

## **NON-DISCRIMINATION, ANTI-HARASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Niagara Bottling, LLC's (hereinafter "NIAGARA") policy is to comply with all federal, state and local equal employment laws. NIAGARA makes all hiring and personnel decisions without regard to age (40 or over), race, religion, color, sex, national origin, creed, religion, disability and all other categories protected by law. NIAGARA also endeavors to provide team members with a workplace free of unlawful harassment. To help ensure a work place free of all types of unlawful harassment, team members are responsible for reporting incidents of harassment. Discussed below are examples of the type of conduct that is prohibited as well as the complaint procedures to remedy any problems that may arise.

### **DISPARATE TREATMENT**

Personnel decisions based on age (40 or over), race, religion, color, sex, national origin, creed, religion, disability or any other category protected by law is prohibited. It is against NIAGARA policy to base decisions regarding hiring, firing, promotion, demotion, pay, benefits, transfer, work assignment and job status, or to otherwise treat similarly situated individuals differently (i.e., disparately), because of age (40 or over), race, religion, color, sex, national origin, creed, religion, disability or any other protected category.

### **SEXUAL HARASSMENT PROHIBITED**

Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.

According to the United States Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when (1) submission to that conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of that conduct; or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It also is prohibited to retaliate or take reprisals in any way against a team member who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual.

Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in the "Statement of Prohibited Conduct" below. These examples are provided to illustrate the kind of conduct proscribed by this Policy. This list is not exhaustive.

The Company's Management is committed to vigorously enforcing its Non-Discrimination, Anti-Harassment and Equal Employment Opportunity Policy at all levels within the Company. Team

members should treat other team members with respect and dignity in a manner that does not offend the sensibilities of a coworker.

## **STATEMENT OF PROHIBITED CONDUCT**

NIAGARA considers the following conduct to be illustrative of conduct that violates the Sexual Harassment Policy:

1. Physical assaults of a sexual nature, such as:
  - a. Rape, sexual battery, molestation or attempts to commit these assaults; and
  - b. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, hugging, brushing against another team member's body or poking another team member's body.
2. Unwanted sexual advances, propositions or other sexual comments, such as:
  - a. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any team member who indicates or has indicated in any way, that such conduct is unwelcome in his or her presence;
  - b. Preferential treatment, or promises of preferential treatment to a team member for submitting to sexual conduct, including soliciting or attempting to solicit any team member to engage in sexual activity for compensation or reward; and
  - c. Subjecting, or threats of subjecting a team member to unwelcome sexual attention or conduct or intentionally making performance of the team member's job more difficult because of the team member's sex.
3. Sexual or discriminatory displays or publications anywhere in the workplace by team members, such as:
  - a. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the Company's work environment or possessing any such material to read, display or view at work.
  - b. A picture is presumed sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or customarily accepted for the accomplishment of routine work in and around the workplace and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

- c. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - d. Displaying signs or other materials purporting to segregate a team member or group of team members by sex in any area of the workplace (other than restrooms and similar semi-private lockers and changing rooms).
4. Retaliation for sexual harassment complaints, such as:
- a. Disciplining, changing work assignments of (unless requested or approved by the reporting team member), providing inaccurate work information to or refusing to cooperate or discuss work related matters with any team member because such team member has reported or resisted harassment, discrimination or retaliation; and
  - b. Intentionally lying about, falsely denying, exerting pressure or otherwise attempting to cover up conduct described in any item above.

The illustrations stated above are not to be construed as an exhaustive list of prohibited acts under this Policy. Sexual harassment is prohibited and hurts team members. Moreover, each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose. Accordingly, a team member who engages in such conduct will bear full responsibility for such prohibited conduct.

## MAKING A COMPLAINT

**If you have a good faith belief that you have been the victim of harassment, discrimination, retaliation, or any other violation of company policy, you MUST report the conduct to Management.** Any such report must be made promptly so that, whenever possible, any problem can be remedied at the earliest opportunity. You may, as you believe appropriate under the circumstances, report incidents directly to:

- Your supervisor
- Your supervisor's supervisor/superior
- Human Resources Department
- Legal Department

There is no requirement to first report the incident to your supervisor. Team members may choose from any individuals on the above list, however, NIAGARA strongly encourages all team members to immediately contact the Human Resources Department, in addition to notifying a supervisor or member of management. Complaints can be made orally or in writing, however, NIAGARA encourages all team members to make complaints in writing. Complaints can also be made anonymously. Written complaints should be specific and should include the names of the individuals involved and the names of any witnesses. Upon receipt of any complaint, oral or

written, NIAGARA will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

## **INVESTIGATION OF COMPLAINTS**

Complaints of discrimination, harassment and retaliation are taken very seriously by NIAGARA. Upon receipt of each complaint, the Company will undertake an effective, thorough and objective investigation of the allegations. Due to the sensitive nature of these complaints, all efforts will be taken to keep the complaint and investigation confidential. Initially, members of the Human Resources Department will investigate a complaint. All individuals participating in investigations will receive thorough training about harassment, discrimination and retaliation issues.

Once a complaint is made, the Human Resources Department will immediately notify the Legal Department to determine an investigation plan. The Legal Department may become involved in the investigation itself, as necessary. These Departments will expeditiously conduct a thorough, effective and objective investigation.

If the investigation establishes that prohibited discrimination, harassment or retaliation has occurred, effective disciplinary measures, up to and including termination, will be taken. Appropriate members of Management will make disciplinary decisions. Additionally, Management will take appropriate action to deter any future discrimination, harassment, or retaliation.

Effective anti-discrimination, harassment and retaliation policies require the support and example of NIAGARA personnel in positions of authority. NIAGARA agents or team members who engage in harassment or retaliation, or who fail to cooperate with Company-sponsored investigations of harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, team members who refuse to implement remedial measures, obstruct remedial efforts of other NIAGARA team members and/or retaliate against harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

## **TEAM MEMBER ACKNOWLEDGEMENT OF NON-DISCRIMINATION, ANTI-HARASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

This is to acknowledge that I have received a copy of NIAGARA's policy on Non-Discrimination, Anti-Harassment and Equal Employment Opportunity. I have read and understood the contents of this policy, and have been given the opportunity to ask any questions I might have about policies that I do not understand. I understand that the statements contained in the Non-Discrimination, Anti-Harassment and Equal Employment Opportunity Policy are guidelines for team members concerning some of NIAGARA's policies, and are not intended to create any contractual or other legal obligations or to alter the at-will nature of my employment with NIAGARA. I also understand that no department head, supervisor, or any other team member of NIAGARA other than the General Counsel of the Company, has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the at-will relationship described above. I acknowledge that NIAGARA may modify or rescind any policies, practices, or benefits described in the Team Member Handbook, other than the employment at-will policy, at any time without prior notice to me.

I understand and agree that my employment with the Company is at will, and can be terminated with or without cause or notice. I further understand and agree that NIAGARA retains sole discretion to modify the terms and conditions of my employment. This is the entire agreement between the Company and me on these issues, and it cannot be modified except by a new agreement, in writing and signed by the General Counsel of the Company.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Last four (4) digits of your Social Security Number: \_\_\_\_\_

Employee ID Number: \_\_\_\_\_