

# ALCOHOL AND DRUG POLICY

## FOR EMPLOYEES

<b>Approved by:</b>	<b>Joel Gardener, Vice President Health, Safety, Security, and Environment</b>		<b>August 10, 2023</b>
<b>Version #</b>	<b>Description of Changes</b>	<b>Prepared By</b>	<b>Date</b>
1.0	Initial Release	HSE	July 2011
2.0	Addition of HR to Roles and Responsibilities Alcohol possession prohibited on CP Premises Revisions to Roles and Responsibilities for Employees, Supervisors, & Program Admin.	R. Oleschuk	Oct 1, 2018
3.0	Move to new Standard Template Update Sec. 1.0, 2.0. Add Sec 3.0 Key Elements Addition of Legal and Security to Roles and Responsibilities. Move Certification Testing for SSP into Procedures Document. New Sec.5.9 Searches for Possession. Clarify definition of Safety Sensitive Position To address the positions that deal directly with regulatory agencies. Removal of flowcharts and Concentration Limits Tables	D. Pozniak	June 12, 2021
4.0	Add Section 5.8.1 Acceptable Test Types & Testing Circumstances to clarify test types.	D. Pozniak	August 10, 2023

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## 1.0 PURPOSE

Capital Power is committed to providing a safe and healthy workplace. This Policy is intended to help ensure the safest possible working environment, free of negative effects of Alcohol, Drugs, or other substance use in our workplace as part of that commitment.

The use of Alcohol, Drugs and certain Medications may have serious adverse effects on the job performance, staff health and safety and the well-being of others. It can also place integrity and safety of operations at risk.

This Policy is in place to address Capital Power's expectations associated with the use and or misuse of Alcohol, Drugs, and Medication which may affect work performance, personal conduct, and safety.

## 2.0 SCOPE

This Policy and its related Procedures (collectively "Alcohol and Drug Program") applies to all Employees when they are engaged in Capital Power Business, working on or off Capital Power Premises, when driving company vehicles, and when on call.

All Capital Power Employees are required to comply with this Policy and those sections that apply to their activities or situations.

## 3.0 KEY ELEMENTS

- a) Employees must report Fit-for-Duty which includes free from the influence of Alcohol or Drugs
- b) The use, possession and/or sale of Alcohol, Illicit Drugs, Drug Paraphernalia or unsanctioned use of Alcohol on Capital Power Business, premises, or vehicles is strictly prohibited
- c) The permissible use of Alcohol is limited to very specific situations. It is the responsibility of Management, Supervisors and Employees to know and understand these conditions.
- d) Employees who are taking a prescription Drugs that may impact their ability to perform their work must inform their supervisor
- e) An Alcohol and Drug post event investigation form must be completed for all Significant Events.
- f) Employees who hold Safety-Sensitive Positions must complete a pre-employment Alcohol and Drug test. This includes all internal transfers to a Safety-Sensitive Position
- g) When an Employee is exhibiting signs of potential Alcohol and Drug impairment (Reasonable Cause), an Unfit-For-Duty investigation must be completed
- h) Information concerning Drug and/or Alcohol test results and information concerning violations of this Policy will be treated as confidential information

## 4.0 RESPONSIBILITIES

### 4.1 MANAGEMENT

- a) Assumes ownership and responsibility of this Policy and ensure its implementation
- b) Guide Employees who seek assistance with self-disclosed Drug or Alcohol problems to the appropriate resources (e.g., the Employee Family Assistance Program (EFAP), Human Resources, or Program Administrator) while maintaining confidentiality under the circumstances
- c) Ensure arrangements for a Substance Abuse Professional/Expert (SAP/E) assessment are made by the Program Administrator if an Employee says they have a problem with Alcohol or Drugs
- d) Investigate incidents pertaining to Alcohol and Drug related occurrences
- e) Approve referrals for an Alcohol and Drug Test in a Post-Event or Reasonable Cause situation as and when required to do so under this Policy

### 4.2 SUPERVISORS

- a) Ensure Employees are aware of their responsibilities as per this Policy
- b) Adjust work assignments as required (which may include placing the worker on leave) when worker identifies that they are using over the counter or prescribed Medication (including medical Cannabis) that could impact their Fitness-For-Duty
- c) Advise Management of any situation in which they have grounds to believe an Employee or contract Employee is in violation of this Policy
- d) Advise Management if an Employee admits they may have an Alcohol or Drug problem so that appropriate assessment and assistance can be arranged

### 4.3 PROGRAM ADMINISTRATOR

- a) Support Employees seeking assistance for self-disclosed Drug or Alcohol problems and direct them to the appropriate resources
- b) Consistently administer this Policy
- c) Coordinate Safety Sensitive Position Certification testing
- d) Answer questions or inquiries from Managers, Supervisors or Employees regarding this Policy
- e) Arrange for and manage vendors to administer the Alcohol and Drug Testing program

### 4.4 HUMAN RESOURCES

- a) Answer questions or inquiries from Managers, Supervisors or Employees relating to this Policy
- b) Support Employees seeking assistance for self-disclosed Drug or Alcohol problems and direct them to the appropriate resources
- c) Arrange Substance Abuse Professional/Expert (SAP/E) assessments as required for Employees
- d) Coordinate with and support Supervisors to identify modified work or work accommodation(s) due to a worker's Medication use
- e) Oversee implementation of formal Modified Work, Return-to-Duty agreements, or similar accommodation situations

#### 4.5 HSE

- a) Audit Worksites for compliance with this Policy
- b) Monitor and maintain the Policy and recommend changes as required
- c) Consistently administer this Policy
- d) Support Management and Supervisors in meeting their responsibilities by coordinating development and delivery of Employee education and Management/Supervisor training programs, including refreshers as required
- e) Ensure the Alcohol and Drug Policy is implemented consistently
- f) Support Employees seeking assistance for self-disclosed Drug or Alcohol problems and direct them to the appropriate resources
- g) Answer questions or inquiries from Managers, Supervisors or Employees regarding this Policy

#### 4.6 EMPLOYEES

- a) Complete assigned Alcohol and Drug training
- b) Report Fit-for-Duty for all scheduled work and remain Fit-for-Duty while performing Capital Power Business, or on Capital Power Premises or Worksites
- c) Consult with their prescribing medical practitioner and/or pharmacist to determine if the effects of any over the counter or prescribed Medication (including medical cannabis) could impact your fitness for duty
- d) Inform their Supervisor if the effects of any prescribed or over-the-counter Medication they are taking could impact your fitness-for-duty
- e) Seek advice and follow appropriate treatment if a current or emerging problem is identified and follow recommended monitoring programs after attending treatment
- f) Encourage a co-worker to access assistance before an Alcohol or Drug problem impacts performance or safety
- g) Report instances of suspected possession, use, impairment and/or distribution of Alcohol, and/or Drugs to their immediate Supervisor
- h) Take steps to ensure other workers do not drive or operate equipment if they appear intoxicated
- i) Inform Human Resources if the suspected possession, use, impairment and/or distribution of Alcohol, and/or Drugs involves the Employee's immediate Supervisor
- j) Co-operate with any investigation into a violation of this Policy, including participating in the testing program as, and when required to do so, under this Policy

#### 4.7 LEGAL

- a) Consult with and provide guidance to Human Resources, HSE, and Management on the selection and application of disciplinary actions

#### 4.8 ON SITE SECURITY

- a) Manage access restrictions for workers who are banned due to Alcohol and Drug violations
- b) Assist Management with authorized searches for the possession of Alcohol or Drugs

## 5.0 POLICY REQUIREMENTS

### 5.1 ILLICIT DRUGS AND OTHER MOOD-ALTERING SUBSTANCES (INCLUDING CANNABIS)

The following are prohibited:

- a) The use, possession, cultivation, manufacture, distribution, offer, or sale of Illicit Drugs or other Mood-Altering Substances, or Illicit Drug Paraphernalia on Capital Power Premises
- b) Reporting for, or remaining on duty, or on Scheduled On-Call status, under the influence of Illicit Drugs or other Mood-Altering Substances including cannabis
- c) Positive Drug tests

### 5.2 ALCOHOL

The following are prohibited:

- a) The manufacture, distribution, offer, or sale of an Alcoholic beverage while on Capital Power Business or on Capital Power Premises
- b) The use of Alcohol while on Company Business which includes while traveling to/from or a business meeting, conference, or training sessions, unless otherwise specified in Section 5.3
- c) The possession of Alcohol on Capital Power Premises, except when Alcohol is received as a gift, which may be temporarily stored on Capital Power Premises, including in a personal vehicle, but shall remain sealed and be removed at the earliest opportunity
- d) Reporting for, or remaining on duty, or on Scheduled On-Call status, under the influence of Alcohol from any source, including after consuming Alcohol at a social event (whether sponsored by the Capital Power or not), or consumption of any product containing Alcohol when on duty, including during meals or other breaks. Employees who have consumed Alcohol shall not return to work until their next scheduled shift
- e) An Alcohol test result of .04 Blood Alcohol Content (BAC) or greater
- f) Consuming Alcohol, if involved in an incident subject to investigation under section 5.8 of this Policy, until they have been tested or advised by Capital Power that a test is not required
- g) The transportation of Alcohol in a Capital Power vehicle at any time

### 5.3 PERMISSIBLE SITUATIONS FOR ALCOHOL USE (BUSINESS TRAVEL AND SOCIAL EVENTS)

Employees may use Alcohol in the following situations:

- a) At a Capital Power sponsored event which includes any situation where Capital Power pays for the event expenses. Examples include team building events, business dinners, or other such situations
- b) With dinner during a business trip, training session or conference but only after the workday is completed, which is notionally defined as 4:00 pm or later
- c) At a training session, conference, or other similar business-related situation, provided it is a social activity sponsored by the event and all formal business is completed
- d) At an externally hosted social event such as a charity fundraising event, business mixer, golf tournament or other such event provided the context of the event pertains to Capital Power Business, and only once any formal business has been completed

In all acceptable use situations, Employees must ensure they:

- a) Use Alcohol responsibly and in moderation
- b) Are not returning to work or to Capital Power Premises after consuming Alcohol
- c) Procure an alternate means of transportation or accommodation should they have reason to believe they are unfit to drive

At all Capital Power sponsored events, Management must:

- a) Establish the general tone of the event
- b) Ensure Alcohol is not served to individuals who appear to be intoxicated
- c) Provide a means of alternate transportation or accommodation when requested
- d) Take steps to prevent an apparently intoxicated attendee from driving after the events
- e) Contact the police if an incident occurs, or an attendee disregards advice and attempts to drive in an intoxicated state
- f) Ensure responsible serving practices are followed which includes providing food, non-Alcoholic drinks, and establishing a firm time to end the event which includes paying the bill
- g) Not leave the event until ALL the above have been fulfilled

#### 5.4 MEDICATIONS

- a) Medications of concern are those that may inhibit the ability of an Employee to perform their job safely and productively
- b) Employees shall consult with their treating physician or a pharmacist to determine if use of the Medication will have any potential negative impact on Fitness-for-Duty and shall manage potential impairment during working hours due to the legitimate use of Medications
- c) The following are prohibited:
  - i. The intentional misuse of Medications (e.g., not using the Medication as it has been prescribed, using someone else's prescription Medication, combining Medication and Alcohol use against direction)
  - ii. The possession of prescribed Medications without a legally obtained prescription or medical document, and distribution, offering, or sale of prescription Medications
  - iii. Reporting for, or being on duty, while under the influence of a Medication that affects one's ability to perform duties safely
  - iv. Failing to report to a Supervisor or designate the use of a Medication that could affect one's ability to perform duties safely
- d) Employees shall consult with their treating physician or a pharmacist to determine if use of the Medication will have any potential negative impact on Fitness-for-Duty
- e) If the Medication they are using could impact their Fitness-for-Duty, Employees are to act responsibly and take appropriate action to minimize the risk that their Fitness-for-Duty is compromised. Appropriate action includes, but is not limited to:
  - i. Using a safe alternative Medication or treatment choice when available (e.g., non-drowsy), and consulting with their treating physician or pharmacist as needed to identify such an alternative Medication or treatment

- ii. Investigating through their treating physician whether use of the Medication can be effectively controlled and monitored to ensure they are able to perform their duties safely
- iii. Advising their Supervisor or designate that they are using Medication which could negatively affect their ability to safely perform their duties
- iv. Immediately removing themselves from duty and advising their Supervisor or designate when feeling any cognitive or physical limitations that could negatively affect their ability to perform their duties safely
- v. If the Employee holds a Safety-Sensitive Position, and no safe alternative Medication or treatment choice can be identified, the Supervisor or Designate will investigate whether Modified or alternative duties are warranted and available to ensure the Employee is able to perform their duties safely

**NOTE:** Capital Power will remove the Employee from Safety-Sensitive Position duties until these investigations are complete. If Capital Power requires further information with respect to the nature of the Employee's work limitations, illness, Medication or treatment plan, Capital Power shall ask the Employee to provide that information with the assistance of their treating physician. Capital Power reserves the right, through the third-party medical provider, and without additional consent from the Employee, to review this information with their treating physician.

Capital Power reserves the right, through the third-party medical provider, and with the consent of the Employee to confirm the nature and duration of modified work requirements with the treating physician, without any breach in medical confidentiality. The required information will first be sought through the Employee directly.

## 5.5 SCHEDULED ON-CALL

All Employees on Scheduled On-Call status shall abide by the above requirements, and report Fit-for-Duty for all required work. Consuming Alcohol, Illicit Drugs, Medications, or any Mood-Altering Substance that could impact their Fitness-for-Duty while on scheduled on call is prohibited.

## 5.6 EMERGENCY CALL OUT

If circumstances arise where an Employee is requested to report to for unscheduled work, and is under the influence of Alcohol, Illicit Drugs, Medications, or any Mood-Altering Substance that could impact their Fitness-for-Duty, they shall advise their Supervisor that they are not Fit-for-Duty.

## 5.7 PREVENTION, ASSISTANCE, REHABILITATION AND AFTERCARE

### 5.7.1 Prevention

Capital Power makes information available on health and safety issues related to Alcohol and Drug use, and the process required to access assistance.

Employees are encouraged to access the Capital Power Employee and Family Assistance Program (EFAP), their personal physician, or appropriate community services for assistance with an Alcohol or Drug problem.

#### 5.7.2 Assistance/Rehabilitation

Capital Power recognizes that Alcohol and Drug dependencies are treatable illnesses, and that early intervention greatly improves the probability of a lasting recovery. Employees who suspect they have a substance dependency, or emerging Alcohol or Drug problem, are encouraged to seek advice and follow appropriate treatment plans promptly *before* job performance is affected or violations of this Policy occur.

#### 5.7.3 Request for Assistance

Employees who specifically request help with an Alcohol or Drug problem through their Manager, Human Resources, the Program Administrator, or another Management representative shall be referred for an SAP/E assessment. They shall be supported through a treatment and aftercare program consistent with the assessor's recommendations, the applicable benefits coverage if available or other resources.

Employees shall comply with recommended treatment and aftercare programs provided by the SAP/E, and as set out in a Return-to-Duty Agreement with Capital Power.

**NOTE:** Obtaining assistance or acknowledging a Drug or Alcohol problem does not eliminate the need to maintain safe and acceptable performance levels. If corrective actions or testing is warranted, it cannot be avoided by a request for assistance with a Drug or Alcohol problem, or by disclosing that the Employee is already involved in a treatment program.

#### 5.7.4 Aftercare

All Employees who complete primary treatment (e.g., residential, or out-patient treatment) for Alcohol or Drug problems, whether through a request for assistance or after a violation of this Policy, shall participate in an aftercare program recommended by the SAP/E or appropriate addictions professional when returning to duty to help them maintain recovery. Employees shall enter into a written Return-to-Duty Agreement which outlines the conditions governing their return to work and consequences for failing to meet those conditions.

In addition, where a medical professional, SAP/E, or other counseling professional advises that there may be a risk that would prevent an Employee from doing their normal job safely, a medical work modification may be issued and the Employee may be assigned to alternate duties if available, and at the discretion of Capital Power.

## 5.8 ALCOHOL AND DRUG TESTING

Management shall immediately notify the Program Administrator of all requested Alcohol and Drug Tests.

Where applicable and requested, an Employee's union representative shall be invited to participate in investigations, and Return-to-Duty Agreement discussions, that are identified in this Policy.

The following table identifies the testing circumstances and applicable positions at Capital Power. A Refusal to Test is a violation of this Policy.

### 5.8.1 Acceptable Test Types & Testing Circumstances

The following are the acceptable test types:

- a) Canada: Express Panel 13 test
- b) US: US – Breath Alcohol and Urine Lab Panel 5 (DP7N)

Testing Circumstances	Safety-Sensitive Position	All other Employees
Safety-Sensitive Position Certification Testing	YES	NO
Reasonable Cause Testing	YES	NO
Post-Event Testing	YES	YES
Return-to-Duty – Post Violation/Post Treatment	YES	YES
Follow-up Testing– Post Violation/ Treatment	YES	YES

### 5.8.2 Certification Testing for Safety-Sensitive Positions (Pre-Employment and Internal Transfers)

As a final condition of certification into a Safety-Sensitive Position, all external applicants shall pass an Alcohol and a Drug Test.

In addition, all existing Employees moving from a non-Safety-Sensitive Position to a Safety-Sensitive Position shall pass an Alcohol and a Drug Test as a condition of certification to the position.

Applicants shall not be eligible for the position if they refuse to participate in the testing program.

For Internal Transfer Candidates failure to pass an Alcohol and a Drug test shall:

- c) Prevent the immediate certification of the applicant for the Safety-Sensitive Position; and
- d) Result in a review of the circumstances to determine appropriate action regarding the applicant and their future eligibility for certification into a Safety-Sensitive Position

Recertification is not required in situations where the Employee is returning to work after a leave of absence or layoff, provided the Employee held a Safety-Sensitive Position under the Policy any time during the previous 90 days.

### 5.8.3 Unfit-for-Duty Investigations and Reasonable Cause Testing

An Unfit-for-Duty Investigation will be conducted by an Employee's Supervisor, or a member of Management, when an Employee's performance, actions, appearance, or conduct indicate that there is Reasonable Cause that they may not be Fit-for-Duty. The investigation shall be documented on Schedule B Unfit-for-Duty Investigation Form and submitted to the Program Administrator.

Whenever an Unfit-for-Duty Investigation concludes there is Reasonable Cause to believe that the Employee is not, or may not be, Fit-for-Duty due to the use of Drugs or Alcohol, the following shall occur

- a) For Safety Sensitive Positions – the results of the investigation shall be shared with another Supervisor for concurrence. If both supervisors agree with the results, Reasonable Cause Testing shall be required.
- b) For all other Employees – The results of the investigation shall be treated as a performance issue to be addressed by the Employee's Supervisor in conjunction with Human Resources.

### 5.8.4 Post-Event Testing Investigation

Post-Event Testing may be required for all Employees as part of an incident investigation.

Completing a Post-Event Alcohol and Drug Testing Investigation should be considered for all incidents regardless of severity to rule out Alcohol or Drugs as a contributing factor.

For Significant Event, Post-Event Alcohol and Drug Testing Investigations must be conducted by an Employee's Supervisor, or a member of Management for all Significant Events to determine if an Alcohol and Drug Test is required. Whenever a Post-Event Alcohol and Drug Testing Investigation reveals that all reasonable factors have been ruled out (e.g., Acts of God, Acts of Terrorism etc.), and that the Employee committed (or may have committed) Acts or Omissions that contributed to the incident, an Alcohol and Drug Test shall be required.

All Post-Event Alcohol and Drug Test Investigations shall be documented on Schedule C Post Event Alcohol and Drug Testing Investigation Form and submitted to the Program Administrator.

### 5.8.5 Return-to-Duty Post Violation/Post Treatment

Post testing, the SAP/E shall assess if the Employee has an Alcohol or Drug dependency, make recommendations regarding education and treatment, and recommend an aftercare program which may include a Return-to-Duty Agreement provided by Capital Power.

Employees shall be required to pass a Return-to-Duty test when:

- a) Employment is continued after a violation of this Policy, or
- b) An Employee returns from successful treatment of a self-disclosed Alcohol or Drug related problem

### 5.8.6 Follow-Up-Testing Post Violation/Post Treatment

In situations when employment is continued after a Policy violation, Employees shall be subject to unannounced testing as a condition of continued employment as set out in a Return-to-Duty Agreement with Capital Power.

In addition, unannounced follow-up testing, when recommended by an SAP/E, may be used as a monitoring tool, to support the recovery of any Employee assuming duties after primary treatment for an Alcohol or Drug problem resulting from a request for assistance from Management. This requirement shall be identified in the Employee's written Return-to-Duty Agreement.

#### 5.8.7 Refusal to Test

Any refusal to comply with a testing request is considered a violation of this Policy. This includes:

- a) Failure of an Employee to report directly for a test, and/or refusal to submit to a test
- b) Failure to provide a valid specimen absent of a documented medical condition
- c) A confirmed attempt to tamper with a test sample
- d) Refusal to allow the testing provider to disclose a test result to Capital Power's Program Administrator
- e) Attempting to avoid a test by failing to report involvement in an incident which may require testing or by avoiding Management following involvement in an incident
- f) Failure to advise of release from hospital if testing is delayed for medical reasons
- g) Failing or refusing to attend certification testing where required under the Policy; and
- h) Any attempt to disrupt or impede the testing process

### 5.9 SEARCHES FOR POSSESSION OF ALCOHOL OR DRUGS

Where there is Reasonable Cause to believe that Alcohol, Drugs, and/or Drug Paraphernalia are located on Capital Power Premises, Capital Power reserves the right to conduct unannounced searches of work premises, vehicles and equipment owned, leased, or otherwise controlled by Capital Power.

Capital Power may, where Reasonable Cause exists, search an Employee's personal property, vehicles, clothing, and effects on Capital Power Premises.

Refusal by an Employee to consent to such a search, when there is Reasonable Cause to conduct one, shall be treated as non-compliance with this Policy, and may include disciplinary action, up to and including termination.

#### 5.9.1 Decision to Search

Supervisors shall identify situations where a search is justified based on a combination of indicators, which include (but are not limited to) behaviour, odour, and/or presence of Drug Paraphernalia. Supervisors shall consult with Human Resources who, in conjunction with the appropriate member of Management, will determine if a search is warranted.

#### 5.9.2 Conducting the Search

Searches conducted at Capital Power offices, operating facilities, or construction sites shall be conducted by the most senior level of Management available at that location with the support of On-Site Security (if applicable). In certain cases, where consent is refused, police may be requested to carry out the search.

## 6.0 LOSS OF LICENSE/IMPAIRED DRIVING CHARGE

All Employees who operate any motor vehicle on behalf of Capital Power shall do so under the rules and regulations outlined in the Capital Power Driving Standard.

## 7.0 CONSEQUENCES OF NON-COMPLIANCE

All Employees will have access to this Policy. Capital Power views the rules contained in this Policy to be of the utmost importance. Any deviation from the above terms may result in disciplinary action up to and including termination. Any resulting termination will be considered a ‘termination with cause’ and not subject to notice or remuneration in lieu.

Before disciplinary action is taken an investigation will be conducted to verify that a Policy violation has occurred. Therefore, Management has the authority and discretion to hold out of service, with pay, any Employee who is believed to be involved in an incident that could lead to disciplinary action pending the results of the investigation. The appropriate discipline in each case depends on the nature of the Policy violation and the circumstances surrounding the situation.

Should Capital Power determine that employment shall be continued in a specific circumstance, the Employee shall be required to enter into a written Return-to-Duty Agreement governing their continued employment, which may require any or all the following actions, or any other additional conditions appropriate to the situation as follows:

- a) Temporary removal from their position.
- b) Adherence to any recommended treatment and aftercare program by an SAP/E or qualified addictions expert.
- c) Maintenance of sobriety and satisfactory performance while on duty.
- d) Successful completion of a Return-to-Duty test.
- e) Ongoing unannounced testing for a period determined on a case-by-case basis, and
- f) No further violations of the Policy.

Failure to meet the requirements of the Return-to-Duty Agreement during the monitoring period may be grounds for termination of employment.

## 8.0 CONFIDENTIALITY

Confidentiality shall be maintained to the fullest possible extent, except where limited disclosure is necessary for related health and safety concerns (e.g., it is deemed a potential for risk to self, others or Capital Power). Only the information strictly limited to the level of functionality of an Employee (e.g., Fitness-for-Duty and any restrictions that may apply) shall be shared with Management for purposes of determining whether the Employee is Fit-for-Duty, is assigned the appropriate work accommodation, and/or work designing a Return-to-Duty Agreement.

## 9.0 CONTRACTOR APPLICABILITY

Not applicable. Contractor requirements are identified in the Contractor Management Standard and the Owner HSE Requirements for Contractors.

## 10.0 TRAINING AND COMPETENCE

All Employees shall complete mandatory training on Capital Power's Alcohol and Drug Policy.

### 10.1 Employees

All Capital Power Employees shall complete Capital Power's Alcohol and Drug Policy Training. Employees shall complete the training when hired, every three years thereafter, when it is determined that re-training is required, or when there are significant changes to this Policy.

### 10.2 Supervisors and Managers

All Capital Power Managers or Supervisors who have Employees reporting directly to them shall complete Capital Power's Alcohol and Drug Policy instructor led training program.

Training shall be completed when Employees are assigned or hired to a supervisory or Management position, every three years thereafter, when it is determined that re-training is required, or when there are significant changes to the Policy.

## 11.0 DEFINITIONS

Key Definitions referenced throughout the HSE Management System are referenced [here](#).

Definitions specific to this Policy are as follows:

**Acts and/or Omissions:** Actions and/or omissions of an Employee that may be a contributing factor in causing a Significant Event to occur, and include, but are not limited to:

- a) Failing to adhere to a Policy, code, practice, process, or procedure that is reasonable to expect the Employee to have known or understood.
- b) Failing to use when required, or improperly use, any tools, equipment, and/or PPE; and
- c) Recognizing but failing to address a hazard, or failing to recognize a hazard, that a competent worker would have reasonably been expected to recognize and control.

**Alcohol:** Any substance that may be consumed and that has an alcoholic content more than 0.5 percent by volume.

**Alcohol and Drug:** Alcohol or Drugs, or both.

**Drug:** Means any Drug, substance, chemical or agent, the use or possession of which is unlawful in Canada and US and includes any otherwise legal but illicitly used substance, chemical, Medication, over-the-counter Drugs, Tetrahydrocannabinol (THC)-containing substances, and synthetic forms of illegal substances, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of the Policy, Drugs of concern are those that inhibit a worker's ability to perform his or her job safely and productively.

**Drug Paraphernalia:** Any personal property associated with the use of any Drug, substance, chemical or agent, the possession of which is unlawful, including any product or device that may be used to attempt to tamper with a testing sample.

**Fitness-for-Duty and Fit-for-Duty:** In the context of this Policy, being able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of Alcohol, Illicit Drugs, Medications, or Mood-Altering Substances.

**Illicit Drug:** Any Drug or substance that is not legally obtainable and whose use, sale, possession, purchase, or transfer is restricted or prohibited by law.

**Medication:** Refer to any Drug, substance, chemical or agent used for medicinal purposes obtained legally including over-the-counter Medications or through a doctor's prescription.

**Mood-Altering Substance:** Refers to any product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance on the job.

**Other Factors:** Acts of God or Acts of Terrorism.

**Post-Event Alcohol and Drug Testing Investigation:** A Post-Event Alcohol and Drug Testing Investigation is used to determine if an Alcohol and Drug Test is required. Whenever a Post-Incident Alcohol and Drug Testing Investigation reveals that all reasonable factors have been ruled out (e.g., acts of god, acts of terror) and that the Employee committed (or may have committed) Acts or Omissions that contributed to the incident, an Alcohol and Drug Test shall be required.

**Post-Incident:** The period after an incident has occurred, when an Alcohol and Drug Test may be conducted.

**Program Administrator:** Capital Power Employee with responsibility for the communication and administration of this Policy.

**Reasonable Cause or Reasonable Grounds:** Includes information established by the observation of the Employees conduct or other indicators and may include but are not limited to observed use or evidence of use of a Drug or Alcohol, changes in job performance, erratic or atypical behavior, physical appearance or changes in physical appearance, changes in speech patterns, changes in attendance record or unexplained absences during regular work hours, smell associated with Alcohol or Drugs on the individual or in the vicinity, the presence of Alcohol, Drugs or Drug Paraphernalia on the individual or circumstances surrounding a Significant Event.

**Return-to-Duty Agreement:** A binding written agreement signed by the Employee governing the terms and conditions they must abide by in returning to work after a Drug or Alcohol related incident.

**Safety Sensitive Position:** A position in which the job function, including non-routine and emergency duties, involves responsibility for actions or decisions which, if not performed correctly, could directly cause, or contribute to:

- a) A Significant Event affecting the health or safety of Employees, contractors, customers, the public, or the environment, or
- b) An inadequate response or failure to respond to an emergency, or
- c) An inadequate response or failure to respond to unexpected and/or abnormal operating conditions

This category includes all Capital Power Employees:

- a) Required to provide temporary relief for or perform the duties of a Safety-Sensitive Position. For purposes of this Policy, the following job categories have been classed as Safety-Sensitive Positions:
  - i. All positions requiring work on an energized system and/or whose tasks may include an energized system including, but not limited to, electrical, water, gas, hydraulic, pneumatic, chemical, steam, and stored energy
  - ii. All positions required to drive Capital Power owned or leased vehicles excluding car rentals or the use of personal vehicles for business travel
  - iii. All positions required to perform construction work (refers to construction, erection, repair, remodeling, alteration, painting, demolition or maintenance of a building, structure, or process equipment) at Capital Power Worksites
  - iv. All positions required to operate mobile equipment including, but not limited to, backhoes, cranes, radial arm diggers, trenchers, skid steers, aerial work platforms, and power industrial lift trucks, and
  - v. All positions with system process control, operations, maintenance, programming, and testing responsibility for power generation. This includes the water quality processes in place for the purposes of power generation and environmental sampling
- b) Positions that may reside on or off site but have significant involvement in decisions or actions which could directly affect safe operations or construction. For purposes of this Policy, this includes:
  - i. Any member of Management who has an Employee in their reporting organization in a Safety-Sensitive Position, or
  - ii. Technical experts, including but not limited to Engineers, Health, Safety and Environment Managers and Advisors, or
  - iii. Positions that have significant involvement with and directly engage, health, safety, and environmental regulators

**Scheduled On-Call:** Specifically, designed scheduling, wherein the Employee is assigned set times and dates when they can expect to be called in to work as required by stand-by, and excludes situations where an individual's position responsibilities result in the possibility that he/she could be called unexpectedly at any time.

**Significant Event:** The definition is found under key definitions [here](#).

**Substance Abuse Professional/Expert (SAP/E):** Means a licensed physician, a licensed or certified social worker, a licensed or certified psychologist, a licensed or certified Employee assistance expert, or an Alcohol and Drug abuse counsellor.

**Unfit-for-Duty Investigation:** An investigation conducted when a Supervisor or Management is alerted that there is suspicion of an Employee working under the influence of Drugs or Alcohol.

## 12.0 SCHEDULES AND APPENDICES

- a) Appendix A – Alcohol and Drug Testing Process
- b) Schedule 1 – Alcohol and Drug Testing Procedures for Employees
- c) Schedule 2 – Unfit for Duty Investigation Form
- d) Schedule 3 – Post Event Alcohol and Drug Testing Investigation Form

## **APPENDIX A – ALCOHOL AND DRUG TESTING PROCESS**

The Alcohol and Drug Testing process is based on rigorous collection, analysis and reporting procedures designed to ensure the accuracy and integrity of the results. Steps in the testing process are highlighted below.

### **General Requirements**

- a) Testing will be conducted in those circumstances outlined under the Capital Power Policy to determine the presence of cannabinoids, amphetamine/ methamphetamine, cocaine, opiates, phencyclidine, and Alcohol. If Capital Power concludes there is justification to include additional Drugs in this list, or if it is a site-specific requirement, Employees will be advised of the change. Testing for additional Drugs may also be required on an individualized basis on the advice of a Substance Abuse Professional/Expert in a post-treatment situation.
- b) Collection of specimens for Drug testing and administration of Alcohol tests will be performed by trained collection agents. In Post-Event and Reasonable Cause testing situations, samples will be collected as soon as possible after the triggering incident.
- c) Collection attempts will end eight (8) hours after the incident for an Alcohol test, and thirty-two (32) hours after the incident for a Drug test.
- d) All individuals who are tested are required to sign a form to acknowledge the accuracy of the Employee and employer information and authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form and the Breath Alcohol Testing Form for their records.

### **Alcohol Testing**

- a) Alcohol tests will be administered using a calibrated evidential breath analyzer with a printout of test results.
- b) An Alcohol test result of .04 Blood Alcohol Content (BAC) or greater is a positive Alcohol test.

### **Drug Testing**

- a) Drug tests will be administered by urinalysis using split sample collection. For transfer to the laboratory or using a Point of Collection (quick test) urine Drug screen at the collection site with confirmation testing at the lab should it be required.
- b) Urine samples for Drug testing will be analyzed by a fully qualified and accredited laboratory performing a confirmation test by gas chromatography/mass spectrometry (GC/MS) for levels specified by the Construction Owners Associated of Alberta (COAA) Canadian Model and the U.S. Department of Transportation (DOT).
- c) Laboratory confirmed positive test results will be reviewed by a qualified Medical Review Officer (MRO). This is an independent physician who will endeavor to discuss the result with the Employee in an effort to determine whether a positive test could have resulted from the legitimate use of Medications. The individual concerned will be given an opportunity to explain the finding to the MRO who will then determine whether the result will be reported to Capital Power as a negative, a verified positive, or a tampered or substituted result.

- d) In the case of a verified positive test result of a urine test conducted in accordance with this Policy, the person who has been tested may request the MRO to direct the split sample to be tested by an accredited laboratory of that person's choice within seventy-two (72) hours of receiving their results. If a second confirmed positive test is reported, the person who requested the second analysis is responsible for reimbursing Capital Power for the associated costs.
- e) If the test is reported as dilute and negative, or cancelled because the specimen is invalid, the Employee will be required to provide an additional specimen for testing as soon as possible.