




<b>Drug &amp; Alcohol Policy</b>	<b>Policy #: HR-POL-0008</b>
<b>Human Resources </b>	<b>Last Updated: May 2019</b>
<b>Functional Area: Human Resources</b>	<b>Policy Reference #: HR 7.0</b>
<b>Approval: VP Human Resources</b>	

### 1.0 Purpose

The purpose of this policy is to support the Company's commitment and responsibility to provide a safe and healthy workplace and to ensure its employees, owner-operators and contractors have a work environment free from the potential negative effects of Substance use.

To fulfill this commitment, this policy has been designed to emphasize the health and safety risks associated with performing work duties while under the influence of Substances and to promote the supportive programs available to employees related to the prevention and treatment of Substance dependency.

At all times, the Company will observe privacy and fulfill human rights and other employment obligations to the extent possible in order to fulfill the objectives of this policy and to the extent permitted by law.


This Policy is in compliance with recognized industry standards.

### 2.0 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.

### 3.0 Policy

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 negatively impact other employees, contractors, members of the public, Company property, and the environment. Therefore, appropriate measures are necessary to ensure safe and successful conduct of our Company Business.

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**Requirements:**

**Employees, Owner-Operators, and Contractors will:**

- Report 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 and will remain Fit for Duty for the full period of duty.
- 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 perform their duties in a safe manner. Employees, owner-operators and contractors in a Safety Sensitive Position must report to their supervisor/manager any potential risk, limitation or restriction, for whatever reason, that may require modification of duties, removal from duties or temporary reassignment, and provide appropriate medical verification on restrictions in performance of duties. Other employees, owner-operators and contractors are only required to report Medication use to their supervisor/manager if they believe their ability to perform their job duties may be negatively affected by Medication use but such reporting must occur immediately.
- Refuse any request to work when off-duty if not Fit for Duty without fear of disciplinary action or reprisal.
- Remain Fit for Duty while on call in case they are called into work.
- 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.
- Intervene if they suspect that a co-worker, owner-operator or contractor may be under the influence of any Substance and 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 EHS Representative for confidential advice on the appropriate course of action.

**Supervisors and Managers will:**

- Ensure that all Drug and Alcohol testing required by the Company has been arranged and completed and that a negative result has been received for any new

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employee, owner-operator or contractor in a Safety Sensitive Position before they commence employment or gain access to the site or work.

- Monitor and evaluate work performance with an objective of early identification and handling of performance issues related to the use of Substances.
- Refer any employee, owner-operator or contractor for a Drug and/or Alcohol test when required to do so under the applicable guidelines of this policy.
- Advise drivers of appointments for random tests just prior to the scheduled time and only provide sufficient notice for the driver to arrive on time at the testing site.
- Confer with Human Resources 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.

**EHS will:**

- Ensure that investigation of work related accidents, Incidents and Near Misses are carried out in accordance with the Company accident/Incident procedures and assist in expediting preliminary investigations.
- Participate in periodic reviews and revisions, as deemed appropriate or necessary, of this policy in collaboration with Human Resources.

**Human Resources will:**

- Act as a confidential resource within the Company in matters related to this policy.
- Communicate with the Medical Review Officer and Substance Abuse Professionals as required.
- Advise the respective supervisor/manager, where appropriate, of work restrictions or limitations, leaves of absence, suspension or termination considerations.
- 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 center, but will not provide any counseling services themselves.
- Undertake periodic reviews and revisions of this policy in collaboration with EHS.
- Maintain confidential records of all test results, including refusals to test.
- Maintain correspondence from the Medical Review Officer, Substance Abuse Professionals, employees, owner-operators, and contractors.
- Maintain Substance dependence education and training records.
- Where applicable, ensure any third-party administrator maintains confidential records in accordance with applicable legislation.

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- Provide periodic training and information sessions as legislative changes occur.

**Training:**

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

**Employee, Owner-Operator and Contractor Training**

Employees, owner-operators and contractors will receive awareness education (by way of information packages and/or presentations) in regard to the application of this policy including, but not limited to: the risks of Substance use and the potential impact on safety in the workplace; consequences for policy violation; available resources for employee assistance services; explanation of the testing procedures; and circumstances and situations when testing will occur.

**Supervisor / Manager Training**

Supervisors/managers will be given the above training, as well as more specific training on how to recognize signs and symptoms of Substance use in the workplace and appropriate responses.

**Guidelines:**

**Discipline**

Policy violations under this section can result in:

- (1) for employees, discipline up to and including dismissal for just cause; or,
- (2) for owner-operators and contractors, suspension or termination of contract.

**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. This includes Cannabidiol (CBD) Oils with psychoactive properties.

**Illicit/Prescription/Over-the-Counter Drug Use**

No employee, owner-operator or contractor can report for duty or remain on duty requiring the performance of Safety Sensitive Duties, when the employee, owner-operator or contractor uses any Drugs, except Medication when such use is pursuant to the instructions of a licensed Medical Practitioner who has advised the employee, owner-

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operator or contractor that the Medication will not adversely affect the employee's, owner-operators 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 or perform Safety Sensitive Duties, the employee, owner-operator or contractor will immediately notify his/her immediate supervisor/manager. Employees, owner-operators and contractors may be reassigned or removed from duty while using, or still under the effects of, such Medication.

If an employee, owner-operator or contractor in a non-Safety Sensitive Position suspects that Medication use is causing the employee, owner-operator 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, owner-operator or contractor will intentionally misuse Medication in such a manner as to render themselves not Fit for Duty. No employee, owner-operator 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.

### **Alcohol Use**

The Company prohibits anyone, including its employees, owner-operators, 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, owner-operators 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, owner-operators, 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.

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, the waiver does not relieve employees, owner-operators, or contractors of their obligation to be Fit for Duty and able to perform their assigned duties in a safe, lawful and efficient manner. Employees, owner-operators and contractors will not show signs of intoxication and will at all times preserve the Company's reputation.

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**Collections of Specimens & Analysis**

A designated Drug testing company will collect and process urine specimens for Drug testing as required. All testing must meet or exceed the guidelines and standards of 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 be a Urine Express Panel 8 and will test for the following: marijuana, cocaine, heroin, opiates, phencyclidine, amphetamines, oxycodone and MDMA (ecstasy).

If the first urine test is designated as a non-negative, the Drug 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.

**Types of Testing**

**Pre-Employment and Transfers**

As a condition of employment, all successful candidates for Safety Sensitive Positions will be subject to pre-employment Drug and Alcohol testing. Current employees transferring to a Safety Sensitive Position will also be subject to Drug and Alcohol 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.

**Pre-Access**

As a condition of performing services under contract, all owner-operators, contractors and third-party contractors will be subject to pre-access Drug and Alcohol testing. Only upon receipt of a negative test result will the successful owner-operator or contractor be eligible to start performing services.

The Company reserves the right to subject employees, owner-operators, contractors and third party contractors in Safety Sensitive Positions to Drug and Alcohol 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

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believe that the employee poses a risk to workplace health or safety due to substance use.

### Post-Incident

Drug and Alcohol testing of an employee, owner-operator or contractor in a Safety Sensitive Position may be required after an accident, Incident or Near Miss as part of the investigation. Testing will not interfere with or delay necessary medical attention for injured parties.

- Employees, owner-operators, contractors and third-party contractors are prohibited from using any recreational Substances for 32 (in the case of Drugs) or 8 (in the case of Alcohol) hours after an accident, Incident or Near Miss.
- Testing is required when there are Reasonable Grounds to believe Substances were involved in the accident, Incident or Near Miss or when there is no credible explanation for the accident, Incident or Near Miss and the use of substances cannot be ruled out as a contributing factor;
- A credible explanation is clear evidence that the accident, Incident or Near Miss was caused by something other than act(s) or omission(s) of employees, owner-operators 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;
- A supervisor/manager is required to conduct an immediate preliminary investigation;
- Drug testing should occur within 2 hours of accident with attempts to test for up to 32 hours;
- Alcohol testing should occur within 2 hours of accident with attempts to test for up to 8 hours;
- Reasons are 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, owner-operator 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.

### Reasonable Suspicion

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Any employee, owner-operator or contractor of the Company is subject to Drug and Alcohol testing where Reasonable Grounds exist to suspect that use of Substances has made, or may make, the employee, owner-operator 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.

- The employee, owner-operator 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;
- It is the supervisor's/manager's responsibility to ensure safe transportation to the Collection Site and to the individual's place of residence;
- Under no circumstances should an employee, owner-operator or contractor who has been directed to take a reasonable suspicion Drug and/or Alcohol 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.
- All employees, Owner-Operators and Contractors will be required to provide both a urine sample and an oral fluid sample

### **Random**

The Company reserves the right to conduct random Drug and Alcohol testing on employees, owner-operators 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.

The Company conducts unannounced, random Drug and Alcohol testing for Company drivers, Service Truck Operators and owner-operators. A computerized random selection process provided by a third-party administrator (TPA) is used to randomly select Company drivers and owner-operators to test for Substance use. A Company driver or owner-operator selected for a random test will proceed immediately and directly to the testing location. The Company driver or owner-operator will not be returned to duty pending the test result.

### **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

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below. The determination of the date to take the test will be the joint responsibility of the supervisor/manager and the individual.

**Follow-up Testing Program**

Any employee in a Safety Sensitive Position returning to regular duties following a positive Drug or Alcohol test will be subject to at least 6 random, unannounced, Drug and Alcohol 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.

**Positive Test Procedures**

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.

Owner-operators and contractors are not subject to the “Employee Assistance” section. Owner-operators and 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) minimum 6 month period before new engagement to perform services for the Company.

**Positive Pre-Employment, Transfer or Pre-Access Test**

Potential employees, owner-operators or contractors who test positive on pre-employment or pre-access Drug and/or Alcohol 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.

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Current employees, owner-operators 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.

**Positive Alcohol Test Procedures**

Employees in a Safety Sensitive Position with a Confirmed Blood Alcohol Concentration of .02 or higher will be removed from duty immediately 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 instead, up to and including dismissal for just cause.

Owner-operators or 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 instead.

Employees with a Confirmed Blood Alcohol Concentration of .04 or higher will be removed from duty pending a full investigation. The Company reserves the right to impose disciplinary action, up to and including dismissal for just cause.

Owner-operators or contractors having a Confirmed Blood Alcohol Concentration of .04 or higher will be removed from duty pending a full investigation. The Company reserves the right to suspend or terminate the contract of services.

**Positive Drug Test Procedures**

Employees who test positive on Drug tests, as verified by the Medical Review Officer, will be removed from duty and suspended pending a full investigation. The Company reserves the right to impose discipline, up to and including dismissal for just cause.

Owner-operators or contractors who test positive on Drug tests, as verified by the Medical Review Officer, will be removed from service pending a full investigation. The Company reserves the right to suspend or terminate the contract of services.

**Refusal to Test, Tampering and Obstruction**

Any employee, owner-operator or contractor who refuses to submit to an Alcohol and/or Drug test, without reasonable explanation, will be in violation of this policy and subject to discipline up to and including dismissal for just cause or termination of contract, respectively.

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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 dismissal for just cause or termination of contract.

**Company Override**

The Vice President or his/her express designate has the sole discretion to override a Drug and/or Alcohol 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.

**Consent**

Employees, owner-operators 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 Drugs and Alcohol 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.

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 the law and are otherwise kept confidential.

The Company reserves the right to conduct reasonable suspicion or post-incident testing of all employees but will typically only exercise this right where the employee is in a Safety Sensitive Position, where dangerous work is being performed, or where there is a safety risk.

Employees, owner-operators and contractors accept that Drug and Alcohol Searches may result from, lead to, or be a component of testing.

**Reasonable Searches**

All employees, owner-operators 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.

Employees, owner-operators and contractors who refuse to participate in or otherwise obstruct reasonable searches will be subject to disciplinary action up to and including

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dismissal for just cause, or termination of their contract of services. These searches may be unannounced.

Employees, owner-operators and contractors are required to fully cooperate when Drug and Alcohol 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 Drug and Alcohol Searches and any related workplace investigations. Where appropriate, the Company will provide notice or invite employees, owner-operators and contractors to be present during searches.

The Company may report any findings from searches to the local police authorities.

### **Confidentiality & Record Keeping**

All Drug test results are confidential and are released by the Medical Review Officer to the Designated Employer Representative or alternate. Alcohol test results are confidential and released by the 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, owner-operator 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, owner-operators, 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.

### **Employee Assistance**

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

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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, at the discretion of the Company, be either referred to the Employee and Family Assistance Program through the monitored referral process or to another government agency that specializes in Substance dependence counseling. The employee will be placed on a paid or 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.

Owner-operators or contractors who test positive will be automatically removed from performing Safety Sensitive Duties, or will be reassigned if applicable, and may have the contract suspended or terminated. If the owner-operator or contractor demonstrates that the positive test was a result of Substance dependency, then, after 6 months have passed since the positive test, the Company will attempt to re-engage the owner-operator or contractor subject to work availability and subsequent, successful demonstration of being Fit for Duty, which will include producing a negative pre-access test result.

### **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. Employees will be reassigned or placed on a leave of absence until such time

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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 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.

Owner-operators and 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 owner-operator or contractor can be removed from services in order to obtain appropriate assistance. The owner-operator or 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 to the Safety Sensitive Position and subject to the Company’s business requirements.

**Social Exceptions**

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.

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

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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, make mistakes at work or engage in other misconduct. Employees may also be referred to the Employee and Family Assistance Program for assessment for abusing this privilege.

For greater certainty, the use of marijuana 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 Safety Sensitive Duties 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.

### **Maintaining a Valid Operator's License**

All employees, owner-operators, 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 (licence) 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, owner operator or contractor involves the operation of a vehicle for which they require a valid operator's license, the Company reserves the right to immediately dismiss with just cause any such employee, or terminate the services of any such owner operator or 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.

### **POLICY VIOLATION(S)**

Subject to the assistance provisions of this policy, employees, owner-operators and contractors who violate this policy or fail to cooperate in the administration or enforcement of this policy, will be subject to immediate unpaid suspension pending investigation and the possibility of subsequent disciplinary action being taken, up to and

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including dismissal for just cause, or in the case of owner-operators or contractors, termination of the contract for services.

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

**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** - The intoxicating agent in beverage Alcohol, ethyl Alcohol or other low molecular weight Alcohols including methyl or isopropyl Alcohol.
- 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 Drug and Alcohol Testing occurs.
- g) **Company Business** - All business activities undertaken by employees, owner-operators 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) **Designated Employer Representative** - Individual(s) designated by the Company as the sole representative for all Substance related issues.
- k) **Drug** - Includes any controlled substance included in the *Controlled Drugs and Substances Act*, as amended, prescription drugs, over-the-counter drugs, and

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solvents and other substances that can be ingested, inhaled, or otherwise consumed that are mind or mood altering. For further clarity, this definition includes marijuana.

- l) **Drug and Alcohol Searches** - Searches for Drugs and/or Alcohol, and/or Drug Paraphernalia.
- 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 exceeds an applicable threshold of a Drug or Alcohol test Fit for Duty.
- q) **EHS** – 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:
  - a) a fatality, serious injury or injury to person;
  - b) an environmental spill with serious or significant implications;
  - c) loss or damage to property, equipment, vehicles or the environment;
  - d) serious or significant loss of Company, customer or other contractor revenues;
  - e) an occupational injury or illness;
  - f) damage to physical assets (e.g., equipment, pipeline, etc.), the environment, process or product;
  - g) damage to reputation;
  - h) disruption to a community;
  - i) exposure to legal liability; or
  - j) a security threat.
- 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

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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 event that occurred that did not result in an injury or loss but where there was potential for it to do so.
- w) **Non-negative** – the detection of a substance in excess of the initial test cutoff concentration limits, as outlined in Appendix A.
- x) **Reasonable Grounds** - Includes:
  - a) odour of Alcohol, such as the smell of Alcohol on an employee's breath at work;
  - b) odour of marijuana;
  - 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/Duties** - A position or duties 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 performed by an employee, owner-operator or contractor whose impaired performance may result in risk to co-workers or the community, the environment, or property damage, and, without limiting the generality of the foregoing, includes anyone who 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 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.

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**Appendix A**  
**Urine Drug Concentration Limits**

Drugs or classes of drugs	Screening concentration equal to or in excess of ng/mL	Confirmation concentration equal to or in excess of ng/mL
Marijuana metabolite	50	15
Cocaine metabolite	150	100
Opioids		
- Codeine	2000	2000
- Morphine	2000	2000
- Hydrocodone	300	100
- Hydromorphone	300	100
- Oxycodone	100	100
- Oxymorphone	100	100
6-Acetylmorphine	10	10
Phencyclidine	25	25
Amphetamines	500	—
- Amphetamine	—	250
- Methamphetamine	—	250
- MDMA <sup>1</sup>	500	250
- MDA <sup>2</sup>	—	250

**Appendix A**  
**Oral Fluid Drug Concentration Limits**

Drugs or classes of drugs	Screening concentration equal to or in excess of ng/mL	Confirmation concentration equal to or in excess of ng/mL
Marijuana (THC)	4	2
Cocaine metabolite	20	—
- Cocaine or Benzoyllecgonine	—	8
Opioids	40	—
- Codeine	—	40
- Morphine	—	40
- Hydrocodone	—	40
- Hydromorphone	—	40
- Oxycodone	—	40
- Oxymorphone	—	40
6-Acetylmorphine	—	4
Phencyclidine	10	10



Amphetamines	50	—
- Amphetamine	—	50
- Methamphetamine	—	50
- MDMA <sup>1</sup>	—	50
- MDA <sup>2</sup>	—	50



CATEGORY	PRE-EMPLOYMENT	PRE-ACCESS	POST-ACCIDENT/ REASONABLE SUSPICION	RANDOM DRUG RANDOM ALCOHOL
1. DOT Drivers*	Yes	Yes	Yes	Yes
2. Non-DOT Drivers*	Yes	Yes	Yes	Yes
3. All Other Safety-Sensitive Positions	Yes	Yes	Yes	No
4. Dispatchers	No	No	Yes	No
5. Non-Safety Sensitive Supervisors/ Managers	No	No	Yes	No
6. Administrative & Other Staff	No	No	Yes	No
7. Safety-Sensitive Contractors All Positions Non-Drivers	Yes	Yes	Yes	No

#### 4.0 Exceptions

Owner operators and 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 owner operators or other contractors.

Any terms and conditions of employment negotiated in a collective agreement will supersede the terms outlined in this policy.

**For additional information, please contact your HR Business Partner or the Employee Service Centre at 1-855-344-2766.**

*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.*

#### Change Record

Date	Reason for Change	Owner
Oct	Revised Template	J Cust
May 2019	Revised Page 5 Collections and Specimens	J Cust

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