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HALIFAX EMPLOYERS ASSOCIATION

POLICY ON EMPLOYEE SAFETY AND ASSISTANCE

1. POLICY STATEMENT

- 1.1 The Halifax Employers Association (“HEA”) has determined that there are serious safety and other consequences associated with the use of Illicit Drugs and the inappropriate use of Alcohol, Marijuana and Medications at the Workplace.
- 1.2 The use of Illicit Drugs, and the inappropriate use of Alcohol, Marijuana and Medications can adversely affect the ability of an Employee to work, which may have serious adverse effects on safety, efficiency, and the productivity of Employees and the industry as a whole. Employees at the Workplace often work independently and with equipment or material that poses a threat to their own safety, to the safety of other Employees and to Company Property, as well to the safety of non-employees and other Property.
- 1.3 The majority of positions in the Workplace involve the use of, or being in the presence of, dangerous equipment or working in areas where extra alertness is required. As such, incapacity due to the use or after effects of Illicit Drugs, Alcohol, Marijuana or Medications could result in direct and significant risk of injury or death to the Employee, to others and to Company Property.

2. OBJECTIVES

- 2.1 To promote safety and prevent accidents as a result of Illicit Drug use and the inappropriate use of Alcohol, Marijuana and Medications.
- 2.2 To reduce in the Workplace the negative and unsafe effects of Illicit Drug use, and the negative and unsafe effects from the inappropriate use of Alcohol, Marijuana or Medications, through education and, if necessary, rehabilitation or discipline.

3. RESPONSIBILITIES

- 3.1 The Company and Employees are responsible for the success of this Policy.
- 3.2 The Company has the responsibility to:
 - (a) implement and apply this Policy;
 - (b) provide all Employees, except casual labourers including members of the Labour Pool and the oriented non-Union Rotation with access to a confidential Employee Assistance Program (“EAP”) and to the EAP Co-Ordinator. The EAP program is

available to assist such Employees who are experiencing addiction to Illicit Drugs, Alcohol, Marijuana or Medications. The EAP Co-ordinator is available to provide information about the use of Illicit Drugs, and the inappropriate use of Alcohol, Marijuana or Medications to such Employees and to assist them;

- (c) upon Implementation of this Policy, and thereafter as needed, provide all Employees, except casual labourers including members of the Labour Pool and the oriented non-Union Rotation, with education on the use and effects of Illicit Drugs, as well as the effects of the inappropriate use of Alcohol, Marijuana or Medications;
- (d) provide a safe working environment for all Employees and, to that end, to strive to eliminate any negative and unsafe effects on Employee performance and the Workplace through the use of Illicit Drugs and/or the inappropriate use of Alcohol, Marijuana or Medications;
- (e) ensure there is a complete investigation into any Policy violation; and
- (f) ensure that any and all persons employed by any Company contractor, customer or otherwise on Company Property be able to safely and acceptably perform assigned duties or be present on Company Property without any limitations due to the use or after effects of Illicit Drug use or the inappropriate use of Alcohol, Marijuana or Medications. Any such person who is found to not meet such standard will be immediately removed or will be caused to be removed from Company Property.

3.3 Each Company Supervisor has the same responsibilities as does each Employee and must advise an Excluded Manager of any situation in which they have grounds to believe an Employee is in violation of this Policy. In addition, they are expected to:

- (a) undergo training and education as set out in Article 8(3) of this Policy;
- (b) monitor ongoing performance to ensure safe operations and effectiveness of this Policy;
- (c) guide Employees who seek assistance for a problem to appropriate resources;
- (d) advise an Excluded Manager if an Employee exhibits deteriorating performance;
- (e) immediately advise an Excluded Manager of any situation of Alcohol, Marijuana or Drug possession in violation of the Policy;
- (f) immediately advise an Excluded Manager if an Employee is Unfit for Duty; and
- (g) take appropriate action if any other individual is unfit on Company Property.

3.4 Each Excluded Manager has the same responsibilities as does each Employee and, in addition, has the responsibility to:

- (a) undergo training and education as set out in Article 8(3) of this Policy;

- (b) address ongoing performance management problems or concerns to ensure safe operations and effectiveness of the Policy;
- (c) guide employees who seek assistance for a problem to the appropriate resources;
- (d) follow appropriate steps to investigate any Unfit for Duty situation;
- (e) make referrals for an Alcohol and Drug test in a post-Incident or reasonable cause situation as and when required to do so under this Policy; and
- (f) follow appropriate steps to trigger an investigation if there are reasonable grounds to believe an individual is in possession of a banned substance on Company Property.

3.5 Each Employee has the responsibility to:

- (a) read and understand this Policy and to ask questions of the Company and its representatives if the Employee has any questions about the application and effect of the Policy;
- (b) to take full advantage of the educational opportunities offered by the Company on the use and effects of Illicit Drugs and the effects of the inappropriate use of Alcohol, Marijuana and Medications;
- (c) to comply with this Policy;
- (d) report for duty, and remain Fit for Duty throughout their workday or shift, free of any negative effects from Illicit Drug use or the inappropriate use of Alcohol, Marijuana or Medications;
- (e) investigate whether a Medication they are taking (eg Marijuana, Tylenol 3, etc.) may impact their ability to work safely and productively and advise a Company Supervisor, Excluded Manager or HEA Staff of any safety or productivity risk and any need for modified work as a result of legitimate Medication use;
- (f) to cooperate fully with any investigation into a possible Policy violation, including Alcohol and Drug testing as set out under this Policy; and
- (g) to cooperate with any treatment and aftercare program recommended by the EAP Co-Ordinator in conjunction with any treating facility or physician who may be involved in the Employee's rehabilitation.
- (h) Disclose the Employee's dependence on Alcohol or Drugs

4. DEFINITIONS

4.1 For the purpose of this Policy, the following terms are defined. Where questions arise with respect to the meaning of any of the following definitions, HEA's interpretation shall prevail:

- (a) "Alcohol" - means the intoxicating agent in Beverage Alcohol, ethyl Alcohol, or other low molecular weight Alcohols, including methyl and isopropyl.

- (b) “Beverage Alcohol” - means beer, wine and distilled spirits.
- (c) “Company” - includes HEA and its member Employers.
- (d) “Company Supervisor” - includes all walking bosses, sub walking bosses, forepersons, sub-forepersons, head checkers, and back up head checkers.
- (e) “Company Property” - includes all real or personal property, facilities, land, buildings, equipment, containers, vehicles and vessels whether owned, leased, used by or worked on by HEA and its members, wherever they may be located in the Port of Halifax and at Shearwater and Autoport. “Workplace” has a corresponding meaning.
- (f) “Drug” and “Drugs” - means any substance, including Alcohol, Marijuana, Illicit Drugs or Medications, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For purposes of this Policy, Drugs of concern are those that inhibit an Employee’s ability to perform his or her job safely and productively.
- (g) “Drug Paraphernalia” - includes any personal property which is associated with the use of any Drug, substance, chemical or agent the possession of which is unlawful in Canada.
- (h) “Employee” – for the purposes of this Policy, the term employee includes all members of the Unions and all staff and management of the Company and members of any Cardboard/Back up pool, Reserve list, Preferred List, members of the Labour Pool, trainees and all casual labourers working for a Company in the Port of Halifax.
- (i) “Excluded Manager” - includes all Employees who exercise supervisory or managerial functions and who are not members of a union having bargaining rights at the Port of Halifax.
- (j) “Fit for Duty” - means being able to safely and acceptably perform assigned duties without any limitations due to the use or after effects of Illicit Drug use or the inappropriate use of Alcohol or Medications.
- (k) “HEA Staff” - means the Employee Relations Consultants employed by HEA, as well as the President and CEO.
- (l) “Illicit Drug” - means any Drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street Drugs such as cocaine).
- (m) “Incident” - means a Workplace occurrence which results in any of the following:
 - (i) a fatality or serious personal injury to an Employee, a customer’s employee, a member of the public or any other person at the Workplace requiring medical attention away from the Workplace;
 - (ii) significant loss or damage to Company Property or other property;

- (iii) a near miss which could have resulted in serious injury or significant damage;
 - (iv) a significant environmental spill; or
 - (v) physical altercation with another person.
- (n) “Marijuana” (also commonly referred to by various names, including pot, grass, reefer, joint, weed, hashish, cannabis, etc.) – means:
- (i) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - (ii) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - (iii) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - (iv) Marijuana does not mean a non-viable seed of a cannabis plant, a mature stalk, without any leaf, flower, seed or branch, of such a plant, fibre derived from a mature stalk, the root or any part of the root of such a plant.
- (o) “Medical Review Officer” - means the licensed physician who is designated by the HEA to evaluate the results of Drug tests and report to the HEA.
- (p) “Medication” means a Drug obtained legally, either over the counter or through a doctor’s prescription or authorization.
- (q) “Positive Alcohol Test” - is one in which the blood alcohol concentration is at or above .04 BAC (Blood Alcohol Content), and is reported by the collector to the HEA. (See Appendix “B”).
- (r) “Positive Drug Test” - is one in which the amount of Drug in the sample identified by the concentration test is at or exceeds the cut off levels outlined by the Department of Health and Human Services, or in the case of an oral swab test, is at or exceeds the cut-off levels outlined in Appendix “B”(h) or Appendix B.1, and is reported by the Medical Review Officer to the HEA (See Appendix “B”)
- (s) “Safety Sensitive Position” - includes a position: (i) in which the Company determines impaired performance could result in a significant safety risk to the Employee, to others, or to Company Property or to the property of others; and (ii) for which there may be limited or, at times, no supervision. Without restricting the generality of the foregoing, the following positions are considered Safety Sensitive:
- (i) Longshoreworkers;
 - (ii) Checkers;
 - (iii) Maintenance persons;

- (iv) Security; and
- (v) All non-union Employees whose day-to-day responsibilities require them to work directly in the operations at the Workplace.
- (t) “Unfit for Duty” - means not being able to safely and acceptably perform assigned duties without any limitations due to the after effects of Illicit Drug use or the inappropriate use of Alcohol, Marijuana or Medications.
- (u) “Workplace” - includes all real or personal property, facilities, land, buildings, equipment, containers, vehicles and vessels whether owned, leased, used by or worked on by HEA and its members, wherever they may be located in the Port of Halifax and at Shearwater and Autoport. “Company Property” has a corresponding meaning.

5. POLICY STANDARDS

5.1 To minimize the risk of unsafe and unsatisfactory work performance, all Employees are expected to report Fit for Duty, and remain Fit for Duty throughout their work day or shift. To accomplish this, the following standards apply:

- (a) **Illicit Drugs**: The following are prohibited while on Company Property and when an Employee is working:
 - (i) The use, possession, distribution, offering or sale of Illicit Drugs or Illicit Drug paraphernalia;
 - (ii) The unauthorized possession of Medications without a legally obtained prescription or authorization, and unauthorized distribution, offering or sale of Medications (trafficking);
 - (iii) Reporting under the influence of Illicit Drugs; and
 - (iv) Presence in the body of Illicit Drugs as determined through the testing outlined in this Policy.
- (b) **Alcohol**: Subject to limited exceptions for:
 - (i) formal, hosted events in the administrative offices of member employers conducted in compliance with the “Guidelines for Hosting” attached as Appendix “A” to this Policy; and
 - (ii) legally purchased alcohol in sealed containers in personal vehicles on Company Property;

the following standards apply:

- (i) The use, possession, distribution, offering, sale, purchase or receipt of Beverage Alcohol is prohibited when on Company Property; and
- (ii) Employees covered by this Policy cannot have a Positive Alcohol Test or use Alcohol within the first eight hours after an Incident or until tested or

advised that a test is not required. Employees are required to remain available for a test even if the collection occurs after their work order is completed.

(c) **Marijuana:** Subject to limited exceptions for legally purchased Marijuana in sealed containers in personal vehicles on Company Property; the following standards apply:

- (i) The use, possession, distribution, offering, sale, purchase or receipt of Marijuana is prohibited when on Company Property; and
- (ii) Employees covered by this Policy cannot have a Positive Alcohol or Drug Test or use Alcohol and/or Marijuana within the first eight hours in the case of Alcohol and 32 hours in case of Marijuana after an Incident or until tested or advised that a test is not required. Employees are required to remain available for a test even if the collection occurs after their work order is completed

(d) **Medications:**

- (i) Employees are expected to responsibly use prescribed, authorized and over-the-counter Medications. The intentional misuse of Medications (e.g. using the Medication not as it has been prescribed, authorized or directed by the pharmacy, using someone else's prescription Medication, combining Medication and Alcohol use against direction, etc.) while working or while on Company Property is prohibited. Medications of concern are those that inhibit or may inhibit an Employee's ability to perform their job safely and productively;
- (ii) Employees are expected to investigate (through their doctor or pharmacist) whether a Medication can affect the safe operation of any equipment associated with the Employee's job and the safe performance of the Employee's job duties generally;
- (iii) If the Medication the Employee is using will affect the safe operation of any equipment associated with the Employee's job and/or the performance of the Employee's job duties, the Employee must take appropriate action to minimize the safety and productivity risk and advise the Employer and/or the HEA of any safety or productivity risk and any request for modified duties; and
- (iv) The HEA reserves the right to assess the safety or productivity risk and confirm the appropriateness of any modified work or the extent of any safety or productivity risk by contacting the Employee's physician without breaching medical confidentiality.

(e) **Call-in:**

If unexpected circumstances arise where an Employee is requested to perform unscheduled services while under the influence of Illicit Drugs, Alcohol or Medications that could impact safe operations, it is the responsibility of the Employee to decline the call.

6. EMPLOYEE ASSISTANCE PROGRAM

- 6.1 The EAP Coordinator will assess, or have assessed, each Employee referred to EAP pursuant to the provisions of this Policy. The EAP Coordinator may, in consultation with other professionals who may be involved in the Employee's rehabilitation, design an individualized treatment program for the Employee ("the treatment program"). During the time that the Employee is participating in the treatment program, and to the extent that such participation requires the Employee to be off work, the Employee will be excused by the HEA to attend provided that:
- (a) the Employee fully complies with the requirements of the treatment program; and
 - (b) the Employee does not otherwise violate any of the provisions of this Policy.
- 6.2 EAP, and access to the treatment program, is only available for members of the Unions, members of the Cardboard/Back-up Pool, the Reserve List and trainees.
- 6.3 The EAP Coordinator will report to the HEA on a regular basis in order to confirm that the Employee is meeting the requirements of any EAP, aftercare or treatment program (the "Program") in which the Employee may be participating and which may be a condition of the Employee's return to work. In the event that an Employee is not meeting the requirements of the Program, including having a Positive Drug Test or a Positive Alcohol Test during the course of the Program, or otherwise is in violation of this Policy, the Employee may be subject to disciplinary measures, up to and including discharge.

7. FAILURE TO COMPLY WITH POLICY

- 7.1 Any Employee who has a Positive Drug Test or Positive Alcohol Test is in violation of this Policy.
- 7.2 The HEA may discipline or terminate for cause the employment of an Employee who violates this Policy.
- 7.3 Notwithstanding 7.1 and 7.2, no Employee will be disciplined as a result of the first and second time the Employee has a Positive Drug Test or a Positive Alcohol Test pursuant to this Policy, provided that:
- (a) the Employee has previously disclosed any dependence pursuant to 8.1;
 - (b) the Employee is assessed as being Drug or Alcohol (or both) dependent pursuant to Article 6.1;
 - (c) such Drug or Alcohol (or both) dependent Employee fully complies with the requirements of the Program and the provisions of this Policy throughout the duration of the Program;
 - (d) the Employee successfully completes the Program;

- (e) the Employee undergoes return to work testing pursuant to Article 8.5(a)(iii) of this Policy and does not have a Positive Drug Test or a Positive Alcohol Test;
- (f) the Employee does not have a Positive Drug Test or a Positive Alcohol Test pursuant to subsequent testing conducted in accordance with this Policy, including follow-up testing and;

The aforesaid Employee will be subject to action, including disciplinary action or termination of employment for any subsequent breach of this Policy, such action tailored to the individual's circumstances.

- 7.4 Articles 7.3 and 8.1 do not apply to casual labour including members of the Labour Pool. Such employees who violate this Policy will simply be escorted from the Workplace and identified as no longer eligible for dispatch.
- 7.5 Any Employee who has a Positive Drug Test or a Positive Alcohol Test (or both) pursuant to this Policy, who is determined by the EAP Coordinator not to be Drug or Alcohol (or both) dependent or who otherwise violates this Policy, may be disciplined by up to a thirty (30) day suspension for the first offence, and up to dismissal for the second offence and may be subject of further discipline up to and including dismissal if the Employee's conduct so warrants.

8. PREVENTION OF DRUG AND ALCOHOL USE

- 8.1 No Employee who requests assistance from the EAP Coordinator for Illicit Drug, Alcohol or Medication dependency will be disciplined for a breach of this Policy, provided that:
 - (a) such request pre-dates a requirement to undergo Drug or Alcohol (or both) testing pursuant to this Policy;
 - (b) such request pre-dates Drug or Alcohol (or both) assistance through the EAP program, pursuant to this Policy;
 - (c) the Employee is determined by the EAP Coordinator to be Drug or Alcohol (or both) dependent at the time the request for assistance is made;
 - (d) the Employee successfully completes the Program; and
 - (e) the Employee does not have a Positive Drug Test or a Positive Alcohol Test pursuant to Article 8.5(a) and satisfies the requirements of Article 7.3.

8.2 Notwithstanding 8.1, a request for assistance from the EAP Coordinator does not otherwise immunize an Employee from the testing and other procedures set out under this Policy.

8.3 Education

Upon implementation of this Policy:

- (a) Employees will receive educational material on the Policy, the impacts of Drugs on performance and where to obtain assistance for a problem;

- (b) all HEA Staff, Company Supervisors, and Excluded Managers, will undergo training on their safety responsibilities under the Policy, performance management and how to identify a situation in which someone is Unfit for Duty; and
- (c) HEA Staff and Excluded Managers will be trained in how to conduct a proper investigation, and in how to refer an Employee for a test as and when required to do so under this Policy.

8.4 Rehabilitation

Employees other than casual labourers including members of the Labour Pool can call the Employee Assistance Program (“EAP”) Coordinator in order to obtain information about Drugs and Alcohol. If such Employee decides that help is needed, the EAP Coordinator will help the Employee decide the most appropriate course of action.

8.5 Testing

(a) Drug and Alcohol testing will be done in the following circumstances:

(i) Reasonable Cause Testing

In all situations, when an Excluded Manager or HEA Staff believes an Employee is Unfit for Duty, the Employee will be escorted to a safe place and given an opportunity to explain why the employee appears to be in a condition Unfit for Duty. If the Excluded Manager or HEA Staff conducting the interview still believes the employee is in a condition Unfit for Duty, then, the following actions may be taken, namely:

- referral for an Alcohol and Drug Test; and/or
- referral for a medical assessment; and/or
- provide transportation to the collection site or hospital, depending on the circumstances, and then to the Employee’s place of residence or the care of another person.

For an Alcohol and Drug Test to be required, there must be reasonable grounds to believe that the appearance, possession of Drug Paraphernalia or conduct of an Employee, while on duty, are indicative of the use of Drugs or Alcohol e.g. specific, personal observations resulting from, but not limited, to:

- (A) observed use or evidence of use of Drugs or Alcohol by the Employee (e.g. smell of Alcohol);
- (B) erratic or unusual Employee behavior;
- (C) changes in the physical appearance of the Employee (e.g. bloodshot eyes); and

- (D) changes in the speech pattern of the Employee (e.g. slurring of speech).

The decision to refer for an Alcohol and Drug Test shall be made by HEA Staff or an Excluded Manager with HEA Staff agreeing.

The basis for the decision will be documented as soon as possible after the decision to test has been made.

If an Employee has a Positive Drug Test or a Positive Alcohol Test (or both), Article 7 of this Policy will apply.

(ii) Post-Incident Testing

When an Incident occurs at the Workplace, the HEA, in its discretion, may require all involved Employees to be tested for Drugs and Alcohol as soon as reasonably practicable. The decision to refer someone or a group of individuals for a test will be made by HEA Staff or an Excluded Manager with HEA Staff agreeing after an on duty union foreman or head checker, chosen by HEA or an Excluded Manager, is consulted. The following procedures apply:

- (A) the need for a test must be documented as part of the preliminary investigation as soon as practical after the triggering event;
- (B) a test will not be necessary if there is clear evidence that the acts or omissions of Employees could not have been a contributing factor (e.g. structural or mechanical failure);
- (C) Employees referred for a test will only be those who are identified as having been directly involved in the chain of acts or omissions leading up to the event, including failure to appropriately respond to or aggravation of an Incident requiring response.

If an Employee has a Positive Drug Test or a Positive Alcohol Test (or both) Article 7 of this Policy will apply.

(iii) Return to Work Testing

Any Employee who is determined by the HEA to have violated this Policy may, as a pre-condition of any return, be required to pass Drug or Alcohol testing within the one week period immediately prior to the Employee's return to work date. Such Employee will be required to undergo follow up testing. If an Employee has a positive follow-up test, the Employee will be subject to appropriate discipline, which may include dismissal.

(iv) Follow-Up Testing

Any Employee who is referred to EAP and/or who is determined by the HEA to have violated this Policy must, as a pre-condition of the Employee's return to work, undergo and comply with follow up testing which will be

administered on consultation with the EAP Coordinator or in HEA's sole discretion. Follow up testing may include at least six (6) Drug and Alcohol tests in the first twelve (12) months following the Employee's return to work. Thereafter, additional Follow Up Testing shall be at the discretion of the HEA, in consultation with the EAP Coordinator.

- (b) (i) A refusal to complete the testing process is also a Policy violation. A refusal includes any attempt to delay reporting for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the Company, or a confirmed attempt to tamper with a test sample.
- (ii) Drug and Alcohol testing pursuant to this Policy will be conducted in accordance with the testing procedures set forth in Appendix "B" and may include multiple tests.
- (iii) Where it has been determined that Drug and Alcohol testing will be done in accordance with this Article, the Employee being tested shall be held out of service pending the results of any tests. If the results of the Alcohol and Drug Test are negative, then, the Employee will not lose any pay as a result of being held out of service. If an Employee has a positive Drug Test or a Positive Alcohol Test (or both), as indicated, Article 7 of this Policy will apply.

9. POLICY EVALUATION

This Policy and all of its provisions first came into effect on Saturday, March 31, 2001 at 1700 hours and has been revised several times since then. This most recent revision is effective October 17, 2018 at 0000 hours. This Policy will be reviewed and may be amended from time to time, to ensure that it continues to meet its established objectives.

APPENDIX “A”
GUIDELINES FOR THE HOSTING OF SOCIAL EVENTS

The use of alcohol in conjunction with any company social event is permitted in accordance with the following guidelines:

1. Wherever possible, professional/trained servers should work at each event and/or supervise the use of untrained servers.
2. Each event should have a designated “chief host/hostess” (e.g. facility manager, event convenor) with responsibility for:
 - obtaining appropriate permits;
 - establishing the general tone of the event;
 - acting as the sole contact with the servers during the function regarding opening and closing times, food and beverage arrangements, etc.;
 - ensuring bars are attended at all times;
 - ensuring alcohol is not served to individuals who appear to be intoxicated;
 - taking steps to prevent abusive or unsafe behaviour;
 - taking steps to prevent an apparently intoxicated attendee from driving after the function;
 - providing alternative transportation or accommodation where necessary; and
 - contacting the police if an incident occurs or an attendee disregards advice and attempts to drive in an intoxicated state.
3. In all situations, events should be managed in a way that avoids the potential for accidents, including identifying and eliminating potentially harmful situations.
4. Responsible serving practices will include providing food and non-alcoholic drinks, including coffee and tea after the bar has closed, establishing a firm time to end the event, and stopping service of alcohol at least one hour prior to the event being over.
5. Any hosting situation that results in inappropriate behaviour or risk to health and safety of attendees or the community will result in a review of these policies and active steps to ensure the problems do not occur again.

APPENDIX “B”
ALCOHOL AND DRUG TESTING PROCEDURES

Sample collection, testing and reporting of results will be conducted in accordance with standards established by the U.S. Department of Health and Human Services in order to ensure the accuracy and integrity of results (the Canadian Government having not published its own standards has accepted those set by Health and Human Services). Rigorous sample collection, storage and chain-of-custody procedures will be adhered to, in addition to the following:

- a. Employees who are proposed to be the subject of a drug or alcohol test will be requested to sign a form immediately prior to the time of sample collection authorizing the release of complete results to a designated HEA official in charge of the program.
- b. Except for the release of information in accordance with this Policy and in situations affecting the health and safety of workers and the public, results of all testing will be maintained by the designated HEA official and will be kept confidential.
- c. Testing will be conducted in those circumstances outlined under the Policy to determine the presence of amphetamine/methamphetamine, cocaine, opiates, phencyclidine, cannabinoids (including THC) and alcohol. The testing program will cover alcohol and the specified drugs only. It will not include testing for other substances or medical conditions. Management reserves the right to add drugs to this list if there is justification to do so but only after prior notice is given to employees.
- d. Alcohol tests will be administered by a trained collector using a calibrated breathalyzer that meets evidentiary standards, with a printout of test results. All drug tests will be administered by urinalysis. With respect to a quick urine test that shows a non-negative result for THC, the employee will be required to submit to a secondary oral swab test which will be sent to the lab for analysis.
- e. Collection of urine specimens, oral swabs and administration of alcohol tests will be performed by trained nurses or trained collection agents at HEA-designated collection sites.
- f. In Post-Incident and Reasonable Cause Testing situations, samples will be collected as soon as possible after the triggering incident, but collection attempts will end 8 hours after the Incident for an alcohol test, and 32 hours after the Incident for a drug test should the employee(s) be unavailable immediately following the incident due to hospitalization or the need to seek immediate medical attention or as the result of an ongoing third party investigation.
- g. Urine samples will be analyzed by a fully qualified and accredited laboratory using a two-step process with initial screening by immunoassay and all confirmations being performed by gas chromatography/mass spectrometry

(GG/MS). The Medical Review Officer's (MRO) role is to review and verify test results and discuss them with the employee in an effort to determine whether a positive test result could have resulted from the legitimate use of medications or other medical explanations. The MRO will then determine what is to be reported to the Management.

h. For the purpose of this Policy, a Positive Alcohol Test is one in which the blood alcohol concentration at or above .04 BAC (Blood Alcohol Content), and is reported by the collector to HEA. A positive test for THC using the oral swab test will be 10 ng/ml. If an employee is subject to an unannounced testing programme on return to duty after a Policy violation, and has been directed to abstain from drugs and/or alcohol as part of his/her treatment programme and/or return to work protocol, then no amount of drugs and/or alcohol is acceptable.

i. For the purpose of this Policy, a Positive Drug Test is one in which the amount of Drug in the sample identified by the concentration test is at or exceeds the cut-off levels outlined by the Department of Health and Human Services, or in the case of an oral swab test, is at or exceeds the cut-off levels outlined in Appendix "B"(h) (immediately above) or Appendix B.1, and is reported by the Medical Review Officer to the HEA.

j. Any Positive Drug Test or Positive Alcohol Test will be considered a violation of this Policy, whether or not the drugs or alcoholic beverage were actually consumed on HEA business or premises. Failure to report for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the Company, or a confirmed attempt to tamper with a test sample will result in termination of employment.

k. 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 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 HEA for the associated costs.

l. If an employee tests positive for alcohol and/or non-negative for drugs, he/she shall be informed immediately and sent home from the workplace in a taxi or other acceptable form of transportation. He/she shall not be permitted to drive a vehicle. The police will be notified should the employee refuse to comply with this direction.

APPENDIX B.1

PROTOCOL FOR DEALING WITH A “SHY BLADDER” OR “DRY MOUTH”

The following protocol will apply in the event of an alleged shy bladder.

1. If a donor cannot provide a urine specimen on the first attempt then an oral swab test will be conducted. The donor will continue with the testing process by attempting to provide a urine specimen within 3 hours after consuming 40 oz. of water. If the donor cannot do so, the collector must end the testing process, document the shy bladder and forward the oral swab test to the lab. The oral swab test will be used to test for the same Drugs as the urine specimen. If after the first failed attempt a urine specimen is provided within the 3 hours and it does not indicate the presence of THC then the oral swab test will be discarded.

ORAL SWAB CUT OFF LEVELS

Marijuana/THC	10 ng/ml
Amphetamines, Methamphetamine	50 ng/ml
Cocaine	8 ng/ml
Opiates Morphine, Codeine, Hydrocodone, Hydromorphone, Oxycodone	40 ng/ml
6-Acetylmorphine	4 ng/ml
Phencyclidine (PCP)	10 ng/ml

The following protocol will apply in the event of “Dry Mouth” preventing an oral swab test for THC.

1. The donor will be required to undergo a minimum of 3 attempts at obtaining sufficient oral fluid using the oral swab.
2. The donor is required to drink water as directed by the tester.
3. If after 3 attempts a saliva sample cannot be obtained then the urine sample will be sent to the lab for confirmation and if THC is confirmed then the employee will be required to undergo an assessment by the EAP provider in accordance with the Employee Safety and Assistance Policy.