

E&B OILFIELD SERVICES INC.

DATE: 07/7/14

EXPIRES: Indefinite

**SEXUAL HARASSMENT IN THE WORKPLACE**

**PURPOSE**

The purpose of this Policy is to reiterate E&B Oilfield Services Inc. (E&B) is committed to maintaining a work environment free from all forms of discrimination, including discrimination in the form of sexual harassment. E&B affirms its moral and legal obligation to ensure that all employees are provided a harassment-free environment to realize their goals and function effectively in the workplace.

**SEXUAL HARASSMENT POLICY**

In accordance with Title VII of the Federal Civil Rights Act (42 U.S.C. § 2000 (1964)), E&B prohibits sexual harassment. E&B policy requires that all employees assume responsibility for maintaining a work environment free from any harassing conduct.

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment; or
- Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee; or
- Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or otherwise offensive working environment.

The courts have defined two types of sexual harassment:

1. Quid Pro Quo (Latin for "something for something"): This form of sexual harassment occurs when a supervisor or manager:

- demands, as an explicit or implied term or condition of employment decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or;
- makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implied term or condition of employment decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a promotion or raise;
- Express or implied statement that a person will be demoted or fired if she or he does not submit to a sexual request or actually carrying out the threat.

2. Hostile Work Environment: This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment. The work environment must be both subjectively and objectively perceived as abusive.

The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases, such as a sexual battery, might be enough to constitute sexual harassment. The harasser can be a manager, supervisor, co-worker or in certain circumstances, possibly a non-employee, such as a supplier or customer. Examples include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment;
- Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

The intent of the person accused of sexual harassment is of secondary importance: the impact of the offensive behavior on the offended person is the primary factor in determining if sexual harassment has occurred.

#### ZERO TOLERANCE POLICY

It is the policy of E&B to provide all employees a safe work environment free from sexual harassment. Sexual harassment will not be tolerated. Such behavior will be addressed seriously and appropriate corrective action taken. A "zero tolerance" policy means working to prevent any inappropriate behavior, so corrective actions, up to and including formal discipline, will be taken when policy violations occur, even if they are not so serious as to be unlawful. For example, even though a sexual comment does not in itself rise to the level of creating a hostile

work environment under the law, such a comment is unacceptable in the workplace, violates E&B's Zero Tolerance Policy and will be subject to a corrective action.

#### E&B'S RESPONSIBILITIES

E&B is responsible for taking all reasonable steps necessary to prevent harassment from occurring. E&B's steps in this regard include, but are not limited to, training, providing counseling, investigating complaints and taking appropriate corrective actions.

#### SUPERVISORS' AND MANAGERS' RESPONSIBILITIES

It is the responsibility of supervisors and managers to implement E&B's policy on sexual harassment prevention. Once issues of potential sexual harassment are discovered, supervisors and managers are obligated by law and policy to address such situations, even in circumstances where the managers and supervisors are not the direct manager or supervisor of the victim or the alleged harasser.

Notification must be made to the appropriate chain of command, as determined by the division manager or supervisor addressing the matter, which reasonable steps were taken to prevent the sexually harassing conduct from occurring. In addition, supervisors and managers are obligated to:

- Document the discovery or reporting of the incident;
- Document the decision to not proceed or proceed further and the basis for that decision;
- Document the final resolution and report to the employee;

#### EMPLOYEE'S RESPONSIBILITIES

Employees who believe they are or have been subjected to sexual harassment in the work place have an obligation to take immediate appropriate action and report the incident(s). The options available to an employee are outlined below under Complaint Procedures.

In addition, all employees have an obligation to:

- Adhere to E&B's sexual harassment policy;
- Refrain from engaging in, condoning, tolerating or leaving uncorrected conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager;
- Cooperate with any investigation regarding a violation of this policy.

It is important for all employees to understand that failure to utilize E&B's internal procedures to report violations will hinder E&B's ability to stop and correct any violations. It is the responsibility of all employees to ensure a discrimination free working environment.

#### POLICY ADHERENCE

To ensure that all employees, managers and supervisors are informed of E&B's "zero tolerance" policy against unlawful discrimination including sexual harassment, E&B requires all managers and supervisors to facilitate annual discussions with staff on sexual harassment and discrimination prevention.

#### COMPLAINT PROCEDURES

Employees who believe they are or have been discriminated against in the workplace have an obligation to immediately report the incident to:

- Their supervisor or manager; or,
- The Equal Employment Rights and Resolution Office.

If the alleged offender is also the employee's supervisor or manager, the employee may contact a manager in or out of the employee's chain of command.

It is E&B's policy to resolve complaints at the lowest appropriate level. Confidentiality concerning complaints or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation.

E&B is, however, compelled by law in certain situations to take actions that prevent E&B from honoring requests for confidentiality.

#### RETALIATION

No person shall retaliate or threaten to retaliate against any individual who opposed a discriminatory employment practice or participated in the discrimination complaint process. Retaliation against complainants or any employee is prohibited by law and subject to disciplinary action.

#### AUTHORITY

Nothing in this policy is intended to supersede local, state or federal law.

I \_\_\_\_\_ have read and understand the **SEXUAL HARASSMENT IN THE WORKPLACE**

**Updated: June 16, 2014.**

I understand that I am required to follow these procedures. I also understand that my failure to do so may result in disciplinary action, termination and or increased personal liability.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Supervisor Signature

\_\_\_\_\_

Date