



## Drug and Alcohol Policy

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## Table of Contents

1	OVERVIEW .....	3
1.1	PURPOSE .....	3
1.2	SCOPE.....	3
2	POLICY REQUIREMENTS.....	3
2.1	EMPLOYEE AND CONTRACTOR OBLIGATIONS .....	3
2.2	SUPERVISORS AND MANAGERS .....	4
2.3	EH&S.....	4
2.4	HUMAN RESOURCES .....	5
2.5	DESIGNATED EMPLOYER REPRESENTATIVE.....	5
3	GUIDELINES.....	5
3.1	TRAINING .....	5
3.2	POSSESSION .....	6
3.3	MEDICATION .....	6
3.4	ALCOHOL USE .....	6
3.5	COLLECTIONS OF SPECIMENS & ANALYSIS .....	7
4	TYPES OF TESTING.....	7
4.1	PRE-EMPLOYMENT AND TRANSFERS .....	7
4.2	PRE-ACCESS.....	7
4.3	POST-INCIDENT OR NEAR MISS.....	7
4.4	REASONABLE SUSPICION .....	8
4.5	RANDOM.....	8
4.6	RETURN TO DUTY TEST.....	9
4.7	FOLLOW-UP TESTING PROGRAM .....	9
4.8	PROCEDURE FOR TEST RESULTS.....	9
5	REASONABLE SEARCHES .....	10
6	CONFIDENTIALITY & RECORD KEEPING.....	11
7	EMPLOYEE REFERRAL FOR SUBSTANCE ASSESSMENT .....	11
8	SELF-DISCLOSURE .....	12
9	DISABILITY BENEFITS.....	13
10	SOCIAL EXCEPTIONS.....	13
11	VIOLATIONS.....	14
12	EXCEPTIONS.....	15



## **1 Overview**

### **1.1 Purpose**

Gibson Energy ULC, and all its affiliated and associated Canadian entities, including partnerships (hereinafter referred to as the “Company”), places a priority on minimizing health and safety risks associated with all business activities. The use of Drugs and Alcohol (collectively, “Substance” or “Substances”) can have serious adverse effects on health, safety and job performance, which can adversely impact other employees, contractors, members of the public, Company property, and the environment.

In accordance with recognized industry standards, this policy supports the Company’s commitment and responsibility to provide a safe and healthy workplace and to ensure a work environment free from the potential negative effects of Substance use. To fulfill this commitment, this policy emphasizes the health and safety risks associated with performing work duties while under the influence of Substances and promotes the supportive programs available to employees related to the prevention and treatment of Substance dependency. The Company will observe all privacy, human rights, and other employment obligations to the extent possible and permitted by law in fulfilling these objectives.

### **1.2 Scope**

This policy applies to all Company employees and other individuals acting on behalf of the Company under contract for service or services with the Company on the Company’s worksites or while using Company property to further the work of the Company in Canada.

## **2 Policy Requirements**

### **2.1 Employee and Contractor Obligations**

It is a requirement for all employees and contractors to:

- a. Report and remain Fit for Duty for scheduled work and be able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of any Substance.
- b. Remain Fit for Duty while on call in case they are called into work.
- c. Refuse any request to work when off-duty if not Fit for Duty without fear of disciplinary action or reprisal.
- d. Consult their personal Medical Practitioner or pharmacist respecting all Medication to determine if the use of such Medication will have any potential negative effect on their ability to be Fit for Duty or to perform their duties in a safe manner.



- e. Refrain from using any Substances for 32 (in the case of Drugs) or 8 (in the case of Alcohol) hours after an Incident or Near Miss they are connected to.
- f. Participate in any post Incident or Near Miss preliminary investigation in an honest and forthright manner.
- g. Comply with a supervisor's/manager's request for testing, pursuant to this policy.
- h. Recognize that problems related to Substance use or dependency are not an excuse for poor or unsafe performance. Anyone who suspects they have a Substance dependency or emerging Substance dependency are encouraged to seek advice (see "Self-Disclosure" section, below) and to follow appropriate treatment promptly without fear of discipline before job performance is affected or any policy violation(s) occur.
- i. Intervene if they suspect that a co-worker or contractor may be under the influence of any Substance and/or appear to be in a state whereby they cannot complete the tasks of their position in a safe manner. Intervention may include contacting their supervisor/manager, a Human Resources or a EH&S Representative for confidential advice on the appropriate course of action.

## 2.2 Supervisors and Managers

Supervisors and Managers play a key role in ensuring compliance with this policy. In addition to the requirements in section 2.1, it is also a requirement for all Supervisor and Managers to:

- a. Ensure that all Substance testing required by the Company has been arranged and completed and that a negative result has been received for any new employee or contractor in a Safety Sensitive Position before they commence employment or gain access to the site or work.
- b. Monitor and evaluate work performance with an objective of early identification and handling of performance issues related to the use of Substances.
- c. Refer any employee or contractor for a Substance test when required to do so under the applicable guidelines of this policy.
- d. Confer with Human Resources and the Designated Employer Representative on Substance use issues, as appropriate, and ensure that all related issues are handled in the strictest of confidence to the extent possible in fulfillment of the objectives of this policy as permitted by law.
- e. Ensure that investigation of work-related Incidents and Near Misses are carried out in accordance with Company requirements and assist in expediting preliminary investigations.

## 2.3 EH&S

EHS is accountable for governance of this policy, plays an advisory role to support workplace investigations and will provide periodic training and information sessions as legislative or workplace changes occur.



They also participate in periodic reviews and revisions, as deemed appropriate or necessary, of this policy in collaboration with Human Resources.

#### 2.4 Human Resources

Human Resources will:

- Assist the respective supervisor/manager, where appropriate, with work restrictions or limitations, reassignments, leaves of absence, suspension or termination considerations.
- Maintain education and training records.
- Undertake periodic reviews and revisions of this policy in collaboration with EH&S.

#### 2.5 Designated Employer Representative

The Designated Employer Representative will:

- Act as a confidential resource within the Company in matters related to this policy.
- Communicate with the 3<sup>rd</sup> Party Testing Provider, the Medical Review Officer and Substance Abuse Professionals as required.
- Provide confidential service to all employees regarding Substance dependence and refer the individual to the Employee and Family Assistance Program, a health professional, a government agency providing Substance dependence services, or to an addiction/treatment center, but will not provide any counseling services themselves.
- Maintain confidential records of all test results, including refusals to test.
- Maintain correspondence from the Medical Review Officer, Substance Abuse Professionals, employees and contractors.
- Where applicable, ensure any third-party administrator maintains confidential records in accordance with applicable legislation.

### 3 Guidelines

The Company recognizes that education on Substance use, Substance dependence and this policy is critical for achieving the objectives of this policy.

#### 3.1 Training

- a. *Employee and Contractor Training.* Employees and contractors will receive awareness education on the application of this policy.
- b. *Supervisor / Manager Training.* In addition to the above training, Supervisors and Managers will periodically receive specific training on how to recognize signs and symptoms of Substance use in the workplace, Substance testing, and appropriate responses.



### 3.2 Possession

Possession, use or offering for sale of any Substance, Drug Paraphernalia or any product or device that could be used to tamper with any sample of a Substance test on Company or customer sites or in Company vehicles, is prohibited.

### 3.3 Medication

No employee or contractor in a Safety Sensitive Position can report for duty or remain on duty when the employee or contractor uses any Drugs, except Medication when such use is pursuant to the instructions of an appropriate licensed Medical Practitioner who has advised the employee or contractor that the Medication will not adversely affect the employee's or contractor's ability to work safely at the job site.

If a licensed Medical Practitioner advises that the Medication will likely affect the ability to work in a Safety Sensitive Position the employee or contractor will immediately, and prior to performing work in a Safety Sensitive Position, notify his/her immediate supervisor/manager. Employees and contractors may be reassigned or removed from duty while using, or still under the effects of, such Medication.

If an employee or contractor knows or suspects that Medication use is causing the employee or contractor to be not Fit for Duty, then he/she must report to his/her supervisor/manager immediately and accept any reasonable direction, including reassignment or removal from duty while using, or still under the effects of, such Medication.

No employee or contractor will intentionally misuse Medication in such a manner as to render themselves not Fit for Duty. No employee or contractor is allowed to provide anyone with Drugs, including Medication, for any purpose, including but not limited to a coworker's possession or use, except where reasonably required in cases of medical emergency or first aid.

### 3.4 Alcohol Use

The Company prohibits anyone, including its employees and contractors, from being present at Company Premises or customer sites, or engaging in any Company Business, with a Blood Alcohol Concentration of .04 or higher. Employees and contractors are also prohibited from being not Fit for Duty due to Alcohol use of any quantity, or its after effects.

The Company prohibits its employees and contractors in Safety Sensitive Positions from being present at Company Premises or customer sites, or engaging in any Company Business, with a Blood Alcohol Concentration of .02 or higher.



### 3.5 Collections of Specimens & Analysis

A designated testing company will collect and process urine specimens for Drug testing as required. All testing must meet or exceed the guidelines and standards of Substance Abuse and Mental Health Services Administration (SAMHSA). Alcohol screen testing will be with an approved Alcohol testing device or, saliva testing (e.g. Q.E.D.®). All Alcohol screening tests at .02 or higher will be confirmed with an approved Evidential Breath Alcohol Testing Device. All Urine Express Tests performed will test for the Drugs identified in Appendix A. If the first urine test is designated as a Non-negative, the testing company will obtain an oral fluid sample. Both the Non-negative urine test and oral fluid sample will be sent to an Accredited Laboratory. Following proper Chain of Custody procedures, an Accredited Laboratory will perform required testing with test results forwarded to a Medical Review Officer.

## 4 Types of Testing

### 4.1 Pre-Employment and Transfers

As a condition of employment, all successful candidates for Safety Sensitive Positions will be subject to pre-employment Substance testing. Current employees transferring to a Safety Sensitive Position will also be subject to Substance testing as a condition for such transfer. Only upon receipt of a negative test result will the successful candidate or transferring employee be eligible to start his/her job duties.

### 4.2 Pre-Access

As a condition of performing services under contract, all contractors may be subject to pre-access Substance testing. Only upon receipt of a negative test result will the successful contractor be eligible to start performing services.

The Company reserves the right to subject employees and contractors in Safety Sensitive Positions to Substance testing, and to produce a negative test result, to gain access, or regain access to Company or customer sites, as may be required, to meet Company objectives or contractual obligations, in the event of an incident or other circumstance which constitute Reasonable Grounds to believe that the employee poses a risk to workplace health or safety due to Substance use.

### 4.3 Post-Incident or Near Miss

Substance testing of an employee or contractor in a Safety Sensitive Position may be performed after an Incident or Near Miss as part of the investigation. Testing will not interfere with or delay necessary medical attention for injured parties.

The circumstances of each case will be taken into consideration before making the decision to test. Post-incident test will not occur unless a preliminary investigation has been undertaken and established:



- a. a connection between the individual and the Incident or Near Miss;
  - b. that there is no Credible Explanation for the Incident or Near Miss and the individual's act or omission contributed to the Incident or Near Miss; and
- that a test would reasonably assist the overall investigation (for example, to rule out impairment as a contributing cause)

Reasons for conducting Post-Incident or Near Miss testing will be documented, including if testing is not required or cannot be conducted.

It is the supervisor's/manager's responsibility to ensure safe transportation to the hospital/clinic (if appropriate), Collection Site and to the individual's place of residence.

In situations where testing is done externally (e.g., at a hospital), the employee or contractor agrees to disclose the test result(s) and any related, reasonably requested, details to the Designated Employer Representative of the Company as part of its investigation.

#### 4.4 Reasonable Suspicion

Any employee or contractor in a Safety Sensitive Position is subject to Substance testing where Reasonable Grounds exist to suspect that use of Substances has made, or may make, the employee or contractor unable to work safely or where there are Reasonable Grounds to suspect that there has been a violation of this policy. The observations and reasons giving rise to the above suspicions will be documented in a clearly stated and objective format.

- a. The employee or contractor will be informed of the reasons for the test and will have an opportunity to confirm Substance use prior to taking the test. However, the supervisor/manager may still order the test;
- b. It is the supervisor's/manager's responsibility to ensure safe transportation to the Collection Site and to the individual's place of residence;
- c. Under no circumstances should an employee or contractor who has been directed to take a reasonable suspicion Substance test be permitted to drive a vehicle. In the event that the individual in question does operate a vehicle, it is incumbent upon the supervisor/manager, or any other designate of the Company, to contact the local authorities.

#### 4.5 Random

The Company reserves the right to conduct random Substance testing on employees and contractors in a Safety Sensitive Position to meet the needs of its business and those of its external customers. The Company will only implement a random testing program where it is deemed to be reasonably necessary for deterrence and in accordance with law.



#### 4.6 Return to Duty Test

Prior to any employee in a Safety Sensitive Position returning to regular duties following a positive Drug or Alcohol test, he/she will be required to take a return to duty test that must yield a negative result, and partake in the follow-up testing program, discussed below. The individual will be provided with at least 24 hours written notice of the date and time of the test.

#### 4.7 Follow-up Testing Program

Any employee in a Safety Sensitive Position returning to regular duties following a positive Substance test will be subject to at least 6 random, unannounced, Substance tests in a 12 month period, unless the Substance Abuse Professional or other treating Medical Practitioner recommends a greater number or duration.

Follow-up testing may be suspended during an approved, extended leave of absence due to disability or, in other exceptional circumstances, as determined in the sole discretion of Senior Executive.

#### 4.8 Procedure for Test Results

- a. Pre-Employment, Transfer or Pre-Access Test. Potential employees or contractors who test positive on pre-employment or pre-access Substance tests will not be eligible for employment or to provide services and their offer of employment or contract will be withdrawn. The individual will be encouraged to seek assistance from a Substance Abuse Professional and to reapply for available positions when they can meet the Company's policy requirements. Current employees or contractors seeking to transfer into a Safety Sensitive Position who test positive will not be eligible for the transfer and may also be found to be in violation of this policy.
- b. Drug Test Procedures.
  - (i) Employees who test positive or Non-negative on a Drug test will be immediately placed on an unpaid administrative leave of absence. Employees with positive test results are subject to the "Employee Assistance" section and one or more of the following 4 consequences:
    - (1) mandatory leave of absence;
    - (2) immediate removal from the site;
    - (3) suspension without pay;
    - (4) other potential discipline up to and including dismissal for just cause.
  - (ii) Contractors who test positive or Non-negative on a Drug test will be immediately removed from site. Contractors are not subject to the "Employee Assistance" section. Contractors with positive test results are subject to one or more of the following 4 consequences:
    - (1) immediate removal from the site;



- (2) pre-access testing;
  - (3) termination of contract;
  - (4) temporary or permanent ban from providing services to the Company or accessing the Company's property.
- c. Positive Alcohol Test Procedures.
- (i) Employees in a Safety Sensitive Position with a Confirmed Blood Alcohol Concentration of .02 or higher will be immediately placed on an unpaid administrative leave of absence and will not be allowed to return to work until they are Fit for Duty. However, the Company reserves the right to impose disciplinary action, up to and including dismissal for just cause.
  - (ii) Contractors in a Safety Sensitive Position with a Confirmed Blood Alcohol Concentration of .02 or higher will be removed from service immediately and will not be allowed to resume until they are Fit for Duty. However, the Company reserves the right to suspend or terminate the contract of services.
- d. Refusal to Test, Tampering and Obstruction. Any employee or contractor who refuses to submit to a Substance test, without reasonable explanation, will be in violation of this policy and subject to discipline up to and including termination for just cause or termination of contract, respectively. Tampering, attempts to tamper, or aiding someone else in tampering or attempting to tamper with a test sample or obstructing the testing process will be considered a severe violation of this policy warranting termination for just cause or termination of contract.
- e. Company Override. The Designated Employer Representative and Vice President/General Manager/Director or their express designate has the sole discretion to override a Substance test in exceptional circumstances, including, for example, in emergency circumstances that present a significant risk to personal safety. The decision to override a test, along with reasons, must be documented.
- f. Consent. Employees and contractors accept the terms of this policy as part of their continued employment or engagement with the Company and authorize any certified service provider that tests employees for Substances on behalf of the Company to release the test results to the Company and, in the case of employees, to any licensed treating physician of the employee or Substance Abuse Professional, under the provisions of this policy, or as required or permitted by law.

## 5 Reasonable Searches

All employees and contractors will be subject to reasonable searches as a condition of employment or continued contract work where the Company has Reasonable Grounds to suspect that Substances or Drug Paraphernalia are present on Company Premises or Company Business or as a reasonable measure to deter Substance use or possession of



Substances or Drug Paraphernalia on Company Premises or Company Business. Searches may be conducted with the use of drug sniffing dogs.

Employees and contractors who refuse to participate in or otherwise obstruct reasonable searches will be subject to disciplinary action up to and including termination for just cause, or termination of their contract of services. These searches may be unannounced.

Employees and contractors are required to fully cooperate when Substance Searches are conducted. These searches may include searches of personal property such as vehicles, bags, backpacks, cupboards, lockers, drawers and other containers. The Company will respect privacy to the extent that it does not fetter the Company's discretion and ability to conduct Substance Searches and any related workplace investigations. Where appropriate, the Company will provide notice or invite employees and contractors to be present during searches. The Company may report any findings from searches to the local police authorities.

## **6 Confidentiality & Record Keeping**

The Company will ensure that test results are only disclosed to those with a need to know in order to discharge an obligation under this policy or as authorized by law and are otherwise kept confidential.

All Substance test results are confidential and are released by the Medical Review Officer, or testing company, to the Designated Employer Representative or alternate. The Designated Employer Representative or alternate may release relevant information to Company decision makers as required. Confidential information from a Substance Abuse Professional will be handled in a similar manner.

All records will be retained in a locked and secure manner. Other than material related to violations of this policy, records will be kept separate from individual employee and contractor personnel files.

Confidentiality of personal information collected, used, disclosed or stored in relation to the application of this policy will be maintained except where disclosure is necessary for related health and safety concerns (e.g., there is deemed to be a potential for risk to employees, contractors, the public, the Company's property or surrounding property, the workplace or the environment), or where disclosure is required or permitted by applicable privacy legislation or other applicable law.

## **7 Employee Referral for Substance Assessment**

Any employee found to be in violation of this policy may be referred to the Employee and Family Assistance Program through the monitored referral process, or to an alternate Substance assistance program, as a condition of continued employment. The Company will be informed of the appointments scheduled, confirmation of attendance at appointments, cancellation of any appointments, notification of any referrals to outside



treatment centers and confirmation of completion of treatment. All records developed as a result of this condition of employment will be handled on a confidential basis and will not be included in the employee's regular personnel file.

The Company tests for use of Substances recognizing that use may be an indicator of either impairment and/or dependency, both of which could constitute a safety hazard. As such, any employee who is found to be in violation of the policy at the time of search, urinalysis, breath and saliva tests and/or blood tests, or other investigation may be referred to a Substance assistance program, through the monitored referral process or to another government agency that specializes in Substance dependence counseling. The employee will be placed on an administrative unpaid leave of absence, reassigned or provided with modified work as applicable, during this time. The employee will be subject to a return to duty test and the follow-up testing program as conditions of returning to employment.

All employees placed on a leave of absence due to Substance use or dependency will be required to provide sufficient medical clearance from a licensed treating Medical Practitioner before they can return to work.

If a policy violation occurs, the Company reserves the right to also impose disciplinary action up to and including dismissal for just cause, depending on the nature of the violation.

## **8 Self-Disclosure**

The Company recognizes that there is a distinction between recreational use of Substances versus dependency. Employees who know or suspect they have a Substance dependency are encouraged to seek assistance before job performance is affected and prior to violating this policy. Employees can contact the Employee and Family Assistance Program or Human Resources or an acceptable health professional of their choice. Employees will not face discipline for voluntarily coming forward prior to a violation of this policy. If a policy violation occurs prior to self-disclosure, the Company reserves the right to impose disciplinary action up to and including dismissal for just cause, depending on the nature of the violation. Employees will be reassigned or placed on a leave of absence until such time as they are deemed Fit for Duty and fit to return to their normal duties or any Safety Sensitive Position.

Employees may be referred to a Substance assistance program, as a condition of continued employment. The Company will be informed of the appointments scheduled, confirmation of attendance at appointments, cancellation of any appointments, notification of any referrals to outside treatment centers and confirmation of completion of treatment. All records developed as a result of this condition of employment will be handled on a confidential basis and will not be included in the employee's regular personnel file.



Contractors are encouraged to voluntarily come forward about their suspected Substance dependency. The Company will do its utmost to make work arrangements so that the contractor can be removed from services in order to obtain appropriate assistance. The contractor who comes forward before performance is affected and prior to violating this policy will be removed from his/her services until such time as they are deemed fit to return and subject to the Company's business requirements.

## **9 Disability Benefits**

Employees may be eligible for benefits under, and subject to the terms of, the Company's Short-Term Disability/Long-Term Disability benefit plans. Failure to follow any associated requirements of those plans or imposed under this policy, may result in suspension or termination of Short-Term Disability/Long-Term Disability benefits and discipline up to and including termination of employment for just cause. In the event of any conflict between this policy and the terms of the respective benefit plans, the terms of the benefits plan will prevail.

## **10 Social Exceptions**

The prohibitions related to use or possession of Alcoholic beverages may be specifically waived in advance by the Senior Executive at its sole discretion, for example for Company approved functions or approved business activities. However, this exception does not relieve employees or contractors of their obligation to continue to properly represent the Company, preserve the Company's reputation at all times, and be Fit for Duty for their next shift.

The following rules apply regarding consumption of Alcohol at Company approved functions:

- Consumption must be moderate and in keeping with the integrity, security and safety of others, the public, property and the environment.
- Consumption must be limited so that anyone required to work the next day is not affected by after effects.
- Attendees will not drive while impaired or above the legal limit.
- No one can give Alcohol to anyone who is impaired or under the legal drinking age.
- At all times, attendees must conduct themselves responsibly, in accordance with the Company's values and as set out in the Company's Code of Conduct and Ethics policy.

Employees in non-Safety Sensitive Positions are allowed to consume small amounts of Alcohol during working hours, when reasonable for business purposes (e.g., one beer at a meeting with a client or customer over lunch). Employees are expected to treat this permission as an exception to the general rule of not drinking Alcohol during working hours or on Company Business and behave responsibly. Employees must ensure that they



remain Fit for Duty after having consumed the permitted amount of Alcohol, and do not otherwise violate this policy or break the law. If employees are no longer Fit for Duty they must inform their supervisor/manager. Also, if a supervisor/manager determines an employee is no longer Fit for Duty, the employee must follow the supervisor's/manager's direction, which could include being sent home for the remainder of the day. This privilege may be suspended or lost if it is abused, including if employees end up breaching this or other policies, are tardy, absent, engage in poor performance at work or engage in other misconduct.

For greater certainty, the use of cannabis is not permitted at Company social events or during working hours.

Outside of Company approved functions, the Company only allows Alcohol on Company Premises for one workday, if it stays sealed, unopened and out of view. This exception allows employees to store it temporarily, transport it to or from the office or a function outside of work or if it was received or will be given as a gift. The Company may take away this privilege if it is abused. Alcohol is not allowed under any circumstances at any location where there are employees or contractors working in a Safety Sensitive Position are being performed. Employees are encouraged to inform their supervisor/manager that they have Alcohol at work under this exception to help avoid potential confusion.

Employees who abuse such privileges are also subject to discipline, up to and including termination of employment with just cause. Employees may also be referred to the Employee and Family Assistance Program for assessment for abusing this privilege.

## **11 Violations**

*Maintaining a Valid Operator's License.* All employees or contractors that operate a vehicle on behalf of the Company are required to maintain a valid operator's license. Any loss of driving privileges (license) must be reported to their supervisor/manager and the individual will no longer be allowed to drive on behalf of the Company until such driving privileges are reinstated. If the primary duty of the employee or contractor involves the operation of a vehicle for which they require a valid operator's license, the Company reserves the right to immediately terminate with just cause any such employee, or terminate the services of any such contractor, convicted of impaired driving, even if the conviction arises out of conduct occasioned during that individual's personal time, or for any loss of an operator's license for driving infractions related to Substance use.

- a. *Policy Violation(s).* Subject to the assistance provisions of this policy, employees and contractors who violate this policy or fail to be honest, forthright, and cooperative in the administration or enforcement of this policy, will be subject to unpaid administrative leave, investigation, and the possibility of disciplinary action, including unpaid suspension and up to and including dismissal for just cause, or in the case of contractors, suspension or termination of the contract for services.



- b. Discipline. Should the searches or tests referred to within this policy demonstrate violation of this policy, the employee or contractor will be subject to disciplinary action up to and including termination for just cause, or in the case of a contractor termination of the contract for services. The Company may refer employees and contractors to law enforcement agencies when applicable.

## 12 Exceptions

Contractors are not eligible for Employee Assistance or any other disability or human rights obligations. Nothing in this policy is meant to construe Gibson Energy as the employer for other contractors.

Any terms and conditions of employment that expressly conflict with this policy that are negotiated in a collective agreement will supersede the terms outlined in this policy.

**For additional information, please contact the EHS Specialist – Occupational Health ([EHSOCHealth@gibsonenergy.com](mailto:EHSOCHealth@gibsonenergy.com)) or your leader.**

*The Company maintains the exclusive right to amend, adjust or terminate this policy at any time. Revisions or additions to the information contained in this policy document will be made as required.*

### Definitions:

- a) **Accredited Laboratory** - Meets guidelines and standards of the Substance Abuse and Mental Health Services Administration (SAMSHA). Collection and testing processes follow the U.S. Department of Health and Human Services guidelines.
- b) **Alcohol** - Any substance that may be consumed and that has an alcoholic content in excess of 0.5 per cent by volume.
- c) **Blood Alcohol Concentration** - The Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 litres of breath.
- d) **Chain of Custody** - The process of documenting the handling of a specimen from the time a donor gives the specimen to the Collector, during the testing at the laboratory, and until the results are reported by the laboratory.
- e) **Collector** – Non-medical and medical personnel contracted by an agency who have received training in collecting samples in accordance with guidelines that would be acceptable to the regulatory agencies.
- f) **Collection Site** - The site or location at which Substance Testing occurs.
- g) **Company Business** - All business activities undertaken by employees and contractors in the course of the Company's operations and includes attending trips sponsored by or on behalf of the Company.
- h) **Company Premises** - Includes all land, property, worksites, structures, installations, camp dwellings, vehicles and equipment owned, leased, operated or otherwise directly controlled by the Company, or under the Company's operating



authority, which an employee accesses or operates, and for the purposes of vehicles and equipment includes operating vehicles or equipment while on call or for personal use.

- i) **Confirmed Blood Alcohol Concentration** - A Blood Alcohol Concentration confirmed by an Accredited Laboratory.
- j) **Credible Explanation** - Clear evidence that the Incident or Near Miss was caused by something other than act(s) or omission(s) of employees or contractors (e.g. obvious structural or mechanical failure that was not detectable or preventable with normal maintenance and inspection procedures. A credible explanation does not include carelessness, negligence or falling asleep.
- k) **Designated Employer Representative** - Individual(s) designated by the Company as the sole representative for all Substance related issues.
- l) **Drug** - Includes any controlled substance included in the *Controlled Drugs and Substances Act*, as amended, prescription drugs, over-the-counter drugs, and solvents and other substances that can be ingested, inhaled, or otherwise consumed that are mind or mood altering. For further clarity, this definition includes cannabis.
- m) **Drug Paraphernalia** - Any personal property or object that is associated with the use of any Drug.
- n) **Employee and Family Assistance Program** - An assistance program available to employees provided by the Company's service provider providing assistance for, among other things, Substance dependencies.
- o) **Evidential Breath Alcohol Testing Device** - A device capable of measuring the Alcohol content of deep lung breath samples with sufficient accuracy for evidential purposes. The device must be on the conforming products list as per the U.S. National Highway Traffic Safety Administration.
- p) **Fit for Duty** - Free of effects or after-effects of Substances which have the potential to interfere with the performance of one's job. Under no circumstances is an individual who meets or exceeds an applicable threshold of a Drug or Alcohol test Fit for Duty.<sup>1</sup>
- q) **EH&S** – Environment, Health and Safety.
- r) **Incident** - Includes an unplanned or unwanted event that has, or could have, resulted in damage or injury, including one or more of the following:
  - i. a fatality or serious injury;
  - ii. an environmental incident with serious or significant implications;

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<sup>1</sup> The threshold for Marijuana Metabolites in a urine test is used solely to evaluate the need for an oral fluids test. As such, while meeting or exceeding the applicable threshold for Marijuana Metabolites in a urine test will constitute a Non-negative test result and result in an oral fluids test, it will not constitute a violation of this policy. An individual who meets or exceeds the applicable threshold for Marijuana Parent on an oral fluids test will not be Fit for Duty and will be in violation of this policy.



- iii. significant loss or damage to property, physical assets, equipment, or vehicles; or
- iv. an occupational injury or illness.
- s) **Medical Practitioner** - A person who is registered and entitled under the laws of a province to practice in that province the profession of medicine.
- t) **Medical Review Officer** - The Medical Review Officer is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program who has knowledge of Substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant bio medical information.
- u) **Medications** - A type of Drug used for medical treatment and includes prescription and over-the-counter Drugs.
- v) **Near Miss** – An unplanned or unwanted event that has the potential to be an Incident.
- w) **Non-negative** – The detection of a substance that meets or exceeds the express (or point of collection) test cutoff concentration limits, as outlined in Appendix A, or the test results of which are otherwise deemed non-negative by the designated testing company.
- x) **Reasonable Grounds** - Includes:
  - a) odour of Alcohol, such as the smell of Alcohol on an employee's breath at work;
  - b) odour of cannabis;
  - c) glassy eyes, flushed face, slurred speech, fatigue, unsteadiness (such as in standing or walking);
  - d) acting in a suspicious or unusual manner or unable to correct a chronic performance or behaviour problem;
  - e) excessive sick leave or suspicious patterns of sick leaves; or
  - f) possession or presence of Substances that can be reasonably connected to the employee (such as full or empty Alcohol bottles and Drug Paraphernalia).
- y) **Safety Sensitive Position** - A position designated as safety-sensitive by the Company or third parties when performing services on third parties' sites or under contracts with third parties. It also includes a position occupied by or duties or services performed by an employee or contractor that require undivided focus and a high requirement for mental alertness, a deficit in which creates hazards to co-workers or the community, the environment, or property, and, without limiting the generality of the foregoing, includes anyone who works at heights, within confined spaces, with rotating, energized or motorized equipment; operates a motor vehicle requiring a Class 1 or Class 3 operator's license; transports dangerous goods; transports tanks or trailers; works with or controls hazardous or



- combustible products or substances; and/or anyone who works in mechanical or electrical repairs for the Company.
- z) **SAMHSA** (Substance Abuse and Mental Health Services Administration) - An agency within the U.S. Department of Health and Human Services.
  - aa) **Substance Searches** - Searches for Drugs and/or Alcohol, and/or Drug Paraphernalia.
  - bb) **Substance Abuse Professional** - A Medical Practitioner, or a licensed or certified psychologist, social worker, employee assistance professional or an addictions counselor. All must have knowledge of and clinical experience in the diagnosis and treatment of Substances and related disorders.



**Appendix A**  
**Urine Drug Concentration Limits<sup>2</sup>**

<b>Drug</b>	<b>Express Cut-off Level ng/ml</b>	<b>Screening Cut-off Level ng/ml</b>	<b>Confirmation Cut-off Level ng/ml</b>
Amphetamine	500	500	250
Methamphetamine	500	500	250
MDMA			
• MDMA <sup>1</sup>	500	500	250
• MDA <sup>2</sup>	500	500	250
Cocaine Metabolite	150	150	100
Marijuana Metabolite	50	50	15
Opiates			
• Codeine	2000	2000	2000
• Morphine	2000	2000	2000
• Heroin (6-AM)	10	10	10
Phencyclidine (PCP)	25	25	25
Oxycodone			
• Oxycodone	100	100	100
• Oxymorphone	100	100	100
Hydrocodone			
• Hydrocodone	300	300	100
• Hydromorphone	300	300	100
Methadone	300	300	100
Propoxyphene	300	300	-
Barbiturates	300	300	100
Benzodiazepines	300	300	50
Fentanyl	10	2	1

<sup>1</sup>Methylenedioxymethamphetamine

<sup>2</sup>Methylenedioxyamphetamine

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<sup>2</sup> For further information regarding testing methodology or chemical tested for, please contact the Designated Employer Representative



### Oral Fluid Drug Concentration Limits<sup>3</sup>

Drug	Screening Cut-Off Level ng/ml	Confirmation Cut- off Level ng/ml
Amphetamine	50	50
Methamphetamine	50	50
MDMA		
• MDMA <sup>1</sup>	50	50
• MDA <sup>2</sup>	50	50
Cocaine Metabolite	20	8
Marijuana Parent	4	2
Opiates		
• Codeine	40	40
• Morphine	40	40
• Heroin (6-AM)	4	4
Phencyclidine (PCP)	10	10
Oxycodone		
• Oxycodone	40	40
• Oxymorphone	40	40
Hydrocodone		
• Hydrocodone	40	40
• Hydromorphone	40	40
Methadone	50	50
Propoxyphene	20	20
Barbiturates	50	50
Benzodiazepines	10	10
Fentanyl	1	1

<sup>1</sup>Methylenedioxymethamphetamine

<sup>2</sup>Methylenedioxyamphetamine

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<sup>3</sup> For further information regarding testing methodology or chemical tested for, please contact the Designated Employer Representative



## Change Record

Date	Reason for Change	Owner
Oct	Revised Template	J Cust
May 2019	Revised Page 5 Collections and Specimens	J Cust
June 2021	Revised Policy	S Gulin/J Cust
November 2021	Updated Revised Policy	J Cust