

TITLE: Anti-Harassment					
Policy Number	Issued Date	Effective Date	Revision Date	Last Reviewed/ Approved Date	Issuing Department
HR0024	01/01/2005	01/01/2005	12/21/2020	12/21/2020	Human Resources
Approved by:	Heather Burns, Director Human Resources; Bobbi Schroepfel, VP Customer Care, Communications, and HR; Mike Nieman, Chief Audit & Compliance Officer; Heather Grahame, General Counsel and Vice President – Regulatory and Federal Government Affairs; Robert C. Rowe, President and CEO				

I. Statement of Policy

It is the policy of NorthWestern Energy to provide a work environment that does not tolerate harassment or offensive behavior based race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

II. Objective

The objective of this policy is to create and maintain a work environment in which people are treated with dignity, decency and respect. Employees should be able to work in a safe, rewarding work environment that is free from all forms of harassment.

III. Scope

This policy applies to all NorthWestern Energy employees, applicants for employment, vendors, customers, or others doing business with or representing NorthWestern Energy.

IV. Definitions

- I. *Harassment*: Unwelcome conduct that is based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, veteran status, genetic information or any other protected class in accordance with applicable federal or state laws and statutes. Harassment becomes unlawful when (1) enduring the offensive conduct becomes a condition of continued employment, opportunities, benefits or privileges and/or (2) the offensive conduct creates a work environment that a reasonable person would consider intimidating, hostile or abusive.
- II. *Sexual Harassment*: Conduct that includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment,
 - Submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee, and

- The conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
- III. *Good Faith*: An honest belief, the absence of malice and freedom from intention to defraud or seek an unconscionable advantage.
- IV. *Bad faith*: An action not made in good faith or prompted by an honest mistake, or an action made for personal reasons, self-interest, or a sinister motive.
- V. *Retaliation*: an adverse action in response to a good-faith report.

V. Policy Provisions

A. Harassing conduct includes, but is not limited to:

- Epithets, slurs or negative stereotyping
- Threatening, intimidating or hostile acts
- Derogatory or lewd jokes or comments
- Offensive touching
- The display or circulation in the workplace - including but not limited to through email, social media, or via a smart device - of written or graphic material that denigrates or shows hostility or aversion toward an individual or group

B. Sexual harassment includes many forms of subtle or not-so-subtle offensive behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to:

- Unwanted sexual advances or requests for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering; making sexual gestures; displaying sexually suggestive objects, pictures, cartoons, or posters; or circulating in the workplace sexually suggestive objects or pictures, including but not limited to through email, social media, or a smart device
- Verbal conduct that includes making or using sexual jokes and innuendos
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations

- Physical conduct that includes touching, assaulting, or impeding or blocking movements
 - Other physical, verbal or visual conduct of a sexual nature
- C. Employees can raise concerns and make reports of harassment without fear of retaliation. NorthWestern Energy prohibits retaliation against any employee who brings a complaint of harassment or assists in an investigation of a harassment complaint. Employees found to have acted in bad faith may be subject to discipline in accordance with the Company's Employee Discipline Policy.
- D. An employee who experiences, witnesses, or has knowledge of sexual or other harassment should immediately notify one of the following: his or her supervisor, the human resources generalist, the legal department, the chief audit and compliance officer, or the confidential Compliance Line at (877) 781-7286 or online at www.integrity-helpline.com/NW.jsp.
- E. Any person who receives a harassment complaint should immediately report the matter to human resources, the legal department, the chief audit and compliance officer or the confidential Compliance Line at (877) 781-7286 or online at www.integrity-helpline.com/NW.jsp.
- F. NorthWestern Energy will investigate all complaints to the best of its ability based on the information provided. If an investigation reveals misconduct or a violation of this policy, appropriate corrective action will be taken and may include discipline up to and including termination of employment. Complaints made without sufficient information can be difficult to fully investigate.

VI. Corporate Policy Provisions

- A. Nothing in this policy is intended to limit an employee's rights under the National Labor Relations Act (NLRA).
- B. If any of the provisions of this policy conflict with federal or state law, the provisions of the federal or state law prevail.
- C. If any of the provisions of this policy conflict with those of a collective bargaining agreement (CBA) for covered employees, the provisions of the CBA will prevail.
- D. All employees are expected to comply with this policy. Failure to do so may result in disciplinary action up to and including termination of employment.
- E. The existence of this policy does not create a contract or vested right of employment implied or otherwise. NorthWestern Energy is an at-will employer in South Dakota, Nebraska, and Wyoming.
- F. NorthWestern Energy reserves the right to amend, terminate, or otherwise modify this Policy at any time. The effect of any amendment or modification, however, will be prospective, not retroactive.

VII. Additional Resources

- A. NorthWestern Energy Code of Conduct and Ethics
- B. NorthWestern Energy Anti-Retaliation Policy
- C. NorthWestern Energy Workplace Violence Prevention Policy
- D. NorthWestern Energy Employee Discipline Policy
- E. NorthWestern Energy Equal Employment Opportunity Policy
- F. NorthWestern Energy Acceptable Use of Internet, Networks and Intranet Policy
- G. NorthWestern Energy Mobile Phone and Smart Phone Policy
- H. NorthWestern Energy Participation in Social Media Policy