
Substance Abuse Policy - Canada

The Substance Abuse Policy (the “Policy”) is directed at protecting the working environment, the health and safety of the employees, co-workers, contractors of Rockpoint Gas Storage and the general public.¹

This Policy promotes the safety and dignity of our staff and applies to all divisions, employees and contractors of Rockpoint. The term “employee” refers to both Rockpoint employees and contractors. Testing provisions of this Policy only apply to individuals in safety sensitive positions

Prohibitions

Alcohol Use

1. *Alcohol concentration:* No employee shall report for duty or remain on duty requiring the performance of safety sensitive functions while under the influence of alcohol.. No supervisor having actual knowledge or reasonable grounds to suspect that an employee has any confirmed alcohol concentration shall permit the employee to perform or continue to perform safety sensitive functions.
2. *On duty use:* No employee shall use alcohol at any time while on company premises performing safety sensitive functions. No supervisor having actual knowledge or reasonable grounds to suspect that an employee is using alcohol while performing safety sensitive functions shall permit an employee to perform or continue to perform safety sensitive functions.
3. *Pre-duty use:* No employee shall perform safety sensitive functions within four hours after using alcohol. No supervisor having actual knowledge or reasonable grounds to suspect that an employee has used alcohol within four hours shall permit an employee to perform or continue to perform safety sensitive functions.
4. *Use following an incident:* No employee required to take a post incident alcohol test shall use alcohol for eight hours following the incident, or until they undergo a post-incident alcohol test, whichever occurs first.

Drug Use

1. No employee shall report for duty or remain on duty requiring the performance of safety sensitive functions when the employee is using any drug that they know, or ought to know could adversely affect the employee’s ability to work safely at the job site. If a licensed medical practitioner advises the employee, or an employee could reasonably assume, that the substance will affect their ability to work in a safety sensitive position, the employee will notify their immediate supervisor. The supervisor will advise senior management of the circumstances.

¹ For greater clarity, this Policy applies to all employees of Rockpoint Partners Management ULC, Rockpoint Gas Storage Canada, Ltd, SIM Energy LP, Warwick Gas Storage Ltd, AECO Gas Storage Partnership, and Access Gas Services Inc.

2. In the case where a licensed practitioner prescribes a drug 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 (Please see Short Term Disability Policy)
3. No employee will intentionally misuse prescription or over-the-counter medications in such a manner as to render themselves unfit to safely perform their duties.

Possession

1. Possession, use or offering for sale of alcohol, illegal drugs or illegal drug paraphernalia on company or client sites or in company vehicles is prohibited. Use of alcohol for social functions 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.
2. Employees who violate this provision may be subject to immediate termination of employment and referral to law enforcement agencies, where applicable.

Testing Options (Drug and Alcohol)

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

1. Pre-employment

Pre-employment drug testing is required for all successful job applicants for safety sensitive positions who have been offered employment with Rockpoint. Certain exceptions may apply, (e.g. employees returning to work with no periods of absence exceeding six weeks).

2. Post-Incident

Post-incident drug and alcohol testing will be conducted on any employee and/or contractor in a safety sensitive position within a designated time period after an incident that involves a fatality, disabling injury or significant incident. Drug testing should occur within 24 hours of the incident. Alcohol testing should occur within 2 hours of an incident with attempts to test for up to 8 hours. 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.

3. Reasonable Cause Testing

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 in breach of this Policy. Such observations must be documented, specific, clearly stated observations concerning 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 are not limited to, but include:

- Odor of alcoholic beverage on breath;
- Slurred speech;
- Glassy 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.

4. Pre-Access

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

5. Return to Duty

Drug and or alcohol testing will be conducted on individuals who have engaged in prohibited conduct and are returning to work after an assessment by a Substance Abuse Professional (SAP).

6. Follow Up

A follow up will be conducted on an unannounced basis for at least one year on return to duty after a SAP assessment identifies the need to resolve a problem with alcohol or drug abuse. Frequency of testing is determined by Human Resources in consultation with the SAP.

Collection of Specimens and Analysis

1. An outside or third-party 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 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 marijuana, cocaine, amphetamines, opiates and phencyclidine.
2. Following proper chain of custody procedures, an accredited laboratory will perform required testing with test results forwarded to a Medical Review Officer (“MRO”).

Positive Test Repercussions

Positive pre-employment drug test

1. Positive pre-employment drug test of potential employees may have their offer of employment rescinded; and
2. Will be encouraged to seek assistance from a SAP and to reapply for available positions when they can meet Rockpoint’s requirements.

Zero tolerance

1. Rockpoint will enforce a zero tolerance policy where an employee exhibits any symptoms of alcohol consumption or drug use such employee will be removed from duty immediately and will not be allowed to return to work until the following shift. The employee may be subject to corrective disciplinary action including, but not limited to, suspension without pay or termination.

Refusal to test

1. No employee shall refuse to submit to a drug and or alcohol test required under this Policy;
2. No supervisor shall permit an employee who refuses to submit for required testing to perform or continue to perform safety sensitive functions; and
3. 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 considered to have violated this Policy and the applicable positive test repercussions will apply.

Removal from duty

1. Employees removed from duty/suspended having a positive drug test verified by an MRO and/or any confirmed alcohol concentration, will be required to attend a meeting with an appropriate senior management representative who will review each case and provide written correspondence describing the resources available in evaluating and resolving problems associated with the misuse of alcohol and or drugs, including the names, addresses and telephone numbers of SAP's. Where practicable, an appropriate senior management representative will endeavor to meet or contact the employee as soon as practicable and direction will be provided regarding the suspension and return to work choices;
2. Any employee who was removed/suspended from duty having a positive drug test result verified by an MRO and/or a confirmed alcohol concentration shall be evaluated by a SAP who shall determine what assistance, if any, the employee has a disability; and
3. In order for this Policy to be effective in ensuring that company employees will perform their safety sensitive functions unimpaired by alcohol or drugs, an employee who violates any provision(s) of this Policy may be subject to disciplinary actions up to and including termination of employment.

Return to Work after a Positive Test

1. An employee cannot be returned to safety sensitive duties until they have been evaluated by a SAP, complied with recommendations, and has a negative test result on a return to duty test and or a breath alcohol concentration of 0.00.
2. 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;
3. The SAP will only release relevant information which will assist in returning the worker to their safety sensitive duties; and
4. Follow-up testing will 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 or drug free at the work site.

Consequences for Failure to Comply

Failing to comply with 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.

Before undertaking disciplinary measures with an employee who has failed to comply with this Policy, Rockpoint will determine if the employee has a disability for which Rockpoint will then have a duty to accommodate according to current human rights legislation, labor relations and relevant case law (Please see short Term Disability Policy)

Determination of a disability will be made by a SAP. In consideration of the SAP's report, the employer will determine the appropriate disciplinary measures. Failure by the employee to attend the assessment or follow the recommended treatment program will be cause for termination of the employee. Where an employee who fails to comply with this Policy is disciplined or terminated for cause, Rockpoint may, in addition to any other requirement, give written notice to the employee that he or she will not be returned to work or considered for re-employment by the employer unless the employee provides the employer:

(a) a certificate issued:

- i. by the treatment program service provider 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/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.