

<b>BALLARD</b> <sup>®</sup>	Ballard Power Systems Corporate Division Policy - POL5000016	Revision: 0C Page: 1 of 5 Dept: Legal & IP
	TITLE: Harassment, Workplace Bullying and Anti-Discrimination Policy	

Revision Record				
Rev	CO	Description	Revised by	Date
0A	02289	Initial Release	Maria Lunden	May 22, 2002
0B	11638	Revised to reflect changes in Ballard's organizational structure.	Maria Lunden	September 28, 2006
0C	21378	Revised to reflect Bill 14, and add reference to Workplace Bullying, Ballard Competencies and WorkSafe, BC; to include revision of section 115, 116 and 117 of the Workers Compensation Act implementing 3 Occupational Health and Safety (OHS) policies regarding Workplace Bullying.	Maureen Molsberry	Oct 21, 2013

This Policy replaced the former Workplace Respect & Dignity Policy (116-0016-01) in 2002.

Created by: Candice Alderson	Date: July 2, 2002
Revised by: Maureen Molsberry	Date: October 21, 2013
Approved by: Kerry Hillier, Director Legal	Date: November 07, 2013
Approved by: Stefan Hockley, Director HR	Date: November 07, 2013

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## 1.0 Purpose

The Ballard philosophy is premised on several values based core and leadership competencies that guide our behaviour. We all must conduct our business in a legal, ethical and credible manner. In addition, there are certain attributes, which are expected of each Ballard employee and guide how we achieve our work. Above all, maintaining a high level of respect and dignity in the workplace and creating an environment where everyone can contribute to their fullest potential is, and will continue to be, a key ingredient to the success of Ballard. Ballard's Golden Rule is that we all have a right to be treated with respect and dignity and have an obligation to treat others the same way. This Policy is aimed at reinforcing these values in order to promote a workplace environment in which everyone is treated equitably, fairly and with respect.

Ballard is very proud of our diverse workforce and is committed to an equal opportunity workplace for everyone.

Having sound policies and practices is a fundamental component of Ballard's values and principles. We pledge that all our practices, policies, and systems will be without discrimination so that we maintain equality in the workplace.

## 2.0 Scope

This Policy applies to all employees (co-op students, consultants and contractors), officers and directors of Ballard. This Policy applies not only at all of the Ballard's premises, but also at off-site locations, such as work-related dinner engagements, work related conferences and functions, and during out-of-town business trips. In furtherance of this Policy, Ballard requires that each of its supervisors and managers be responsible for prevention and elimination of discrimination, harassment and bullying within their respective departments.

## 3.0 Definitions

In this Policy, "Ballard" means Ballard Power Systems Inc. and each other member of the Ballard group of companies. References to "the Corporation" refer specifically to Ballard Power Systems Inc.

## 4.0 Guiding Principles

Every person has a right to equal opportunity and treatment with respect to employment regardless of race, color, ancestry, national origin, political beliefs, religion, age, weight, height, sex, physical and mental disability, sexual orientation, same-sex partnership status, family status, marital status, record of offences, pregnancy, genetic information, and veteran status, or other legally protected status.

This Policy applies to all terms and conditions of employment, promotion, termination, lay-off, recall, transfer, leaves of absence, compensation and training and workplace health.

Every person has a right to work in an environment free of harassment and bullying. This includes:

1. Personal Harassment – unsolicited comment or conduct by a person who knows or ought to know would be unwelcome, consisting of words or actions that insult belittle or cause humiliation to others.

Examples of personal harassment include, but are not limited to:

- (a) unwelcome remarks, inappropriate gossip, jokes, innuendo or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or religion or other legally protected status;
- (b) display of racist or bigoted pictures or materials; and

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(c) any conduct that is described in this section and which has a purpose or effect of substantially interfering with the affected individual's conduct or which creates a hostile work environment for the affected individual.

2. Sexual Harassment – any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any person, or that might, on reasonable grounds, be perceived by that person as placing a condition of a sexual nature on employment or an opportunity for training or promotion.

Examples of sexual harassment include, but are not limited to:

- (a) derogatory or demeaning comments, jokes or innuendo of a sexual nature;
- (b) unwanted physical contact which is sexual in nature, or sexually suggestive gestures;
- (c) display on company property of sexually suggestive objects, pictures or written material;
- (d) sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement;
- (e) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement of the person;
- (f) sexual assault; and
- (g) any conduct as described in this section which has a purpose or effect of substantially interfering with the affected individual's conduct or which creates a hostile work environment for the affected individual.

This Policy prohibits the activities and behaviours described above as harassment or sexual harassment even where they may not be directed at any one particular individual, but may still create a hostile or poisoned workplace environment. Examples of such instances include, but are not limited to, graffiti, racial or sexual jokes or the display of offensive material.

3. Workplace Bullying - acts or verbal comments that when repeated could mentally hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Examples of workplace bullying include, but are not limited to:

- (a) repeated yelling, intimidating or scolding a person; belittling comments including comment about a persons abilities, intelligence or work ethic; criticising a person persistently or constantly belittling a person's opinions -- bullying may be blatant or insidious in nature; inappropriate gossip, 'obviously offensive' jokes, posts on the internet, innuendo or taunting;
- (b) undermining or deliberately impeding a person's work through repeated acts such as: removing areas of responsibilities without cause; withholding necessary information or purposefully giving the wrong information; under work - creating a feeling of uselessness; constantly changing work guidelines without informing; establishing impossible deadlines that will set up the individual to fail; assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure);

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- (c) inappropriate initiation into a team or 'hazing' that humiliates; makes fun of someone's appearance or differences, or requirement of them to partake in an event or perform a task that is not related to their job;
- (d) a threat of reprisal tied to coercion, or reporting the unwelcome behaviour; and,
- (e) any repeated conduct as described in this section which has a purpose or effect of substantially interfering with the affected individual's ability to contribute at work or which creates a hostile work environment for the affected individual.

Bullying differs from harassment and discrimination in that the focus is rarely based on gender, race, or disability and is often focused on devaluing a person's competence or self-worth; often the motivation of the bully is to shore up their own feelings of inadequacy and insecurity either socially or in performance by exerting physical or psychological power over another person.

All employees are expected to be aware of this Policy and of the types of conduct that may constitute unlawful harassment and workplace bullying, as well as of the procedures set up by Ballard for addressing complaints of harassment and workplace bullying. Harassment, sexual or otherwise and bullying serve no legitimate purpose and have a disruptive effect on the ability of individuals to perform at work. Ballard takes allegations of harassment, discrimination and workplace bullying very seriously, and will actively investigate all complaints.

## 5.0 Complaint Procedures

1. What to do if harassment or workplace bullying occurs:
  - (a) If able, make your disapproval and/or unease known in a clear, direct and firm way to the alleged harasser or bully; tell them to stop immediately;
  - (b) State that his or her action/behaviour/comment is perceived as harassment or bullying under the terms of this Policy;
  - (c) If harassment/ bullying behaviour does not stop after you confront the person responsible, or if you choose not to confront them, speak to your supervisor, team leader or manager or a member of your Human Resources Department, or a manager of the Corporation's Human Resources team. Unless extraordinary circumstances exist, you must initiate a complaint within 6 months of the alleged harassment/ bullying.
  - (d) If there is another incident, immediately contact your supervisor, team leader or manager or the harasser's supervisor, your Human Resources Department, and/or a manager of the Corporation's Human Resource Department. If appropriate, tell the harasser or bully that you are informing management.
  - (e) Record all incidents; include the nature of the behaviour, the date, time, witnesses (if any), and your action taken toward alleged harasser/ bully, indicating your disapproval. Submit a copy of your statement to your Human Resources Department and/or a manager of the Corporation's Human Resource Department.
  - (f) Keep all information concerning the matter confidential.
  - (g) You have the right to contact a local Human Rights Commission to file a complaint of sexual harassment or harassment on the basis of any of the protected statuses under the human rights legislation. In British Columbia you have the right to contact WorkSafe BC to file a workplace incident regarding unwelcome conduct or bullying. You also have the right to contact the police. However, as this Policy is intended to facilitate resolution, we encourage all parties to first make serious attempts to

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pursue resolution amongst the parties directly involved and to report the harassment or bullying through the Ballard process.

## 2. Reporting a Complaint

Employees are encouraged to report any incidents of harassment or bullying immediately, before such incidents become severe or pervasive. Ballard's policy is to prevent and stop harassment and bullying early, before it rises to the level of a violation of law and creates a poisonous work environment.

**IMPORTANT NOTE:** IF THE PARTICULAR CIRCUMSTANCES MAKE A DISCUSSION WITH, OR A COMPLAINT TO, YOUR OWN SUPERVISOR INAPPROPRIATE (FOR EXAMPLE, THE COMPLAINT INVOLVES YOUR SUPERVISOR, OR YOU FEAR RETALIATION BY YOUR SUPERVISOR), YOU SHOULD NOT HESITATE TO BRING THE MATTER IMMEDIATELY TO THE ATTENTION OF YOUR HUMAN RESOURCE DEPARTMENT OR ANY MEMBER OF SENIOR MANAGEMENT.

## 3. Dealing with a Complaint

It is Ballard's policy that all such matters will be handled with appropriate care and discretion and receive a thorough investigation. When an employee brings a complaint to the attention of any member of management, Human Resources will be notified and Ballard will promptly undertake an investigation of the allegations. Such investigation shall include, at a minimum, interviews with persons identified as having direct and personal knowledge of the incident(s) in question. During the investigation, Ballard will protect the confidentiality of harassment and bullying allegations to the extent possible. Ballard cannot guarantee complete confidentiality because it cannot conduct an effective investigation without revealing certain information to the alleged harasser, alleged bully and/or potential witnesses. However, Ballard will attempt to keep your complaint confidential to the maximum extent possible.

At the end of the investigation only concerned parties will be advised of the results. If the investigation reveals that the allegations are valid, management will take prompt and appropriate remedial action against the offending person. Such measures are designed to put an immediate stop to the harassment and/or bullying behaviour, as well as prevent its recurrence. Therefore, management retains the right to take whatever action it believes appropriate under the circumstances, up to and including discharge of the offending person. Any supervisor, team leader or manager who is aware of harassment or bullying and permits it to take place may also be disciplined. If the investigation shows that the allegations are unsubstantiated, the complainant will be advised of the reasons and no action will be taken against the complainant, witnesses or the alleged harasser/bully and no record of the complaint will appear on any employee's file.

## 6.0 Retaliation Prohibited

Retaliation against employees for making a bona fide report or complaint of bullying, sexual or other unlawful harassment (or for cooperating in the investigation of a report or complaint) is unlawful and will not be tolerated. Any act of retaliation will warrant disciplinary action, up to and including immediate discharge of the offending person.

## 7.0 Notice

A violation of this Policy may carry severe consequences both for Ballard and the individuals involved. Compliance with this Policy is a condition of office or employment with Ballard. A violation of this Policy may be grounds for discipline, up to and including immediate dismissal.

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