
Substance Abuse Policy - Canada

This Substance Abuse Policy (the “Policy”) is directed at protecting the working environment and health and safety of the employees of Rockpoint.

This Policy applies to all divisions, employees and contractors of Rockpoint¹. The term “employee” refers to both Rockpoint employees and contractors. Drug testing provisions of this Policy only apply to individuals in safety-sensitive positions.

PROHIBITIONS

Alcohol and Marijuana Use

1. No employee shall use, or be under the influence of, alcohol or marijuana at any time while on company premises or while performing safety-sensitive functions. No supervisor having actual knowledge, or reasonable grounds to suspect, that an employee is using, or is under the influence of, alcohol or marijuana while performing safety-sensitive functions shall permit an employee to perform or continue to perform safety-sensitive functions.
2. No employee shall perform safety-sensitive functions within eight hours of using alcohol or marijuana. No supervisor having actual knowledge or reasonable grounds to suspect that an employee has used alcohol or marijuana within eight hours shall permit an employee to perform or continue to perform safety-sensitive functions.
3. No employee required to take a post incident alcohol or marijuana test shall use alcohol or marijuana (as applicable) for eight hours following the incident, or until he or she undergoes a post-incident alcohol or marijuana test, whichever occurs first.

Drug Use

4. No employee shall report for duty or remain on duty while the employee is using any drug (prescription or illicit) that he or she knows, or ought to know could adversely affect the employee’s ability to work safely at the worksite. If a licensed medical practitioner advises the employee, or an employee could reasonably assume, that a substance will affect his or her ability to work in a safety-sensitive position, the employee will notify his or her immediate supervisor. The supervisor shall advise senior management of the circumstances.
5. In the case where a licensed medical practitioner prescribes a drug (including medical marijuana) that could affect the employee’s ability to work in a safety-sensitive position, senior management shall ensure that the employee is removed from safety-sensitive duties. Reasonable measures shall be made to accommodate any medical condition(s) that an employee may have, including work restrictions, modified duties, sick or disability leave (see Short Term Disability Policy.)
6. No employee will intentionally misuse prescription or over-the-counter medications in such a manner as to render himself or herself unfit to safely and competently perform his or her duties.

Possession

7. Possession, use, or offering for sale of alcohol, marijuana, illegal drugs or illegal drug paraphernalia on company or client sites or in company vehicles is prohibited. Use of alcohol for social functions

¹ For greater clarity, this Policy applies to all employees of SIM Energy LP, Warwick Gas Storage Ltd. and Rockpoint Gas Storage Partners LP and its subsidiaries.

or when it relates to company business is permitted when approved by senior management who will ensure that the use does not contravene the intent of this policy.

8. Employees who violate this provision may be subject to immediate termination of employment and referral to law enforcement agencies, if applicable.

Zero tolerance

9. Rockpoint has a zero-tolerance policy where an employee exhibits any symptoms of alcohol consumption or drug use while on company premises. Such employee will be removed from duty immediately and will not be allowed to return to work until the following shift and is alcohol and drug-free. The employee may be subject to corrective disciplinary action including, but not limited to, suspension without pay or termination.

DRUG AND ALCOHOL TESTING

Drug and alcohol testing may be conducted on employees in the following circumstances and are subject to local laws and regulations:

Pre-employment

10. Pre-employment drug testing is required for all successful job applicants for safety-sensitive positions who have been offered employment with Rockpoint, though certain exceptions may apply (e.g. employees returning to work with no periods of absence exceeding six weeks).
11. Prospective employees who have a positive pre-employment drug test will have their offer of employment rescinded. Such individuals will be encouraged to seek assistance from a substance abuse professional (“SAP”) and to reapply for available positions when able to meet Rockpoint’s drug and alcohol requirements.

Post-incident

12. Post-incident drug and alcohol testing will be conducted on any employee in a safety-sensitive position within a designated time period after an incident that involves a fatality, disabling injury, material property damage or motor vehicle accident. Drug or alcohol testing should occur within 2 hours of an incident, with attempts to drug test for up to 32 hours post-incident and test for alcohol for up to 8 hours post-incident. Reasons must be documented if these tests cannot be conducted. Testing may not be required when the act or omission of the employee was not reasonably believed to be a contributing factor (e.g. structural, mechanical failure or act of God). Testing shall not delay necessary medical attention for injured workers following an incident. Any incident which necessitates a drug or alcohol test as described above shall be reported to the Director of Human Resources and the Manger of Health, Safety & Environment by the responsible manager or supervisor immediately upon his or her knowledge of the event.

Reasonable Cause Testing

13. An employee working in a safety-sensitive position may be tested for alcohol and or drug use where a company supervisor or other official, who is trained to identify drug and alcohol use by an employee, makes observations which form a reasonable basis for suspecting that the employee is under the influence of drugs or alcohol. Such observations must be documented, specific and clearly state concerns regarding the appearance, speech or body odors of the employee. The observations may

include indications of the chronic and withdrawal effects of drug and alcohol use. Observations which may lead to reasonable cause testing included but are not limited to:

- odor of alcoholic beverage on breath;
- slurred speech;
- glassy or red eyes;
- unsteadiness in walking, standing, etc.;
- flushed face;
- disoriented and or drowsy;
- accidents or injuries;
- repeated errors in job performance;
- excessive absenteeism or lateness; or
- credible complaints of drug and or alcohol use at work.

Pre-Access

14. Pre-access drug and alcohol testing will be a prerequisite for employees in safety-sensitive positions to gain and or maintain access to sites where safety is a *bona fide* occupational requirement.

Collection of Specimens and Analysis

15. A third-party drug testing company will collect and process urine specimens for drug testing. All testing must meet or exceed the guidelines and standards of the Substance Abuse and Mental Health Services Administration which is the certifying agency for forensic urine drug testing laboratories in Canada and the United States. Drug testing refers to testing for such substances as: marijuana, cocaine, codeine, morphine, hydrocodone, hydromorphone, 6-acetylmorphine, methamphetamines, amphetamines, opiates, MDMA and phencyclidine, but is not limited to the foregoing and may include testing for any other illicit substance.
16. Following proper chain of custody procedures, an accredited laboratory will perform required testing with test results forwarded to a licensed physician or other medical professional with expertise and training in the area of drug testing.

Positive Test Repercussions

17. In order for this Policy to be effective in ensuring that company employees will perform their functions unimpaired by alcohol or drugs, an employee who tests positive for drugs or alcohol may be subject to immediate suspension and disciplinary actions up to and including termination of employment. See Failure to Comply below.

Refusal to test

18. No employee shall refuse to submit to a drug and or alcohol test required under this Policy.
19. No supervisor shall permit an employee who refuses to submit for required testing to perform or continue to perform safety-sensitive functions.
20. An employee who refuses to submit to a required test, tampers or attempts to tamper with a test sample or obstructs the testing process will be deemed to have tested positive and the applicable positive test repercussions will apply.

Removal from duty

21. Employees removed from duty or suspended by reason of having a positive drug or alcohol test will be required to attend a meeting with an appropriate senior management representative who shall assist

in providing resources to the employee for evaluating and resolving problems associated with the misuse of alcohol and or drugs, including the names, addresses and telephone numbers of SAPs. Where practicable, a senior management representative will endeavor to meet or contact the employee and direction will be provided regarding the suspension and return to work choices.

22. Any employee who was removed or suspended from duty by reason of having a positive drug or alcohol test result shall be evaluated by a SAP who shall determine if the employee has a disability.

Return to Work after a Positive Test

23. An employee cannot be returned to safety-sensitive duties until he or she has been evaluated by a SAP, complied with recommendations, and has a negative drug or alcohol (as applicable) test result on a return to duty test.
24. The employee must provide a written report from the SAP verifying the evaluation and any required treatment or provide a release document for the required information.
25. Follow-up testing may be conducted to monitor the returning employee for no less than one year. The frequency of testing will be determined by Rockpoint management, in consultation with the SAP, and will be designed to assist the employee in remaining alcohol and drug free at the worksite.

Failure to Comply

26. Failing to comply with the prohibitions listed in this Policy can be cause for termination. However, each case will be treated independently depending on the nature of the violation, the existence of prior violations, the response to prior corrective programs, and the seriousness of the violation.
27. Before undertaking disciplinary measures with an employee who has failed to comply with this Policy, Rockpoint will undertake to determine if the employee has a disability. Employees with disabilities may be accommodated in accordance with applicable law. However, failure by an employee to attend assessments with a SAP or follow recommended treatment programs may be cause for termination regardless of whether the employee has a disability.
28. Where an employee who fails to comply with this Policy is disciplined, suspended or terminated for cause, Rockpoint may, in addition to any other requirement, require that the employee not be returned to work or considered for re-employment unless and until the employee has delivered to Rockpoint:
 - (a) a certificate issued:
 - i. by a SAP certifying that the employee has successfully completed a treatment program and continues to comply with all the requirements of the treatment program, or
 - ii. by a licensed physician with knowledge of substance abuse disorders certifying that the employee is able to safely perform the duties he or she will be required to perform if re-employed by the employer, and
 - (b) a statement signed by the employee acknowledging that he or she agrees to any conditions imposed as part of a corrective treatment program and such other reasonable conditions set by Rockpoint. Rockpoint may terminate the employment of the employee who fails to comply with the conditions set out in such statement.