and harassment on applicable grounds such as:

<b>Age</b>	<b>Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)</b>
<b>Creed (includes religion)</b>	<b>Disability (including mental, physical, developmental or learning disabilities)</b>
<b>Sex (including pregnancy and breastfeeding)</b>	<b>Race</b>
<b>Gender Identity and Gender Expression</b>	<b>Ancestry</b>
<b>Sexual Orientation</b>	<b>Place of origin</b>
<b>Family status (such as a parent-child relationship)</b>	

## 2.0 DISCRIMINATION

**Workplace discrimination means any action, policy or differential treatment (either intentional or unintentional) having an adverse impact on an individual on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or other unmeritorious consideration.**

Discrimination, which includes both direct and indirect discrimination, is essentially any practice that makes distinctions between individuals or groups so as to disadvantage some or advantage others.

Direct discrimination refers to individual actions or behaviour usually resulting from prejudice or stereotypical thinking.

Indirect discrimination involves instances where certain groups are unreasonably excluded or otherwise disadvantaged by apparently neutral policies, practices, procedures or decisions that are unfair or unequal in their effect.

The company will ensure that direct or indirect discrimination on the grounds listed in section 1 of this policy does not occur in its work environment or dealings with the public.

The company will ensure that current and prospective employees receive fair and equitable treatment.

Employees found engaging in discriminatory conduct will be subject to disciplinary action, including termination.

## 3.0 HARASSMENT

**Workplace harassment means a course of inappropriate comments or actions against an employee, contractor or representative in a workplace that is known or ought reasonably to be known to be unwelcome. This would include, without limitation, unwelcome remarks or gestures or conduct that may be detrimental to an employee, contractor or representative’s physical or psychological dignity or well-being, or which may otherwise cause unreasonable discomfort to the employee, contractor or representative. Harassment can occur, but is not limited to occurring on any of the same grounds as discrimination.**

Tubestar is committed to providing all employees with a harassment-free work environment.

Harassment is a form of discrimination. It consists of unwelcome, embarrassing, unsolicited, offensive, abusive, belittling or threatening behaviour directed at an individual or group because of some real or perceived attribute such as a person's ethnicity, sexuality, or disability in circumstances which a reasonable person, would have anticipated that the person harassed would be offended, humiliated or intimidated.

***The following provides details on the categorizations of workplace harassment:***

***Abuse of Authority - an individual misuses the power and authority inherent in a position to improperly interfere with or influence a person's career. Examples of abuse of authority include, but are not limited to, intimidation, threats, blackmail or coercion. Abuse of authority does not include reasonable, warranted comments or actions.***

***Poisoned Work Environment - characterized by any activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. Examples of poisoning a work environment include, but are not limited to, sexual, racial or religious insults or jokes through graffiti or other means, abusive treatment of an employee and the display of pornographic or other offensive material.***

***Psychological – includes humiliating or abusive behaviour that may lower a person's self-esteem or may cause the person torment. This can take the form of verbal comments, actions or gestures, and even escalate to workplace bullying. Workplace Bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse; offensive conduct/behaviours (including nonverbal) which are threatening, humiliating, or intimidating; work interference (sabotage) which prevents work from getting done.***

***Sexual - includes the behaviours listed below:***

- ***Making unwelcome sexual advances***
- ***Unwelcome physical touching***
- ***Making any request for sexual favours***
- ***Making remarks or aspersions of a sexual nature relating to the other person***
- ***Subjecting another person to unwelcome conduct of a sexual nature, including through conversation, action or the display of material the other person finds sexually offensive***

***Verbal - may include stereotyping, name-calling, insults, threats, slurs, crude, degrading, suggestive or unwelcome remarks, offensive songs, videos or tapes, jokes or innuendoes based on group membership including, but not limited to, race, colour, gender, pregnancy, sexual orientation, marital or family status, age, religious or political conviction, language, ethnic or national origin, social condition, or physical or mental disability.***

If such behaviour makes an employee feel offended, humiliated or intimidated, then harassment and/or discrimination is occurring in the workplace and immediate action is required.

Harassment can occur on the basis of any of the grounds of discrimination.

**Any form of harassment in the workplace will not be tolerated. There will be disciplinary consequences for employees who engage in harassment in the workplace. This may include termination.**

#### **4.0 WORKPLACE VIOLENCE**

***Workplace violence is any physical assault, attempted physical assault or threatening behaviour occurring in the workplace. The workplace may be any permanent or temporary location where an employee performs work related duties.***

*Examples of workplace violence can include, but is not limited to,*

- *The exercise of physical force by a person against another, in a workplace, that causes or could cause physical injury to the person.*
- *An attempt to exercise physical force against a person, in a workplace, that could cause physical injury to the person.*
- *A statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against the person, in a workplace, that could cause physical injury to the person.*
- *Physical acts, e.g., hitting, shoving, pushing, kicking, sexual assault.*
- *Any threat, behaviour or action which is reasonably interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.*
- *Disruptive behaviour that is not appropriate to the work environment, e.g., yelling, swearing.*
- Work bullying is aggressive behaviour that intimidates, humiliates and/or undermines a person or group. Bullying can be defined as the repeated less-favourable treatment of a person by another or others in the workplace, which is considered unreasonable and inappropriate workplace practice. Examples of bullying at work may include; sabotaging someone's work or their ability to do their job by not providing them with vital information, appropriate training and/or resources. Bullying often results from one person or a group needing to dominate or show superiority over another person.
- Armed robbery
- Malicious damage to the property of staff, customers or the business

*Acts of workplace violence may occur as a single event or may involve a continuing series of incidents.*

Workplace violence may not always be a critical or extreme situation from the outset. It sometimes follows a pattern of escalating behaviour – from agitation, expressed anger or frustration and intimidating body language, to verbal/written abuse and threats, physical threats, or assault. Violence can be internal to the organisation or from external sources.

Workplace violence will not be condoned by the company and serious disciplinary consequences, including dismissal will apply for offences.

The complaints procedure should be followed in the event of a complaint of workplace violence, however in a severe instance of violence you are required to immediately remove yourself from the situation and report the instance to a company manager. The same potential outcomes described in the procedure will apply.

## **5.0 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

EEO means that employees are treated fairly and equitably. It means that employees are judged on their ability to do the job based on merit – skills, qualifications and experience, rather than assumptions about them because of different characteristics such as their sex, race marital status, disability, etc. It also means promoting a working environment that is free from sexism, racism, sexual harassment and other forms of discrimination. This applies to customers, fellow employees and independent contractors.

EEO practices deal with three main areas of practical concern:

- discrimination
- harassment
- affirmative action

Affirmative action means the removal of obstacles in employment so that all employees receive the same opportunities. It is based on the principle of merit, that is, the best person must be employed for the job.

Affirmative action aims to take a positive approach, by attempting to prevent discrimination from occurring in the first place as well as removing previous causes of discrimination.

In relation to the Equal Opportunity for Women in the Workplace, it is the responsibility of the company to ensure that its employment policies and practices do not discriminate against women and that employment decisions are based on the principle of merit.

The company is committed to ensuring that the organisation's employment practices, recruitment, selection and promotion procedures are based on the individual merit of applicants and the inherent requirements of the job.

## 6.0 RESPONSIBILITIES OF MANAGEMENT AND EMPLOYEES

**The management has** a responsibility to:

- ensure that acceptable standards of conduct are observed at all times;
- promote and model appropriate behaviour;
- promote the EEO, Bullying and Workplace Violence Policy;
- treat complaints seriously and ensure that immediate action is taken to investigate and resolve them; and
- Maintain confidentiality principles related to all complaints.

**All employees** have a responsibility to:

- comply with the Tubestar Discrimination, Harassment and Workplace Violence Policy;
- to refrain from engaging in harassing or discriminating conduct; and
- maintain complete confidentiality if they provide information to, or are involved in an investigation of a complaint.

## 7.0 COMPLAINTS PROCEDURE

Tubestar's policy outlines the types of behaviour that are and are not acceptable within the workplace. Our complaints procedure is:

- **Impartial.** Both sides have a chance to tell their side of the story. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- **Free of repercussions.** No action will be taken against anyone for making a valid, truthful complaint or helping someone in making a valid, truthful complaint. Disciplinary action, including possible termination, may ensue against employees who make deliberately false and/or malicious complaints.
- **No victimisation.** The employer will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint. Should an employee (the first employee) victimise another employee for making a complaint, the first employee shall be disciplined including as to potential termination of employment.
- **Timely.** All complaints will be dealt with as quickly as possible.
- **Completely confidential.** You can feel secure that if you do make a complaint under this policy, it will remain as confidential as possible. The only people who will have access to information about the complaint will be the person making the complaint, the investigators, and where necessary, the person about whom you have complained. In some situations, some details of a complaint will also have to be told to potential witnesses. Only the people directly involved in making or investigating a complaint will have access to information about the complaint. Employees involved in any way with an investigatory process, including complainants, alleged offenders or witnesses who breach confidentiality requirements explained to them at any time prior to, during or after the investigation process will face disciplinary consequences for their actions; including potential termination of employment.

## **8.0 COMPLAINTS RESOLUTION**

*Any individual who is subjected to workplace violence or violent behaviour and who feel they are in immediate danger should contact the company Directors, or where necessary, contact emergency services. If there is not an immediate threat to their wellbeing any individual who feels discriminated against, harassed or is subjected to workplace violence is encouraged to explain to the person perceived to be subjecting them to this that the conduct is unwelcome, but are not obligated to do so. If addressing the person responsible for the discriminating, harassing or violent behaviour could lead to an escalation in the harassment/discrimination/violence, or to safety risks, he or she should not directly interact with that person. If a complainant feels that they can safely make it known to the person responsible for the*

*discriminating, harassing or violent behaviour that the behaviour is unwelcome, this may resolve the matter, or may assist them later if they make a complaint.*

*If the situation cannot be resolved by speaking to the person responsible for the act, a complaint may be made by speaking to the immediate supervisor and/or the location head. All complaints must be brought to the attention of the company Directors to ensure proper investigation and resolution.*

*The complaint should be made in writing, including details of:*

- *What happened – a description of the events or situation*
- *When it happened – dates and times of the events or incidents*
- *Where it happened – location of the events or incidents*
- *Who saw it happen – the names of witnesses, if any?*

*The person receiving the complaint will notify the person(s) complained against (“the respondent(s)”) of the complaint and provide the respondent(s) with a copy of the written complaint.*

*No person shall be disciplined or retaliated against for bringing forward a complaint in good faith, providing information related to a complaint, or assisting in the resolution of a complaint. Persons engaging in reprisal for complaints will be subject to disciplinary action, including, without limitation, dismissal for cause.*

*Alternatively, the individual may file a complaint with confidential reporting to the Directors.*

## **9.0 INVESTIGATION**

*When a complaint has been received, an investigation will be undertaken by the Directors or delegated authorities and individuals will be assigned to investigate the complaint. To uphold the impartial and confidential nature of the investigation process, the investigator(s) may include individuals from a location of the company other than where the victim or respondent is located, and/or external parties.*

*Persons receiving complaints will protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process.*

*All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be securely maintained by the Directors or delegated authorities.*

*The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant or respondent(s), as well as gather documents relevant to the matters in the complaint. All employees, contractors and representatives are required to cooperate with the investigator.*



***The investigator will, wherever possible, complete the investigation within 90 days of receiving the assignment. At the conclusion of the investigation, the investigator will prepare a written report summarizing the allegations and the investigation results, and will forward the report to the Directors.***

***Based on the findings in the investigator's report, the Directors shall make a decision as to whether the policy has been violated.***

***If it is determined that the standard has been violated, the Senior Vice-President, Human Resources shall determine the appropriate consequences for person(s) who have been found to have violated the standard. These may include, without limitation:***

- ***An apology***
- ***Counselling***
- ***Education and training***
- ***Verbal or written reprimand***
- ***Suspension with or without pay***
- ***Transfer to another role or location***
- ***Termination of employment***

***In determining the appropriate consequences, the Directors shall take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy.***

***Where a violation of the policy is found, the Directors shall also take reasonable steps to remedy the effects of the discrimination, harassment or violence on the complainant, and to prevent any further recurrences of harassment, discrimination or violence within the organization.***

***If, during the course of an investigation of an allegation of discrimination, harassment or violence under this policy, it is determined that the original accusation was unfounded and that it was made with the deliberate intent of bringing disrepute on the alleged perpetrator of the act of discrimination, harassment or violence, the raising of the complaint will be considered a form of harassment, and the complainant may be subject to disciplinary action, including, without limitation, termination for cause.***

A handwritten signature in blue ink, appearing to read 'HMehta', with a horizontal line underneath.

**Hardik Mehta  
Director**

Date: 1<sup>st</sup> August 2022