



NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

Issued by: Human Resources
Effective: November 4, 2021

Scope: Applicable to All Applicants and Employees (US)

1.0 Objective

1.1. To provide and maintain a work environment free from unlawful harassment and discrimination, including sexual harassment.

2.0 Policy Statement

2.1. Canadian Pacific (CP) is committed to providing and maintaining a work environment free from unlawful harassment and discrimination, including sexual harassment. CP is committed to providing and maintaining a work environment that supports the dignity of all individuals, and will make every effort to ensure that no one at CP is subjected to unlawful harassment or discrimination. Unlawful harassment, discrimination, and related conduct will not be tolerated at any level of CP. This Policy is accompanied by Procedure 1300, and is meant to be read jointly with that Procedure.

2.1.1. This policy applies to the conduct of all CP US applicants and employees towards other employees, towards non-employees, and towards applicants for employment. The policy also applies to the conduct of non-employees (such as customers, vendors, and contractors) towards CP employees in the workplace. Conduct that constitutes unlawful harassment or discrimination in violation of this policy may occur in work-related settings outside of the workplace and/or outside of regular working hours such as conferences, business trips, and CP sponsored social events.

2.1.2. This policy covers communications through any device or communications systems used in the performance of work for or on behalf of CP such as, but not limited to, cell phones, e-mail or Internet. Employees may not access or distribute offensive or harassing material or other material that is offensive based on protected status. This prohibition includes the use of CP's electronic communications devices or communications systems to send dirty jokes or other sexual material, regardless of whether the recipient consents to the receipt of such material.

2.2. Prohibited workplace harassment under this policy includes offensive and unwelcome remarks about or conduct related to an employee's protected status, including *race, creed, color, religion, national origin, sex, pregnancy, military status, marital status, disability, age, status with regard to public assistance or sexual orientation or gender identity, domestic violence victim status, or any other*

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protected class or status under applicable law, when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment. This behavior may include, but is not limited to, the following:

- 2.2.1. name calling;
- 2.2.2. derogatory comments based upon a person’s status as a member of a protected class or status;
- 2.2.3. displaying posters, cartoons, graffiti, insignia, or other symbols which demean or offend a particular protected class;
- 2.2.4. tampering with an employee’s work station or tools;
- 2.2.5. explicitly racist remarks;
- 2.2.6. creating an offensive or hostile work environment through the use, display, or distribution of hate literature;
- 2.2.7. threatening, abusive, or assaultive behavior directed against an employee because of the employee’s protected class.

2.3. Sexual Harassment: A specific type of unlawful harassment is sexual harassment. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment may include harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the

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recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

2.3.1. Examples of Sexual Harassment: the following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling

2.4. CP strongly discourages romantic relationships between employees of unequal employment status within CP, where a differential in power or authority exists or

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could be construed as existing. Such relationships may be or may become a violation of CP's prohibited workplace harassment policy.

In the event that an employee becomes involved in a consensual romantic relationship with another employee where there is or could be a question of power or authority differential, the employees involved must report the relationship to the Vice President responsible for the area in which the employees work. This report will permit CP to assess the situation and to make any appropriate workplace adjustments.

- 2.5. An employee who believes they are experiencing or witnessing unlawful harassment, discrimination, or retaliation in the workplace is expected to report it immediately using this Policy's corresponding procedure (Procedure 1300). Any harassing conduct, even a single incident, can be addressed under this policy.
- 2.6. It is CP's policy to investigate complaints of unlawful workplace harassment, discrimination, or retaliation and to take prompt remedial and appropriate action in order to effectively end any unlawful conduct that may occur in accordance with Procedure 1300.
- 2.7. Retaliation: Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a harassment or discrimination claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g. threats of physical violence outside of work hours). Retaliation based on protected activity may be unlawful under federal, state, and/or local law.

Protected activity occurs when a person has:

- Made a good-faith complaint of harassment or discrimination, either internally or with an applicable agency;
- Testified or assisted in a proceeding involving harassment or discrimination under applicable laws;
- Opposed harassment or discrimination by making a good-faith verbal or informal complaint to management;
- Reported that another employee has been harassed, discriminated against, or retaliated against; or
- Encouraged a fellow employee to report harassment, discrimination, or retaliation.

Even if the alleged harassment or discrimination is not found to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good-faith belief that the practices were unlawful. However, the retaliation provision does not protect persons making intentionally false charges of harassment, discrimination, or retaliation. Any act of retaliation taken against an individual making a complaint under this policy, filing a charge of unlawful harassment, discrimination, or retaliation with a government agency, filing a lawsuit

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alleging unlawful harassment, discrimination, or retaliation, or participating in an investigation regarding the same is strictly prohibited.

Retaliation includes, but is not limited to:

- threats;
- tampering with an employee’s work station or other work tools;
- unwarranted negative performance reviews or other unwarranted adverse employment action, including but not limited to reprimands, discipline, demotion, and dismissal.

2.8. CP is committed to providing on-going assistance, resources, and training to employees and supervisors, as necessary, in dealing with the issues covered under this Policy.

3.0 Consequences

3.1. CP will take disciplinary action against any individual that is found to have engaged in harassment, discrimination, or retaliation prohibited by this policy, as these behaviors are forms of employee misconduct. Disciplinary action will also be taken against any manager or supervisor who knowingly allows behavior that violates this Policy to continue. Such disciplinary action may include unpaid suspensions and dismissal.

3.2. Making a false or fabricated complaint under this Policy will be treated very seriously. Any employee who is found to have made such a complaint may subject themselves to discipline, up to and including an unpaid suspension and dismissal.

4.0 Additional Information

4.1. For interpretation or additional information on this policy or related procedures, please contact the applicable HR Business Partner.

4.2. Nothing in this policy or the related procedure is intended to create any contract, agreement or other obligation by CP with any of its employees.

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5.0 Related Policies and Procedures

1300	Internal Complaint Procedure (Harassment, Retaliation and Discrimination)
	Code of Business Ethics
1301	Equal Employment Opportunity/Affirmative Action
HR 202	Social Media Policy

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