



POLICY

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I. PURPOSE

Element Solutions Inc and its subsidiaries (the “Company”) are committed to creating and maintaining open work environments that encourage employees of all backgrounds and experiences to bring a variety of ideas to the organization. In accordance with this commitment, the Company maintains this policy to prohibit unlawful discriminatory practices and to maintain work environments free of inappropriate and disrespectful behavior.

Further, this policy sets out the Company’s worldwide framework for nondiscrimination, appropriate and respectful behavior. Each subsidiary and/or location may develop its own policy in accordance with local laws and practices that is consistent with this framework to supplement what is set out in this document. For the Company’s business units located in the United States or its territories (“US Business Units”), this policy together with the footnotes discussing US law, US governmental agencies or the applicability to United States businesses and employees shall control.

Besides the workplace, this policy applies to any work-related setting outside the workplace, such as business trips, training programs, business meetings, and business-related social events.¹

II. PROHIBITED CONDUCT

1. Discrimination

The Company prohibits discrimination, including harassment and retaliation, based on race, color, religion, gender, age, national origin, sexual orientation, gender identity, citizenship, immigration status, marital status, military status, any veteran status covered by applicable law², disability status, genetic information, caregiving responsibilities or any other legally protected characteristic.

Discrimination based on any of the above is prohibited in all aspects of the employment relationship and terms and conditions of employment. This includes but is not limited to recruitment, hiring, employment eligibility verification, training, job assignment, promotion, compensation, benefits, transfer, layoff, recall from layoff, discipline, termination, and social and recreational programs.

This means that in all aspects of the employment relationship and terms and conditions of employment, decisions are based on relevant factors such as qualifications for the position, past performance, work quality, work experience, willingness to perform the job duties, and capacity and ability to do the work, without regard to non-job- related factors as shown above.

2. Harassment

Harassment means unwelcome verbal, visual or physical conduct that disparages, threatens, intimidates

¹ For US Business Units, this policy applies to:

- (a) All employees working in the United States or its territories;
- (b) All applicants who apply for positions within the United States or its territories;
- (c) All employees who are United States citizens working outside of the United States or its territories provided the policy does not violate a law of the country where the employee is working; and
- (d) The workplace and in any work-related setting outside the workplace, such as business trips, training programs, business meetings, and business-related social events.

² For US Business Units, Covered veterans include special disabled veterans, disabled veterans, Vietnam era veterans, other protected veterans, one-year recently separated veterans, three-year recently separated veterans and veterans who received an Armed Forces Service medal.

or coerces based on any of the legally protected characteristics shown above, and that:

- (a) Has the purpose and effect of creating an intimidating, hostile, or offensive working environment;
- (b) Has the purpose and effect of unreasonably interfering with an individual's work performance; or
- (c) Otherwise adversely affects an individual's employment opportunities.

This prohibition covers harassment against any Element Solutions employee by anyone (supervisors, co-workers, or non- employees) in the workplace.

3. Sexual Harassment

Sexual harassment has been defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”³

4. Examples of Prohibited Harassing Conduct

Harassing conduct includes, but is not limited to:

- (a) Epithets, slurs, name calling, or negative stereotyping of an ethnic, racial, or religious nature;
- (b) Threatening, intimidating, or hostile comments or acts;
- (c) Ethnic, racial, or other offensive or denigrating jokes; or
- (d) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is displayed on the premises or circulated in the workplace.

Sexual harassment may take many forms, including, but not limited to:

- (a) Uninvited verbal sexual innuendoes, propositions, suggestive or offensive comments, threats, or jokes of a sexual nature;
- (b) Uninvited, unwanted physical contact, including kissing, hugging, grabbing, repeated brushing against another employee's body, touching, pinching, or pushing;
- (c) Distribution of or displaying sexual or other offensive objects, posters, graffiti, cartoons, or calendars;
- (d) Unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment through conduct of a sexual nature (verbal, visual, or physical);
- (e) Retaliation based on the breakup of a consensual relationship; or
- (f) Requesting or demanding sexual favors whether or not accompanied by implied or overt threats concerning employment status (including compensation or benefits) or promises of preferential treatment.

Viewing, displaying, storing, sending, or otherwise transmitting obscene, offensive, harassing, demeaning, or illegal communications via any electronic communication instrument is strictly prohibited. Obscene material includes, but is not limited to pornography and other sexually explicit materials.

5. Retaliation

Retaliation is an adverse action taken against an individual who, acting in good faith:

- (a) Reported a violation of this policy;
- (b) Requested an investigation;

³ For US Business Units, the United States Equal Employment Opportunity Commission (EEOC) uses the same definition.

- (c) Filed a complaint with the Company or with any applicable governmental agencies⁴;
- (d) Participated in an investigation, compliance review, hearing, or any other activity related to the administration of any applicable law⁵;
- (e) Opposed any act or practice made unlawful by any applicable law requiring equal employment opportunity or affirmative action⁶; or
- (f) Exercised any other employment right protected by applicable law or its implementing regulations⁷.

Prohibited retaliatory conduct includes, but is not limited to reprisals, threats, coercion, intimidation, harassment, discrimination, and interference.

Disciplinary actions taken by the Company (1) because of knowingly false or malicious complaints of discrimination, including harassment and retaliation; (2) because of knowingly false information provided by the individual; or (3) the individual's failure to comply with the policy, are not retaliatory actions.

6. Office Romance

Dating or romantic involvement between employees is prohibited under certain circumstances. One of those circumstances is where one of the parties is in a direct supervisory relationship to the other. Another situation is where the parties are in an indirect supervisory relationship that includes, but is not limited to:

- (a) Dotted line or functional supervision;
- (b) Financial control, including the flow of cash and documents;
- (c) Physical control, including quality control; or
- (d) Personnel control, including all aspects of performance evaluation.

Employees who are involved in a relationship prohibited by this policy and who do not bring to the Company's attention the fact of such relationship will be subject to remedial action, including not only reassignment of duties and responsibilities, limiting of job functions, and/or access to confidential information, but also possible disciplinary action, up to and including termination.

III. RESPONSIBILITIES

Each employee is responsible for:

- (a) Ensuring that his or her conduct complies with this policy;
- (b) Reporting violations of this policy; and
- (c) Cooperating in investigations when asked to participate.

Supervisor and manager are responsible for:

- (a) Adhering to and enforcing this policy;
- (b) Ensuring that employees understand and adhere to this policy;
- (c) Ensuring that independent third parties such as consultants, independent contractors, and temporary agency employees understand and adhere to this policy;
- (d) Reporting violations of this policy; and

⁴ For US Business Units, this includes complaints made before federal, state or local agencies.

⁵ For US Business Units, this includes investigations, compliance reviews, hearings, or any other activity related to the administration of any federal, state, or local equal employment opportunity or affirmative action statute.

⁶ For US Business Units, this includes opposition to any act or practice made unlawful by federal, state, or local law requiring equal employment opportunity or affirmative action.

⁷ For US Business Units, this includes exercising any other employment right protected by federal, state, or local law or its implementing regulations.

- (e) Cooperating in investigations and resolutions.

Each location has a designated human resources representative responsible for:

- (a) Adhering to and enforcing this policy;
- (b) Ensuring that employees, applicants and independent third parties as described above understand and adhere to this policy; and
- (c) Investigating and resolving violations of this policy.

All individuals who participate in investigations are expected to maintain the confidentiality of any information provided in connection with a complaint and an investigation, and to refrain from discussing the complaint or the investigation with anyone other than the person conducting the investigation.

IV. PROCEDURES

1. Reporting

The Company encourages employees who believe they are being subjected to conduct prohibited in this policy to advise the offender that his or her behavior is unwelcome and request that the behavior be stopped. Employees who may be uncomfortable in this situation should not confront the offender.

Employees who believe they have been subjected to or witnessed discriminatory, harassing, or retaliatory conduct by anyone in connection with employment must immediately report the conduct to the Company. *Please note that employees are not required to follow the chain of command when making a complaint of discrimination, including harassment and retaliation, particularly if the conduct involves their supervisor.* Be assured that employees who, in good faith, report a possible violation of this policy will be protected from retaliation.

Employees must report the conduct to one of the following:

- (a) Immediate supervisor;
- (b) Manager of the immediate supervisor;
- (c) Designated human resources representative at the employee's location; or
- (d) Business unit human resources representative.

While employees are encouraged to file internal complaints before filing charges with the appropriate governmental agency⁸, there is no obligation to exhaust internal procedures. Employees should keep in mind that the deadline for filing an external complaint of alleged discrimination or harassment runs from the last day of the alleged unlawful discrimination or harassment and not from the date that the internal complaint is resolved or the internal procedure abandoned. An employee with a question about the applicable deadline for filing an external complaint should contact directly the appropriate governmental agency⁹.

All supervisors and members of management to whom a complaint of discrimination, including harassment and retaliation, is brought or who independently observe behavior prohibited by this policy *must* report the complaint to the highest-ranking official at the respective facility who is not the alleged offender.

Where allowed by local law, the Company has installed e-mail filtering devices to prevent most unwanted e-mails from entering the system. Anyone who receives unsolicited inappropriate commercial e-mails should

⁸ For US Business Units, this shall mean the EEOC, US Department of Labor (DOL) or the state/local Fair Employment Practices Agency (FEPA).

⁹ For US Business Units, this shall mean the EEOC, DOL and/or FEPA.

report the e-mail to the appropriate IT Department immediately.

2. Investigation

A designated Company representative will investigate complaints of any type of discriminatory, harassing, or retaliatory conduct in a prompt, thorough, and impartial manner. Under no circumstances will the designated Company representative or anyone who has any direct or indirect control over the investigation be subject to the supervisory authority of the employee(s) being investigated for alleged violations of this policy.

Investigations may include interviews with the parties involved, individuals who may have witnessed the alleged conduct, and individuals who may have relevant knowledge to the investigation.

Upon completion of the investigation, a determination as to whether the alleged conduct occurred will be made and relevant parties will be informed of the determination. If no determination can be made because the evidence is inconclusive, the relevant parties will be informed of this result.

3. Corrective Action

Any employee found to have engaged in conduct in violation of this policy will be subject to corrective or disciplinary action commensurate with the nature and severity of the offense, up to and including immediate termination. Failure to comply with any part of this policy, including (1) failure to cooperate in an investigation, (2) failure to maintain confidentiality, (3) knowingly providing false information, or (4) filing a false and malicious complaint will also be subject to corrective or disciplinary action, up to and including immediate termination.

Corrective or disciplinary actions will be determined in accordance with the nature and severity of the violation of the policy. Actions include, but are not limited to, training, referral to counseling, warnings, reprimands, reassignment, suspension, and termination.

4. Confidentiality

Employees filing complaints of discrimination, including harassment and retaliation, are assured that information about the allegation will be shared only with those who need to know about it. Records relating to these complaints will be kept confidential on the same basis, to the extent permitted by local law. Complete confidentiality cannot be guaranteed but confidentiality will be maintained to the extent consistent with the investigation and appropriate corrective action.

V. REASONABLE ACCOMMODATION/ADJUSTMENTS

1. Disability

The Company will make reasonable accommodations or adjustments for qualified individuals with known disabilities to enable them to perform the essential functions of their job, unless doing so would result in an undue hardship. Reasonable accommodations or adjustments may include physical access to job sites, providing technological aids for performing work duties, revising work schedules or restructuring marginal tasks.

2. Religion

The Company will also make reasonable accommodations or adjustments for sincerely held religious

practices and observances unless doing so would impose an undue hardship on the business. Reasonable accommodations may include flexible scheduling, voluntary substitutions or swaps, job reassignments, and lateral transfers.

3. Procedures

Requests for reasonable accommodation or adjustments by employees, applicants for employment, or by supervisors who believe a workplace accommodation or adjustments may be necessary for an employee, may be directed to the:

- (a) Designated human resources representative for the location; or
- (b) Business unit human resources representative.

Requests may be made verbally or in writing, and may be made at any time during the application process or during the period of employment.

The Company will engage in an interactive process with the employee to evaluate the request. In evaluating requests for disabilities, the Company may ask for information from the employee's or applicant's health care or rehabilitation professional to make an informed decision about the request. The Company will request only the information that is needed to evaluate the request and will not request genetic information. The Company will respond to the request in a prompt and thorough manner.

Medical information obtained by the Company will be placed in a separate medical file and will be kept in strict confidence except that:

- (a) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or employee and necessary accommodations or adjustments.
- (b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- (c) Government officials engaged in enforcing local laws¹⁰ shall be provided relevant information on request.

VI. CONTACT INFORMATION

Any questions regarding this policy should be directed to the designated human resources representative for the location, business unit Human Resources representative or Chief Human Resources Officer. Please contact the local human resources office for the Company contact names and phone numbers, or for any additional local and state information.

Approved:



Allan MacDonald
Head of Human Resources

¹⁰ For US Business Units, this shall mean the Office of Federal Contract Compliance Programs or enforcing the Americans with Disabilities Act