
Harassment Free Workplace Policy

Purpose

TopBuild, including its affiliate and subsidiary entities (the “Company”), is committed to a safe and respectful work environment free from intimidation, oppression, exploitation, and any form of discrimination, harassment, or retaliation. Through enforcement and education of its employees, the Company seeks to prevent and correct any behavior that violates this Policy.

Scope

This Policy applies to:

- All employees
- Non-employees, including any individual who is a temporary worker from an agency; a consultant or other contractor; a vendor or customer; any other person conducting business with the Company, or a visitor on Company premises.

Policy

The Company is committed to providing a safe, professional, and productive work environment for its employees. The Company will not tolerate verbal or physical conduct by any individual (employee or non-employee) that harasses, disrupts, or interferes with another person’s work performance or that creates an intimidating, offensive, or hostile environment. The Company enforces this Policy in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations.

This Policy also applies to conduct involving individuals who are not Company employees but who interact with Company employees for business. Discrimination, harassment, or retaliation by or against non-employees on Company property, at a customer or vendor’s work location, and/or during working time will not be tolerated. “Non-employees” include any individual who is a “temporary” worker from an agency; a consultant or other contractor; a vendor or customer; or a visitor on Company premises.

Discrimination

In support of this Policy, the Company expressly prohibits any form of employee discrimination based on the individual’s race, color, sex, gender identity or expression, pregnancy, religion, national origin, ethnic background, age, citizenship, disability (including an individual’s disability, a record of a disability, or a perceived disability), serious health condition, veteran status, transgender status, sexual orientation, marital and family status, natural hair style, genetic information, and other protected classes under federal, state and local laws. It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the individual’s protected class status.

Harassment

The Company prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy. Harassment can be in the form of verbal, physical, or visual conduct and is designed to threaten, intimidate, or coerce an employee or anyone else in contact with Company workers. Any form of harassment, whether or not the conduct is based on an individual's legally protected class, will be in violation of this policy.

A hostile work environment can result from severe and pervasive unwelcome conduct that interferes with or changes one's employment by creating a hostile, intimidating, or abusive working environment. The Company will not condone conduct that may create a hostile work environment, whether or not the conduct is based on an individual's legally protected class. Further, conduct that could be construed as bullying, such as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, is specifically prohibited under this Policy. For example, the Company prohibits bullying conduct such as using obscene or intimidating gestures, using personal insults, engaging in public humiliation, or subjecting the target to attacks indirectly through an empowered associate.

The Company is committed to providing its employees a safe, productive, and inclusive working environment, and as such will not tolerate a hostile work environment, any type of harassing conduct, or bullying.

Sexual Harassment

Sexual harassment is a specific form of inappropriate behavior. Specifically, with regard to sexual harassment, the Company prohibits:

- Romantic or sexual relationships between a manager or other supervisory employee and his/her subordinates
- Unwelcome sexual advances by any employee
- Requests for sexual favors
- All other verbal or physical conduct of an offensive nature where:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, and/or
 - Such conduct has the purpose or effect of unreasonably creating an intimidating, hostile, or offensive working environment.

Examples of the types of conduct expressly prohibited by this Policy include, but are not limited to, the following:

- Any inappropriate physical actions such as staring, touching, kissing, etc., or other action that would be considered a violation of someone's personal space.
- Any inappropriate verbal or written comments, jokes, obscene language, whistling, etc. referencing sexual orientation or conduct.

- Any inappropriate/offensive images on posters, calendars, photographs, emails, or other visual devices.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

The Company also prohibits retaliation against any individual who opposes perceived discriminatory actions, participates in an investigation of possible discriminatory actions, or who files or supports a complaint or charge of harassment. Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this Policy and will be treated as a violation.

Complaint Procedure

Employees are encouraged to report incidents of discrimination, harassment, bullying, or retaliation immediately so that complaints can be quickly and appropriately resolved.

If you witness or become aware of harassment in your work area, or elsewhere in the company, you should try to stop it, whether or not a complaint has been made. You should then report the incident to your supervisor, manager, or Human Resources Business Partner.

If you believe you are being subjected to discrimination, harassment, bullying, or retaliation, tell the person to stop if possible. You should also immediately inform your supervisor. If you believe your supervisor is the source of the harassment, or if the activity should continue, contact your Human Resources Business Partner or any other member of management.

You may also report any violation of this Policy by contacting the **Employee Hotline at 1-855-255-1026** or access the website at www.topbuild.ethicspoint.com. EthicsPoint reports may be made anonymously.

The Company will promptly investigate to determine whether there is a reasonable basis for believing that the alleged violation of this Policy occurred. At the conclusion of the investigation, the Company will determine a course of appropriate action. The appropriate action will depend on the severity, frequency, and pervasiveness of the conduct, history of complaints, and investigatory outcomes. Appropriate action may include disciplinary action (such as a written or final warning, or even the termination of employment), training, individual or group counseling, lateral movement within the company, or any other preventative action.

Policy Compliance

It is everyone's responsibility to read, understand, abide by, and enforce this Policy. Members of Company management are held to a higher standard, and are required to not only understand and enforce, but to also ensure that employees are aware that the Company publishes this Policy on intranet sites, provides routine anti-harassment training, and maintains a library of materials readily accessible to employees that address the issues of discrimination, harassment, sexual harassment, diversity, inclusion, and equity.

Procedure

None

Related Forms, Templates, and Documents

None

Document Control

Change History

Version	Approval Date	Description of Change
1.0	01-Jul-2015	Original draft of document
1.1	22-Jun-2016	Update for content accuracy.
1.2	17-May-2019	Added “Addendum to Harassment Free Workplace Policy- Sexual Harassment (New York State)” and inset PDF-fillable form, “NY State Sexual Harassment Complaint Form” beginning on Page 4.
1.3	05-April-2021	Expand scope to include non-employees
1.4	31-August-2021	Expand scope to include HWE, bullying, and additional responsibility.
1.5	16-Sept-2024	Changed job title from Regional HR Manager to HR Business Partner

ADDENDUM to Harassment Free Workplace Policy – Sexual Harassment (New York State)

Purpose

To maintain a work environment that is free from sexual harassment.

Scope

This Policy applies to:

- All employees, applicants for employment, and interns, whether paid or unpaid.
- Non-employees, including any individual who is a temporary worker from an agency, a consultant or other contractor, a vendor or customer, any other person conducting business with this Company, or a visitor on Company premises.

Policy

Sexual harassment is offensive, violates federal, state, and applicable local laws, and may subject the Company to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Any employee or individual covered by this Policy who engages in sexual harassment or retaliation will be subject to discipline or corrective action up to and including termination, in accordance with the Company's Disciplinary/Corrective Action Policy. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct, up to and including termination. Examples of behaviors and activities constituting prohibited sexual harassment can be found on the Company's Harassment Free Workplace Policy.

Retaliation Prohibition

No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, testifies or otherwise assists in any proceeding or investigation of a sexual harassment complaint. Such retaliation will not be tolerated against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination.

Policy Compliance

It is the responsibility of the highest ranking executive of each business unit to ensure compliance with this Policy.

Procedure

This Policy is supported by the following documented user procedures:

- Employees are encouraged to report behavior or incidents that may constitute sexual harassment so that complaints can be quickly and appropriately investigated and resolved. If you believe you are the subject of harassment, immediately inform your supervisor. If you believe your supervisor is the source of the harassment, or if the harassment should continue, contact your Human Resources Business Partner. Reports of sexual harassment may be made verbally or in writing. Employees are encouraged to use the attached Complaint Form to submit a report of sexual harassment. Employees may also submit complaints electronically on the Employee Hotline website at www.topbuild.ethicspoint.com.
 - All complaints will be followed by a timely and confidential investigation that ensures due process for all parties involved.
- Individuals covered by this Policy who believe they have been a target of sexual harassment may also seek assistance in other available forums. Aside from using the internal process described above, employees may also choose to pursue legal remedies with the following governmental entities:
 - A complaint of sexual harassment under the Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., to New York's Division of Human Rights (DHR) or in New York State Supreme Court.
 - A complaint of sexual harassment under the Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e et seq.), to the U.S. Equal Employment Opportunity Commission (EEOC).
 - Many localities additionally enforce laws protecting individuals from sexual harassment. An individual should contact the county, city or town in which they reside to find out if such laws exist.

Related Forms

The Complaint of Sexual Harassment Form attached to this Addendum (click the link below) is also available with your manager and on www.topbuild.ethicspoint.com, and may be filled out electronically or manually and submitted in any manner outlined in the Procedure section above.

[TB.HR.FRM.007 - New York State Sexual Harassment Complaint Form](#)