



## Non-Discrimination & Anti-Harassment Policy

### Purpose

Berry is committed to a work environment where all employees can thrive and meet their potential. With this in mind, the Berry Non-Discrimination and Anti-Harassment Policy serves as a guideline for appropriate behavior towards one another and provides guidance if an employee witnesses an incident or reports a concern.

### Scope

This policy applies to employees at all levels of the company, including directors, officers, full time and part-time employees, interns and temporary employees. This policy also applies to vendors and third parties who are doing business with Berry.

### Policy

**Sexual Harassment** – This includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where the individual is made to feel as if he or she must agree to the request or submit to the advance in order to get favorable treatment at work. Sexual harassment also includes sexually-oriented conduct and communications which unreasonably interfere with an employee's work performance or create an intimidating, hostile or offensive environment.

Unwelcome sexual advances violate this policy even if directed at a co-worker, temporary worker, supervisor, customer or vendor. While not exhaustive, the following is a list of some examples of sexual harassment:

- Unwanted sexual advances or propositions.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to a sexual overture.
- Visual conduct such as leering, making sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct, such as making or using sexually derogatory comments, epithets, slurs or jokes.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct such as unwanted touching, assault, or impeding or blocking movements.

**Other Harassment** – Harassment based on race, color, religion, creed, national origin, veteran status, disability, age or any other category protected by law can include any verbal, written, or physical act in which such a protected characteristic is used to make an employee uncomfortable at work or interferes with an employee's ability to perform his or her job.

Harassment based on a legally protected category may take many forms. While it is impossible for the Company to provide an exhaustive list, the following is a list of some examples of harassing behavior that is prohibited:

- Jokes or insults that refer to race, color, gender, sexual orientation, gender identity, religion, creed, national origin, veteran status, disability, age, or any other category protected by law.
- Posting or distributing cartoons, drawings, or any other material that negatively reflects a person's race, color, gender, sexual orientation, gender identity, religion, creed, national origin, veteran status, disability, age, or any other category protected by law.
- The use of slurs or other offensive language.

Please note that it is not the intent of the action, but the perception of the action committed which may lead to an allegation of harassment.

All Berry employees are expected to comply with the following:

- Treat all individuals respectfully, recognizing their human dignity, regardless of their diverse human characteristics or cultural or religious backgrounds.
- Contribute to a work environment that is free of hostile and offensive behaviors.
- Have the right to speak out without fear of retaliation when actions of others violate the workplace rights of any individuals.
- Will not use abusive, profane, or harassing language when communicating via e-mail or using the Internet.
- Respect the opinions of others and address conflicts without engaging in conduct which is injurious, offensive, threatening, intimidating, coercing or that interferes with other employees.
- Respect others' privacy in their personal lives, and the right to balance work and family responsibilities.
- Will not participate in the use of disrespectful language, gestures, or offensive pictures or cartoons that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or by Company policy.
- Always be fair and courteous to fellow employees, customers, suppliers, or people who work on behalf of Berry and respect their personal property.

### **Equal Employment Opportunity**

Berry provides equal employment opportunity to qualified persons without regard to race, color, gender, sexual orientation, gender identity, pregnancy, religion, creed, national origin, veteran status, disability, age, genetic information, genetic predisposition or carrier status, or any other category protected by local, state or federal law. Our policy relates to all phases of employment, including recruitment, hiring, promotion, training, demotion, transfer, layoff, recall, and termination, rates of pay, employee benefits, and participation in all Company-sponsored employee activities.

### **Reasonable Accommodations**

Any applicant or employee who requires an accommodation to perform the essential functions of the job should contact his or her Human Resources representative to request such an accommodation. Together with the employee, Berry will identify possible accommodations that will help to eliminate the limitation or barrier. Berry will provide accommodations that are reasonable, do not impose an undue hardship on the Company's business, and do not pose a direct threat to the health and/or safety of the individual requesting accommodation or others. The individual requesting accommodation is required to cooperate fully with the Company to evaluate alternatives and accommodations. Berry may require medical verification of the disability and need for accommodation. Contact your Human Resources representative to obtain forms related to a job accommodation or the need for medical leave.

The Genetic Information Nondiscrimination Act (GINA) prohibits employers from obtaining an applicant's or employee's genetic information, including family medical history. Employee medical information is confidential and only subject to disclosure in limited, job-related situations.

The Company will also provide reasonable accommodation for an employee's religious beliefs and practices when the employee requests accommodation and a reasonable accommodation can be identified. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs or practices and the employee's job requirements without causing undue hardship to the Company or coworkers. The Company has developed an accommodation process to assist employees, management, and Human Resources. Any employee who perceives a conflict between job requirements and religious belief or practice should bring the conflict and his or her request for accommodation to the attention of his or her supervisor or Human Resources to initiate the accommodation process.

### **Non-Harassment, Discrimination, and Retaliation**

Berry has a zero tolerance policy towards discrimination, harassment, and retaliation based on race, color, gender, sexual orientation, gender identity, pregnancy, religion, creed, national origin, veteran status, disability, age, or any other category protected by law. We prohibit any actual or attempted reprisals or retaliation against an employee who raises a concern that this policy has been violated or who cooperates in related investigations. We take all allegations of discrimination, harassment and retaliation very seriously, and is firmly committed to ensuring a workplace free of those discriminatory activities. Anyone engaging in discrimination, harassment, or retaliation is subject to disciplinary action, up to and including termination.

### **Speaking Up and Investigating Discrimination, Harassment and Retaliation**

In an effort to eliminate and promptly reduce perceived workplace discrimination, harassment, and retaliation, the Company utilizes an internal investigation process in response to complaints of such conduct. Anyone who believes he or she has been subjected to discrimination, harassment or retaliation, or who has witnessed such conduct, must report

the conduct as provided in the following procedure. Employees are expected to be truthful in making complaints and participating in investigations.

- Employees must immediately report any discriminatory, harassing or retaliatory behavior experienced or witnessed to their Human Resources representative.
- If the HR representative is involved, or if an employee does not feel comfortable talking to the HR representative, an employee should contact Divisional Corporate HR or the Legal Department. If the employee does not feel comfortable contacting Corporate or Legal, he or she can report conduct via the Berry Ethics Helpline. ((888) 307-2815 or <https://secure.ethicspoint.com/domain/media/en/gui/39248/index.html>)
- If a manager or supervisor receives a complaint of discriminatory, harassing or retaliatory behavior, the manager or supervisor must report it to Human Resources immediately.

Human Resources, with the assistance of Compliance or Management, as appropriate, will conduct a prompt and thorough investigation. We expect all employees to fully cooperate with any investigation conducted by the Company except where voluntary participation is legally required. If we determine that this policy has been violated, remedial action will be taken, proportionate with the severity of the offense. Berry will also take appropriate action to deter any future harassment or discrimination, including but not limited to disciplinary action up to and including termination. We take allegations of discrimination, harassment, and retaliation very seriously and expects employees to do the same.

### **Confidentiality**

In all cases involving a report of harassment, discrimination or retaliation, Berry will make all reasonable efforts to maintain confidentiality to the extent necessary under the specific circumstances of each particular case. Whether employees will be required to maintain the confidentiality of an investigation will be determined on a case-by-case basis. For example, employees may be instructed to maintain confidentiality if Berry identifies a need to protect witnesses, avoid destruction of evidence, ensure truthfulness of testimony, prevent a cover-up, or some other legitimate business reason specific to the particular investigation.

### **Training**

All employees are provided training on discrimination and harassment prevention, and creating a respectful workplace environment. Specifically, Managers will be provided with training around additional responsibilities of handling employee concerns around discrimination and harassment.

### **Version Control**

Date	Version Number	Purpose/Change	Author/Approver
May 5, 2021	1.0	New Policy	VP, Senior Counsel