

INDIANA HARBOR BELT RAILROAD
HARASSMENT, INTIMIDATION & DISCRIMINATION
HANDLING AND REPORTING POLICY

EFFECTIVE OCTOBER 1, 2020

Purpose

The Indiana Harbor Belt Railroad (IHB) strives to provide its employees with a workplace free of harassment, intimidation and discrimination of any kind. All employees are expected to treat others with respect, dignity and decency. The IHB will not tolerate unlawful harassment, intimidation or discrimination of any kind and seeks to prevent, correct and discipline behavior that violates this policy. This policy provides a general description of prohibited behavior along with the appropriate steps for handling issues regarding harassment, intimidation or discrimination to ensure a prompt resolution of any allegations.

All employees, regardless of their position, are covered by and are expected to comply with this policy. All employees are expected to take appropriate measures to ensure that prohibited conduct does not occur and to report all incidents of harassment, intimidation or discrimination. Employees who knowingly engage in, allow or tolerate prohibited behavior, including failure to report such misconduct, are in violation of this policy and subject to discipline consistent with any applicable collective bargaining agreements and IHB's Development and Performance Accountability Policies.

Prohibited Conduct

Discrimination

Discrimination is defined as treating someone less favorably with respect to employment opportunities, benefits or privileges, work conditions or evaluative standards in employment if the discriminatory treatment is based on a person's race, color, national origin, age, religion, sex, sexual orientation, gender identity, disability status or other protected status.

Intimidation

Intimidation is defined as forcing someone into or deterring someone from some action by inducing fear or by making them feel threatened in some way.

Intimidation includes but is not limited to discouraging an employee from reporting accidents, injuries, illnesses, incidents of harassment or discrimination, safety violations or any other reportable incidents.

Harassment

Harassment is defined as any verbal or physical conduct designed to threaten, intimidate or coerce another person.

Verbal harassment includes, but is not limited to, offensive or unwelcome comments regarding a person's race, color, national origin, age, religion, sex, sexual orientation, gender identity, disability status or other protected status, including epithets, slurs and negative stereotyping.

Nonverbal harassment includes, but is not limited to, distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group based on their race, color, national origin, age, religion, sex, sexual orientation, gender identity, disability status or other protected status.

Sexual harassment

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or when such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment occurs when the unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Are made explicitly or implicitly a term or condition of employment;
- Are used as a basis for an employment decision; or
- Unreasonably interfere with an employee's work performance or create an intimidating, hostile or otherwise offensive environment.

Verbal sexual harassment includes, but is not limited to, innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes, but is not limited to, the distribution, display or discussion of any written or graphic material including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or any other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes, but is not limited to, unwelcome, unwanted physical contact including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Retaliation

Employees should feel comfortable reporting any type of incident without fear of retaliation. Filing a bona fide complaint will in no way be used against an employee or have an adverse impact on their employment status. No hardship, loss, or adverse treatment of any kind may be imposed on an employee by anyone in response to filing or responding to a bona fide complaint of discrimination, intimidation or harassment, appearing as a witness in the investigation of a

complaint or serving as an investigator of a complaint. The IHB will provide whistle blower protection to anyone involved in the reporting or investigation of a bona fide complaint.

Filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation of this policy subject to discipline consistent with any applicable collective bargaining agreements and the IHB's Development and Performance Accountability Policies.

Procedures

Any incidents of harassment, discrimination or intimidation should be reported and addressed as soon as possible after the incident occurs regardless of the severity or level at which it is being handled. This is a key factor in stopping the behavior quickly and in ensuring a prompt and efficient investigation of the incident where necessary. The below steps should be followed when an incident occurs, depending on the type and severity of the situation. Good judgment should be used in all cases.

For incidents involving co-workers (i.e. a person with a similar job or level of responsibility) the below steps should be followed:

Step 1: Attempt one-on-one resolution

Employees should make an attempt to resolve their issues among themselves whenever possible. Communication among employees can often diffuse a situation before it escalates. If an employee witnesses or is subjected to what they consider offensive behavior, harassment, or discrimination, they should make an attempt to address the issue with the person who has offended them. If attempts to resolve the situation are unsuccessful, and the behavior continues, the employee should follow Step 2.

Step 2: Notify a supervisor or manager

In situations where an employee is not comfortable confronting the other person or when that step has already been attempted but the behavior continues, the employee should notify a supervisor or manager. Once the situation has been brought to the attention of a supervisor or manager, that individual must assess the situation and attempt to resolve it at their level. Attempts to resolve the issue may include discussions with all employees involved, discussions with witnesses, or other reasonable means of resolution. When attempts to resolve the situation are unsuccessful and the behavior continues, the employee, supervisor or manager should follow Step 3

Step 3: Notify the Human Resources Department (HR)

In situations where the employee is not satisfied with the resolution of the issue at the supervisor or manager level, or if the supervisor or manager is unable to resolve the situation at their level, either the employee or the supervisor or manager should contact HR for resolution. Steps 1 and 2 should be attempted prior to submitting a complaint to HR whenever practicable.

For incidents involving an employee and a supervisor or manager the below steps should be followed:

Step 1: Attempt one-on-one resolution

Employees should make an attempt to resolve any issues with a supervisor or manager directly when possible, depending on the severity of the situation. Communication can often diffuse a situation before it escalates. If an employee witnesses or is subjected to what they consider offensive behavior, harassment, or discrimination by a supervisor or manager, and they are comfortable doing so, they should make an attempt to address the issue with the supervisor or manager directly. If attempts to resolve the situation are unsuccessful and the behavior continues or if the employee does not feel comfortable addressing the situation with the supervisor or manager the employee should follow Step 2.

Step 2: Notify a department director

In situations where an employee is not comfortable confronting the supervisor or manager, or when that step has already been attempted but the behavior continues, the employee should notify the department director. Once the situation has been brought to the attention of the director, the director must assess the situation and attempt to resolve it at their level. Attempts to resolve the issue may include discussions with all employees involved, discussions with witnesses, or other means of resolution. When attempts to resolve the situation are unsuccessful the employee or director should follow Step 3.

Step 3: Notify the Human Resources Department

In situations where the employee is not satisfied with the resolution of the issue or if the director is unable to resolve the situation, either the employee or director should contact HR for resolution. Steps 1 and 2 should be attempted prior to submitting a complaint to HR whenever practicable.

For incidents involving harassment, intimidation, retaliation or discrimination regarding the reporting of any accidents, injuries, or illnesses, the below steps should be followed:

Step 1: Notify the Risk Management Department

Any employee who witnesses or is subjected to what they consider harassment, discrimination, retaliation or intimidation regarding the reporting of an accident, injury, or illness, should report the incident to the risk management department. If attempts to resolve the situation are unsuccessful, and the behavior continues, the employee should follow Step 2.

Step 2: Notify the Human Resources Department.

In situations where the employee is not satisfied with the resolution of the issue by the Risk Management Department, or if it is someone from the Risk Management Department who is doing the harassing, discriminating or intimidating, the employee should contact HR for resolution.

Filing a complaint with the HR Department

Complaints should be submitted to HR as soon as possible after the incident occurs. Once a complaint is received, HR will conduct a full, unbiased investigation of the complaint. Complaints must be submitted in writing. Employees should provide as much detail as possible to allow for a thorough investigation of the incident. Vague descriptions of events with no dates, times or specific details will make it difficult to reach a satisfactory resolution. Strict confidentiality will be maintained throughout the process to the extent reasonably possible. HR will provide a written statement of resolution to the complainant within sixty (60) days, if feasible, of receipt of the complaint.

Alternate Complaint Procedures

This policy in no way prevents an employee from pursuing a complaint through the labor grievance process or with any federal, state or local government agency.

Confidentiality and Maintenance of Records and Information

All complaints and investigations are treated confidentially to the extent reasonably possible. Information is disclosed strictly on a need-to-know basis. All employees involved in the investigation of a harassment, intimidation or discrimination complaint will refrain from discussing the event and will respect the confidentiality of all involved parties.

The IHB will maintain a written record of each formal complaint, and how it was investigated and resolved. Written records will be maintained in confidence to the extent practical and appropriate. The keeper of the records will be the Human Resources Department. Written records will be kept separate from personnel records.


Violations

Appropriate disciplinary action will be taken against any employee who violates this policy consistent with any applicable collective bargaining agreements and the IHB's Development and Performance Accountability Policies. Depending on the seriousness of the offense, disciplinary action may include training, referral to counseling, reassignment, compensation adjustment, verbal or written reprimand, suspension, or termination of employment.



John Wright, General Manager

1 October 2020
Date



Nicole Moore Parchem, Director of Human Resources

10/01/2020
Date