



**TITLE: NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY**

**1 PURPOSE**

Tidewater is committed to treating all people, including customers, co-workers and the public at large, with equality, dignity and respect. The Company supports and embraces an environment that is free from all discrimination in the workplace, in its business, or by its vendors.

The purpose of this policy is to reflect the Company's commitment to ensure equal employment opportunities and non-discrimination in the administration of its programs and activities. The policy is administered in accordance with applicable federal, state, and local laws, and to conform with the content and spirit of applicable equal opportunity, affirmative action, and non-discrimination laws and regulations. This Policy also prohibits retaliation for reporting or opposing discrimination or cooperating with an investigation of a discrimination complaint.

It is also the policy of Tidewater to provide reasonable accommodation in all aspects of employment. Requesting reasonable accommodation will not adversely affect an individual's consideration for employment, training, promotion, or opportunity to enjoy equal terms, benefits, privileges, or conditions of employment.

**2 APPLICABILITY**

The provisions of this policy apply to all employees of the "Company" (Tidewater Barge Lines, Inc., Tidewater Terminal Company, and Tidewater Environmental Services, Inc.) as it relates to recruitment, employment, promotions, transfers, training, working conditions, wages and salary administration, employee benefits and application of policies; applicants for employment; and any non-employee as it relates to the administration of the Company's benefits and programs.

The policies and principles of EEO also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with the Company.

**3 DEFINITIONS**

*Discrimination* occurs if a person treats, or proposes to treat, a person of a protected class unfavorably. It can also occur if a person imposes, or proposes to impose a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons based on a protected class.

*Equal Employment Opportunity* consists of ensuring that all employees are given equal access to training, promotion, appointment, or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

*Protected Class* is a group of people with a common characteristic who are legally protected from employment discrimination on the basis of that characteristic. These groups include persons on the basis of race, color, religion/creed, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older), presence of any sensory, mental, or physical disability, HIV/AIDS and Hepatitis C Status, genetic information, marital status, use of a trained dog guide or service animal, honorably discharged Veteran or military status, or any other protected characteristic. It also includes individuals who complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

*Reasonable Accommodation* is a modification or adjustment to a job, the work environment, or the way things are usually done that does not pose an undue hardship on the Employer. These modifications enable an individual with a disability to have an equal opportunity to get a job and successfully perform their job tasks to the same extent as people without disabilities.

*Retaliation* is defined as any kind of negative action that takes the form of punishment and creates a hostile, threatening or uncomfortable environment as a result of the reported complaint. It may be expressed in a variety of ways including, but not limited to, victimization, termination or illegal retraction of benefits, reduction of compensation, poor work performance evaluation, exclusion from company events or meetings, and defamation of character.

#### 4. PROVISIONS

The Company administers this Nondiscrimination and EEO policy fairly and consistently by ensuring that:

1. All required notices regarding employee rights under EEO laws are posted in areas highly visible to employees.
2. All job postings are sent to the appropriate state agencies and include the statement “Tidewater is an Equal Opportunity Employer. All qualified applicants will receive consideration for employment without regard to status as a protected veteran , qualified individual with a disability or protected class.”
3. All current employees are encouraged to refer qualified disabled persons, minorities, special disabled veterans and Vietnam Era Veterans for employment.
4. Personnel management practices and decisions including, but not limited to, recruitment and hiring practices, appraisal systems, promotions, demotions, job assignments, job classifications, terminations, layoffs, rehires, transfers, leaves of absence, fringe benefits, compensation, training and career development programs, and working conditions are administered without regard to an individual’s protected class, except where a bonafide occupational qualification exists.
5. Employment and promotional decisions are made in such a manner as to further the principle of Equal Employment and Affirmative Action based upon objective and related selection criteria.
6. Reasonable accommodations are provided for qualified individuals with disabilities as required by law.
7. All forms of discrimination are prohibited.
8. Retaliation against any individual who makes a good-faith report of discrimination, opposes a practice believed to be unlawful discrimination, or testifies or participates in a discriminatory complaint is prohibited.
9. Notices are posted at Tidewater Barge Lines and Tidewater Terminal Company’s main offices informing the public on the process for filing a complaint.

10. The Human Resources Department has the overall responsibility for the development and execution of the Affirmative Action Program and Nondiscrimination/Equal Opportunity compliance; however, managers and supervisors are responsible for implementing equal employment practices within each department.

## 5 COMPLAINT REPORTING PROCEDURE

Tidewater is committed to addressing discrimination and retaliation complaints promptly, consistently, and fairly. Any non-employee who believes they have been subject to discrimination or retaliation should immediately complete a Complaint Form (<https://www.tidewater.com/safety-environment>) and mail to Tidewater Holdings, Inc., Attention: People & Culture Department, 6305 NW Old Lower River Road, Vancouver, WA 98660 or send via email at [HR@Tidewater.com](mailto:HR@Tidewater.com). Employees should report such complaints per the Company's Complaint Reporting and Resolution Policy.

Tidewater shall provide qualified in-person, over-the phone, or video remote interpreters as needed for individuals with limited English proficiency through American Language Services at (877) 600-0396 or via email at [translation@alsglobal.net](mailto:translation@alsglobal.net). The Washington Telecommunication Relay Services (WTRS) shall be used to allow hearing callers to communicate with deaf, hard of hearing, deaf-blind and speech disabled relay users.

The accused party will be notified within 30 days upon receipt of the complaint and Union employees will be advised of their right to Union representation. If warranted, a prompt, thorough, and impartial investigation will be initiated to determine whether the facts and evidence support the alleged policy violation. The investigation of the complaint will be completed within 90 days of receipt of the complaint. Upon conclusion of the investigation, the People & Culture Supervisor shall report whether the allegation(s) were substantiated and any corrective actions to the complainant with their rights to appeal the results of the investigation. Appeals must be made in writing to the Vice President of People & Culture at 6305 NW Old Lower River Road, Vancouver, WA 98660 or via email at [HR@Tidewater.com](mailto:HR@Tidewater.com). Appeals must be postmarked within 10 business days after receipt of the complaint findings and proposed corrective action(s). Failure to appeal within this period shall be interpreted as acceptance of the proposed corrective action(s).

## 6. CONFIDENTIALITY

While complete confidentiality cannot be guaranteed, information about any complaint will be treated discreetly, consistent with proper investigative response. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Company will take adequate steps to ensure all parties involved are protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the People & Culture Department.

## 7. DISCIPLINE

Any employee found to be responsible for discrimination in violation of this policy will be subject to prompt disciplinary action, up to and including termination of employment, and the involvement of appropriate law enforcement authorities as needed.