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## **1.0 PURPOSE**

Delek US Holdings, Inc. strives to create and maintain a work environment in which people are treated with dignity, decency and respect. This policy is one component of the company's commitment to a discrimination-free work environment, as further described in the Code of Business Conduct and Ethics and Employee Handbook.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Delek is committed to maintaining a workplace free from sexual harassment.

## **2.0 SCOPE**

Company-wide. This Policy applies to all employees of Delek US Holdings, Inc., its subsidiaries, and its affiliates ("Delek" or the "Company"), as well as officers and directors of the Company. This Policy also applies to all contractors, subcontractors, vendors, consultants or anyone providing services in the workplace.

Failure to comply with this Policy may result in disciplinary action, up to and including termination from employment and/or termination of the contract or relationship between Delek and the third party.

## **3.0 POLICY**

### 3.1 Sexual Harassment Defined.

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:
  - Submission to such conduct is made either an explicit or implicit condition of employment or is used as the basis for an employment decision affecting the harassed employee; or
  - The harassment is severe or pervasive such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.
- b. Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.
- c. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts,

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emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

3.2 Examples of Sexual Harassment. The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- a. Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- b. Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- c. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

3.3 Reporting and Investigating Sexual Harassment

- a. Preventing sexual harassment is everyone's responsibility. Delek cannot prevent or remedy sexual harassment unless it knows about it. All employees are encouraged to report any harassment or behaviors that violate this policy in accordance with Section 4.2.
- b. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, in accordance with Section 4.2. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves,

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supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

- c. In accordance with the Compliance Investigations Procedure, all complaints or information about sexual harassment will be investigated in a timely manner at the direction of the Investigation Review Committee.
  - i. No manager or other employee may conduct an investigation into allegations of sexual harassment without express authorization from the Investigation Review Committee.
  - ii. The investigation will be kept confidential to the extent possible.
  - iii. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment.

#### 3.4 Unlawful Retaliation

- a. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support protected activity with respect to a sexual harassment claim. Protected activity occurs when a person has:
  - i. made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
  - ii. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
  - iii. reported that another employee has been sexually harassed; or
  - iv. encouraged a fellow employee to report harassment.
- b. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).
- c. Even if the alleged harassment is unsubstantiated following an investigation, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **4.0 RESPONSIBILITIES & AUTHORITY**

- 4.1 All Delek employees, officers, and directors are responsible for compliance with this Policy.
- 4.2 Potential or actual violations of this Policy should be reported without a fear of retaliation to any of the following resources:
  - Management;
  - Human Resources;
  - Internal Audit;
  - Legal Department; or

- The Compliance and Ethics Hotline, available 24/7, through which reports may be made anonymously online or by phone at 800-867-9267.

Additionally, employees who are residents of the State of New York may use the Complaint Form for Reporting Sexual Harassment, attached hereto as Appendix A.

- 4.3 Aside from the internal process at Delek, employees may also choose to pursue legal remedies under federal, state and local laws with governmental agencies. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

## **5.0 RELATED POLICIES**

Code of Business Conduct and Ethics

Employee Handbook

Compliance Investigations Procedure

## **6.0 DOCUMENT INFORMATION**

Revision	Content Owner	Executive Sponsor	Executive Review Committee Approval Date	Policy Effective Date
1	Assistant General Counsel, Compliance	Chief Human Resources Officer  EVP, General Counsel & Corporate Secretary	September 2020	September 2020

**NOTICE:** The information contained herein is the confidential property of Delek US and should not be relied upon by other parties.

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**APPENDIX A: COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT**

*Note: This form is intended for use by employees who reside in the State of New York in accordance with local law.*

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Jared Serff, Chief Human Resources Officer, Abby Yates, General Counsel, or integrity@delekus.com. You may also use the Compliance and Ethics Hotline, available 24/7, through which reports may be made anonymously online or by phone at 800-867-9267. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, Delek will complete this form, provide you with a copy and follow this Sexual Harassment prevention policy by investigating the claims as described in Section 3.3.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

Name:

Work Address:                      Work Phone:

Job Title:                          Email:

Select Preferred Communication Method:    Email   Phone   In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:                      Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:                      Title:

Work Address:    Work Phone:

Relationship to you: Supervisor   Subordinate   Co-Worker   Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?  Yes  No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_