

## New Age Beverages Corporation Harassment Addendum to Code of Conduct

New Age is committed to creating and maintaining a work environment where all persons are treated with dignity and respect, and appreciated for their differences. Our culture is one of respect to fellow associates and business partners, and one that embodies integrity in all we do, whereby candor and direct communication is championed. Each individual at New Age should be provided with the opportunity to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment based on a person's race, creed, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated in the workplace itself or in other work-related settings such as business trips, conferences, or work-related social events.

### APPLICATION

New Age will not tolerate, condone or allow harassment or abuse in any form whether engaged in by Company as a full or part time associate and contract associates, volunteers, interns, supervisors, officers, board members, clients, customers or others conducting business at or with the company. Harassment or abuse in any form may result in immediate disciplinary action from the firm, which may include termination.

### DEFINITIONS

(1) **Harassment/Abuse.** Wherever used in this policy, the term "harassment" or "abuse" represents any unwelcome or offensive conduct, verbal or physical, based on a person's race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability if such conduct adversely affects that person's work performance or employment status, or otherwise creates an intimidating, hostile or offensive work environment. Examples of prohibited conduct include: derogatory comments, remarks, gestures, or jokes, including the same contained in electronic communications and media, relating to a person's race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability, racial or ethnic slurs, and negative epithets.

(2) **Sexual Harassment.** Sexual harassment is specifically defined as any type of unwelcome or offensive conduct based on an individual's sex, whether or not the conduct is sexual in nature, where: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or 2) this conduct unreasonably interferes with a person's employment or creates an intimidating, hostile or offensive work environment.

Examples of prohibited sexual harassment include: derogatory comments, remarks, gestures or jokes about a particular sex; demands for sexual favors in exchange for favorable treatment or continued employment; unwanted sexual advances or propositions; unwelcome touching; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; repeated sexual comments, sexual gestures, sexual jokes, leering, whistling, or other verbal abuse of a sexual nature; the display in the workplace of sexually suggestive objects or pictures; and using electronic media and communications to send or receive sexually suggestive messages and/or images.

(3) **Discrimination.** Wherever used in this policy, the term “discrimination” refers to any treatment or distinction in favor of or against a person based on the person’s actual or perceived race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability. Discrimination also includes treating someone unfavorably because the person is married to or otherwise associated with a person of a certain race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability.

(4) a. **Decorum/Professionalism.** Profanity, foul or bad language even when it isn’t directed at an individual, creates an intimidating work environment that is unprofessional and undermines the morale of every associate. It can also carry legal consequences and create a negative or unprofessional image of New Age. Profanity or abusive or threatening language in an email is equally as bad, exacerbated by the fact that the offender has had the time to consider before hitting “send.”

#### b. Racial and Other Personal Slurs

New Age’s anti-profanity clause bans profanity that attacks others because of their race, religion, ethnicity, gender or sexual orientation -- in other words, any of the categories protected by federal anti-discrimination laws. When someone uses profane language in these instances, it creates a hostile work environment that violates federal law and could lead to harassment and discrimination complaints.

#### c. Sexual Slang and Innuendo

Another category of banned language includes references to body parts, body functions and sexual acts. Sexual harassment and discrimination includes vulgarity, crude jokes and obscene insults, and spans to invitations or discussions about strip clubs, elicit internet sites, or discussions of other subjects that could be potentially viewed as offensive.

### COMPLAINT PROCEDURE

An associate who believes he or she has been subjected to harassment is strongly encouraged to disclose the offending behavior so appropriate action may be taken.

(1) **Reporting.** Any violation or appearance of a violation of this policy shall be promptly reported to any of the following persons for filing the complaint: the person’s own supervisor or any other supervisor; executive team or HR representative.

(2) **Form of the Report.** The initial report may be either a written or verbal complaint. Written complaints should include the date, time, location, and a description of the event or behavior complained of, the names of the parties involved and of any witnesses, and should be signed by the complaining party (“complainant”). The recipient of the complaint must provide copies of the complaint (marked personal and confidential) to the supervisor, HR representative or executive team. In the event that the complaining party is unwilling to provide a specific report and cooperate fully in any ensuing investigation, the complaint will be deemed null and void, and the complaining party will relinquish all rights and claims arising from the situation.

(3) **Confidentiality.** All complaints of harassment shall be kept in confidence, except as necessary to investigate the complaint and respond to any legal and/or administrative proceedings arising out of or relating to the report. All complaints of harassment and discrimination as well as the outcome and findings resulting from any investigation thereof are to be held confidential in accordance with any state or US compliance reporting or laws and company policies.

(4) **Investigation.** Reports of harassment and discrimination from associates warranting an investigation shall be referred to the Human Resources Representative for investigation and potentially . In some instances, an initial inquiry will be completed as a preliminary review by the Human Resources Division to determine whether there is cause to conduct a full investigation. A full investigation, at a minimum, will include conferences with the complainant, the alleged perpetrator, and any witnesses to the incident. Any party involved in a harassment complaint may submit any documentation they believe to be relevant to the matter at issue to the investigating authority.

(5) **Recommendations and Penalties.** The Human Resources representative will make findings and will recommend appropriate action to resolve the matter. Such action may include, but is not limited to, mediation, education, cancellation of a contract, discontinued use of volunteer/intern or corrective and/or disciplinary action for classified associates, up to and including termination of employment. Any investigation resulting in a finding that a person has maliciously or recklessly made false accusations against another may subject the accuser to cancellation of a contract, discontinued use of volunteer/intern or corrective and/or disciplinary action for classified associates, up to and including termination of employment. A full report of any disciplinary action taken will be sent to the Human Resources representative and other decision making personnel.

(6) **Notice to Complainant.** The complainant will be advised when the investigation has been completed within 30 days of the filing of the complaint. If no information has been provided

to the complainant within 45 days, the complainant should immediately contact the Human Resources representative, which will determine the status of the investigation or begin its own investigation, and provide a status report to the complainant. When the investigation has been completed notification will be sent to the complainant and the subject of the complaint. Investigation findings are not subject to appeal.

## **RETALIATION**

Retaliation against any individual who has made a charge, filed a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy will not be tolerated. Retaliation is a serious violation of this policy and should be reported promptly. Reports of retaliation are taken seriously and may be the subject of a separate investigation. Any act of retaliation may result in appropriate corrective or disciplinary action, which may include dismissal.

## **SANCTIONS**

Failure to comply with this policy may result in cancellation of a contract, discontinued use of volunteer/intern or corrective and/or disciplinary action for classified associates, up to and including termination of employment.

## **AMENDMENTS**

This policy may be revised as needed to aid in the administration of the policies and company or in accordance with any state and local laws.