



Report on Use of Concealment Clauses in the Context of Harassment, Discrimination, and Other Unlawful Acts

Published January 12, 2023

Sunrun condemns discrimination and harassment of any kind, and we are fully committed to creating and maintaining a workplace that is both respectful and safe, and in which all of our employees are able to thrive.

Background:

The Board of Directors of Sunrun Inc. ("Sunrun" or the "Company"), and its committees, regularly review and discuss with Sunrun management matters related to our employees, including, among other things, Sunrun's commitments and progress towards inclusive and diverse representation among our employees, employee engagement, and business conduct and compliance. At the direction of the Board, and in consultation with outside legal counsel, the Company has prepared this report on the impact associated with its use of employment-related "concealment clauses" in the context of harassment, discrimination, and other unlawful acts. In this context solely, "concealment clauses" refer to any employment or post-employment agreement, such as language contained in an arbitration or settlement agreement, that limits employees' and former employees' ability to discuss perceived or actual unlawful acts in the workplace, including harassment and discrimination.

Who Are We?

- Sunrun has been a pioneer in the march for workplace equality. In 2016, Sunrun voluntarily signed the White House Equal Pay Pledge. Sunrun voluntarily stopped asking candidates nationwide for salary history, more than a year before it became illegal in California for an employer to rely on past salary history when making compensation decisions for new hires.
- In 2018, Sunrun became the first solar company to achieve pay parity for employees, regardless of gender, with similar professional background and qualifications, performing similar work in similar locations. Sunrun continues to promote a culture of pay equity, and we continue to complete pay equity reviews annually. The Company also strives to be a model for the industry, advocating and helping the industry advance diversity, equity and inclusion.



- On April 1, 2019, the Company was among the signatories of the first California Pay Parity Pledge—a pledge that it led the design of—in collaboration with the California Commission on the Status of Women and Girls and the [California Pay Equity Task Force](#).
- Consistent with our commitment to pay equity and equality in the workplace, ***Sunrun does not require its employees to sign any agreement that would prevent them from speaking up about any unlawful conduct or perceived unlawful conduct in the workplace, including harassment and discrimination.***

How Do We Ensure A Healthy Work Environment Free From Harassment and Discrimination?

- Sunrun is committed to providing a workplace free of harassment and discrimination. We offer a range of resources for employees to ensure compliance, address questions, and report concerns, including anonymous and confidential reporting mechanisms.
- We have developed certain workplace policies, such as our Code of Business Conduct and Ethics and Whistleblower Policy (available at <https://investors.sunrun.com/leadership-governance/governance-documents>), to provide all employees with a respectful and safe working environment by prohibiting discrimination, harassment, retaliation, reprisal, threats, retribution, or other misconduct at work. The diversity of our employees and the openness of our corporate culture are tremendous assets.
- All employees are required to complete mandatory training on our harassment and nondiscrimination policies upon hire and at least bi-annually thereafter. Sunrun also expects our suppliers, contractors, consultants, and other business partners to follow our principles when providing goods and services to Sunrun or acting on Sunrun's behalf.
- Employees who believe they have been subject to unlawful or improper conduct have multiple avenues to speak up and raise their concerns. Through the Company's Open Door Policy, employees may bring concerns to their supervisor, department head, any Company Executive, or the People Team. Employees also have the option of reporting concerns through an internal email address that is published on the employee portal and an anonymous hotline that is published on our investors page and our employee portal.
- Each complaint of misconduct is investigated promptly and thoroughly by employees trained to conduct harassment and discrimination investigations or, when appropriate, by third party outside investigators. Investigations are conducted confidentially in order to maintain the privacy of the employees concerned and the integrity of the investigation, and to prevent retaliation.



against participating employees. Sunrun does not tolerate retaliation against any employee who participates truthfully in investigations.

No Mandatory Arbitration Of Sexual Harassment, Sexual Assault, Or Discrimination Claims

- In accordance with the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, employees who may have claims for sexual harassment or sexual assault that arose after March 3, 2022 may opt to exclude such claims from arbitration. Since August 2022, Sunrun also allows employees to opt out of arbitrating harassment and discrimination claims of all types.

Where Do Concealment Clauses Come In At Sunrun?

- Sunrun does not require employees or contractors to enter into non-disparagement clauses – or any other type of concealment clauses – in their employment agreements. Sunrun does use confidentiality provisions in its employment agreements to protect corporate information, such as operational, financial, trade-secret, and other business information.
- Sunrun is committed to ensuring our policies and practices comply with or exceed legal requirements. For example, Sunrun has voluntarily committed to including California's Silenced No More Act language in separation and settlement agreements across the U.S., regardless of where employees work. This Act places restrictions on the use of confidentiality clauses relating to harassment, discrimination, or retaliation in certain employment agreements. In circumstances where Sunrun offers a U.S. employee a separation agreement, the agreement includes the following language: "Notwithstanding the foregoing, nothing in this Agreement shall ... prevent you from discussing or disclosing information about unlawful acts of harassment or discrimination in the workplace (such as harassment or discrimination or any other conduct that you have reason to believe is unlawful)." Sunrun's employment agreements and ERISA-based severance plan releases are already in full compliance with the newly enacted Speak Out Act in that they do not limit an employees' ability to discuss perceived unlawful acts in the workplace in a pre-dispute context.
- Sometimes, Sunrun resolves employee legal disputes through settlement agreements negotiated at arms-length. Such settlement agreements typically contain confidentiality clauses that prohibit the parties to the agreement from disclosing the dollar amount of the settlement.



- Sunrun also uses non-disparagement clauses in the limited instances when we enter into mutually agreed separation agreements with employees, in compliance with applicable laws. Consistent with Sunrun policies, such provisions are not intended to restrain an employee's or independent contractor's ability to speak freely about harassment, discrimination, or conduct they believe to be unlawful. The mutually agreed settlement agreements expressly allow the signing employee to discuss or testify regarding perceived unlawful acts in the workplace. The mutually agreed settlement agreements also allow the signing employee to participate in state and federal administrative charges of harassment and/or discrimination.

Our Assessment Of The Impact Of Concealment Clauses

After review of our programs and policies by management and outside counsel, both we and our outside counsel have determined that the potential risks to the Company associated with our approach to ensuring a healthy work environment free from harassment and discrimination, and our limited use of concealment clauses, to be low. Management and our outside counsel have also confirmed our practices align with Sunrun's global policy not to restrict service providers from speaking freely about harassment, discrimination, or conduct they believe to be unlawful in the workplace. Sunrun's Board of Directors and Executive team are committed to enabling a culture of transparency, respect, and inclusion, and we will continue to implement best practices to encourage and ensure that every one of our employees is valued and heard.