



**HALIFAX EMPLOYERS ASSOCIATION
POLICIES**

October 2018

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RESPECTFUL WORKPLACE and ANTI-HARASSMENT POLICY

**PURPOSE: TO CREATE A RESPECTFUL AND HARASSMENT FREE
WORKPLACE**

1.0 Policy Statement

HEA is committed to providing a safe and healthy work environment for all employees, management, customers, etc. HEA supports the right of all individuals to work in a respectful and harassment-free atmosphere where individual differences are welcomed and valued.

The purpose of the policy is to foster positive working relationships and to offer procedures to assist in managing conflict in the workplace. Workplace conflict has the potential to escalate into discriminatory behaviours and harassment, including social isolation.

HEA does not condone or tolerate harassment or discrimination of any kind. Harassment is against the law. It creates an intimidating, hostile or offensive work environment that undermines the full participation of employees by negatively impacting on an individual's employment conditions. Harassment that takes place electronically (e.g. email, text message, etc.) or via Social Media (e.g. Facebook, Twitter, Instagram, You Tube, etc.) is also prohibited.

All complaints of harassment and discrimination will be taken seriously. This policy outlines the mechanisms and options for receiving and addressing complaints, whether formal or informal so that they are resolved quickly, confidentially and fairly.

2.0 Definition

Workplace harassment generally consists of unwanted comments or actions that a reasonable person would find objectionable or unwelcome and which serve no work-related purpose. It is used to offend or humiliate someone. It may occur during a single incident or over a series of incidents. These actions will not be tolerated in the workplace.

Harassment is a type of discrimination. It can take many forms, such as:

- unwelcome remarks, gossip, jokes or banter about subjects like an employee's race, religion, gender, sexual orientation, disability, age, or any other prohibited ground under the Canadian Human Right Act.
- displaying sexist, racist or other offensive pictures or posters;
- sexually suggestive remarks or gestures;
- threats, intimidation, yelling, swearing, shouting, or verbal abuse;

- bullying behaviour such as name calling, spreading of malicious rumours and gossip;
- patronizing/insulting remarks, e.g. regarding an employee's intelligence;
- berating an individual publicly;
- intimidating gestures such as slamming doors, throwing objects;
- unnecessary physical contact such as unwanted touching, patting, pinching or punching;
- physical assault, including sexual assault; and
- vandalism of personal property;

Legitimate management interventions (i.e. performance issues, discipline, etc) are not considered as harassment

3.0 Responsibilities

Every employee is entitled to a work environment free of harassment. HEA acknowledges that workplace conflicts, including disagreements and misunderstandings cannot always be prevented. HEA also recognizes that some employees intentionally choose to ignore the policy.

The Respectful Workplace and Anti-Harassment Policy provides options that employees can access to encourage quick, confidential resolution of general workplace conflicts and harassment.

3.1 HEA and its employer members are committed to:

- modeling healthy professional relationships between colleagues, including conflict resolution;
- challenging inappropriate comments and actions;
- ensure that all employees are afforded the opportunity to attend respectful workplace training and providing other awareness training to help develop an atmosphere of mutual respect;
- making every reasonable effort to create a work environment free of offensive behaviour and where employees do not act offensively towards one another;
- taking disciplinary measures against employees who harass other employees; and
- taking disciplinary action against employees found to be making false or vexatious or totally unfounded complaints.

3.2 HEA expects all employees to be committed to:

- creating and maintaining healthy working relationships;
- attending training opportunities on respectful workplace;
- being courteous and polite;
- recognizing and apologizing when having offended another employee;
- value diversity, embrace the shift towards a more inclusive workforce;

- refusing to participate in workplace harassment and challenging it when they experience or witness it, e.g. not starting, listening or repeating malicious gossip and rumors;
- attempting to deal with workplace issues quickly and as ‘close to the source’ as possible;
- taking action if they find areas that could be improved;
- maintaining confidentiality if a colleague asks for advice or divulges information regarding a workplace conflict; and
- co-operating with the procedures outlined in this policy as required.

4.0 Process

Complaints filed under this policy should be made, as soon as possible following the offending incident, and if at all possible, within 12 months of the alleged offensive behaviour.

In order to bring a complaint of harassment to the employers attention, employees may phone the Halifax Employers Association at **(902)422-4471** or bring it to the attention of the company manager and/or Marine Superintendent where they were working at the time of the incident. However, the first thing an employee who is being harassed should do is tell the harasser to stop. It is essential to make it clear that the behaviour is unwelcome and objectionable. If the behaviour does not stop the employee should ask the employer for assistance.

Note: Please see the procedure for more details on how to file a formal complaint.

- 5.0** The Halifax Employers Association and the employers are committed to protecting the identity of the parties and witnesses wherever possible.
- 6.0** Harassment and discrimination are against the law. The Canadian Human Rights Act and the Canada Labour Code protect employees from harassment and violence in the workplace. The Criminal Code protects employees from physical and sexual assault. Employees who believe they have a human rights complaint may opt to file a complaint with the Canadian Human Rights Commission. Employees may also choose to go directly to the police if subjected to physical or sexual assault.

*** Please refer also to HEA’s Violence in the Workplace Policy**

The Halifax Employers Association for an on behalf of:
Ceres Halifax Inc.
Furncan Marine Ltd. – Empire Stevedoring (Maritimes) Co.
Halifax Offshore Terminal Services Ltd.
Halterm Container Terminal Limited
Logistec Stevedoring (Nova Scotia) Inc.
Mathers Terminals Ltd.

**Re-Issued October 10, 2018
Effective February 12, 2018**

PROCEDURE

The following steps will tell you what to do if you are being harassed, what you can expect from the complaint process, including possible remedies and penalties.

Direct Intervention

1. **Speak Up** – The first thing to do if you are being harassed is to tell the person or people harassing you to stop. Let them know that you are embarrassed, humiliated, demeaned or otherwise bothered by what they are doing or saying. A person may not be aware that their behaviour is bothersome, and will change it once told of it. You could speak to them directly or write them a letter. HEA understands that this is not possible when employees feel threatened by the alleged harasser or where the differences in power or status make it impossible to address directly. In those situations, you can contact HEA directly and seek advice.
2. **Make Notes** – If you speak to the alleged harasser, you may want to tell a trusted friend what you have done and why or make notes. You may prefer to write the alleged harasser a letter. If you write a letter, date it and keep a copy. You should also make a note of what the bothersome behaviour was, the date it happened, how you felt, what you did about it, and who else was present, if there were witnesses. Ideally, the harassment will stop. If it does not, continue to keep notes. These will be useful later if there is an investigation.

Informal Procedure

1. **Speak to the Company Manager**

It may be that communicating directly with the person will not be enough, or that you feel unable to deal with her or him directly. In that case, you can speak to your company manager/AOM/or HEA Employee Relations Consultant.

The company manager/AOM/or HEA will ask for details of what happened, will make sure you understand the policy and any other options you have (such as a union grievance), and will ask how you want to proceed. You may ask them to speak to the harasser on your behalf. This informal procedure is optional. You may immediately file a formal complaint with the HEA or, you have the option to go directly to the Canadian Human Rights Commission.

Formal Procedures:

1. **Mediation**

If circumstances permit it, mediation can come before a formal investigation. Mediation is a process by which a representative from HEA helps the people involved in a complaint reach a solution acceptable to both parties. However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. If mediation does occur, each person has the right

to be accompanied and assisted during the sessions by someone with whom they feel comfortable.

2. Formal Complaint

If the informal route for resolving a harassing situation does not succeed or is not appropriate, you may file a formal complaint. The complaint will be investigated, either by a specially trained person from within our organization, or by a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to co-operate in the investigation.

The investigator will need to know:

- * your name and position
- * the name and position of the alleged harasser
- * details of what happened
- * dates, times, and how often harassment occurred
- * where it happened
- * the names of any witnesses

You will need to be prepared to supply all this information.

If you are the complainant, you have the right to:

- * file a complaint and have it dealt with fairly, promptly, without fear of embarrassment or reprisal;
- * have a person of your choice accompany you during the process; we strongly recommend that this be your union representative;
- * be informed about the progress of your complaint; and
- * be informed whether corrective measures will result from the complaint.

If you are the individual **accused** of harassment, you have the right to:

- * be informed of the complaint;
- * be given a written statement of the official allegations and provided an opportunity to respond to them;
- * be afforded union representation if appropriate should you so desire.

Please be aware that if someone files a complaint and you are the alleged “harasser” you will have to cooperate fully with the person conducting the investigation, so the facts may be determined.

Other Employees

All employees are expected to cooperate in the investigation of complaints and the efforts made to resolve them. Employees should be mindful of the sensitivities of the parties and should keep any information related to complaints confidential.

Decision

HEA will inform the person who filed the complaint and the alleged harasser of any disciplinary action, remedies, and changes in working conditions that affect them and when they will take effect.

Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the alleged harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained and no record on his/her file.

Complaints Made in Bad Faith

In the event that a complaint was made in bad faith – in other words, the complaint was filed without basis and with deliberate and malicious intent – that person will be subject to discipline up to and including dismissal and a record of the incident will be put on his/her file.

Retaliation

Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or found guilty of harassment, will be subject to disciplinary action up to and including dismissal.

Appeal Process

Unionized employees may appeal a decision of the HEA under the Grievance and Arbitration Procedure.

In the alternative they can file an appeal with the President & CEO of the HEA who will make the final ruling.

Confidentiality

To protect the interests of the complainant, the alleged harasser and the witness(es), HEA will not disclose a complainant's or alleged harasser's name, or the names, or any circumstances and documentation (including, but not limited to witness statements) related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law.

Policy on Workplace Violence

As part of our obligation to provide employees with a healthy and safe work environment, the Halifax Employers Association (H.E.A.) and its employer members are committed to making every reasonable effort to ensure that no employee is subject to violence in their place or places of work.

HEA has adopted a Respectful Workplace and Anti-Harassment Policy and this policy is created using the same principles of respect, fairness and accountability. The same procedures made under the Respectful Workplace and Anti-Harassment Policy will be used to identify, address and investigate allegations of workplace violence.

Complaints made under this policy do not preclude an eventual finding under the Respectful Workplace Policy and Anti-Harassment Policy.

Definition

Workplace violence constitutes any action, conduct, threat or gesture of a person towards an employee in and/or related to their work place that can reasonably be expected to cause harm, injury or illness to that employee.

Examples of this include but are not limited to:

- **threatening, angry behaviour** – shaking fists, throwing objects, destroying property and arson.
- **physical attack** – hitting, shoving, pushing or kicking a person or persons.
- **threats and bullying (including cyber bullying)** – gestures, language and written material (including electronic material and social media) that communicate an intent to harm or intimidate another person or persons.
- **malicious gossip** – gossip, rumours or innuendo targeted at a specific individual(s) spoken or written (including electronic material and social media)
- **verbal abuse** – swearing, insults, and condescending language.
- **sexual and other types of harassment*** – unwelcome and unwanted behaviours that demean, embarrass, humiliate, alarm and annoy another person or persons. (*See ***Respectful Workplace and Anti-Harassment Policy***)

Workplace violence is not limited to incidents that occur at work. It can also occur away from work but be related to work e.g. threatening e-mail, text, social media post, or a telephone call made by a supervisor or co-worker.

Our Objectives

- a) to provide a safe, healthy and violence-free workplace;
- b) to dedicate sufficient attention, resources and time to address factors that contribute to work place violence including, but not limited to bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;

- c) to communicate to employees information in its possession about factors contributing to work place violence; and
- d) to assist employees who have been exposed to work place violence.

If an employer or the H.E.A becomes aware of work place violence or alleged work place violence, the employer or the H.E.A. will investigate and shall try to resolve the matter with the employee as soon as possible.

Please be advised that:

Dangerous weapons or firearms are not allowed on the Halifax Waterfront. Individuals who possess weapons on the premises will be removed from the work site and if necessary, the police will be informed.

Acts of workplace violence by or directed at management, co-workers, Union officials, customers or a service provider is prohibited and will not be tolerated. Disciplinary or other appropriate action, up to and including dismissal, will be taken against any persons who display violent behaviours as outlined in this policy.

The H.E.A. strongly encourages all acts of violence be reported in confidence to the Halifax Employers Association at **422-4471** and brought to the attention of the appropriate company manager. A formal written complaint maybe filed with the H.E.A. using the anti-Harassment complaint form.

You have a right to discuss a complaint with a representative of the Canadian Human Rights Commission.

In the event an erroneous complaint is filed, without basis, with malicious intent. The individual filing the complaint will be subject to discipline up to and including discharge.

This policy is effective immediately.

Please also refer to the H.E.A. ***Respectful Workplace and Anti-Harassment Policy & Procedure***

The Halifax Employers Association for and on behalf of:

**Ceres Halifax Inc.,
Furncan Marine Ltd – Empire Stevedoring (Maritimes) Co.,
Halifax Offshore Terminal Services Limited,
Halterm Limited,
Logistec Stevedoring (Nova Scotia) Inc.,
Mathers Terminals Ltd**

**Re-Issued: October 10, 2018
Effective: February 12, 2018**

MEMORANDUM

TO: ALL EMPLOYEES

FROM: Richard Moore, President & CEO

SUBJECT: Change in Employee and Family Assistance Plan Provider

DATE: November 5, 2015

Please be advised that effective November 8, 2015 we will be changing our Employee and Family Assistance Provider.

The program we currently use is called “*inConfidence*” and the service is provided by Shepell-FGI. We will be moving to a new program provided by a company named *ComPsych* who will be offering the “*GuidanceResources Program*”.

The new service is provided free of charge to all employees, their dependents and anyone living in their household. As in the past, this new program offers confidential counselling, information and resources for all of life challenges. Confidentiality and privacy as assured, within the limits of the law, to each employee and family member who access the “*GuidanceResources Program*”.

The New Toll Free Number to Call for Confidential Assistance with Worklife Issues is:

1-855-232-2734

Or online:

www.guidanceresources.com

Employer ID: InfoMercer

We will be providing more information on this program over the next few days. Please check out “Employee Assistance Program”, under the “Employee Relations” tab on our website: www.halifaxemployers.com . In the meantime, any callers to *inConfidence* during this transition period will be re-directed to the number above.

Health & Safety

General Policy Statement

The employers recognize that the safety and well-being of their employees is of primary importance.

To fulfil this commitment, the employers will provide and maintain a safe and healthy work environment for all employees in compliance with legislative requirements and industry standards.

Management and its employees equally share the responsibility for reducing injury and accidents by performing their jobs in a safe and healthy manner, as prescribed by the health and safety policies of the employers.

Injuries and costly property damage losses can be controlled through good management systems and practices, combined with active employee involvement and co-operation.

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RE-ISSUED: October 10, 2018

SAFETY NOTICE

NON-SMOKER'S HEALTH ACT

This notice is a reminder that the **Non-Smoker's Health Act** prohibits smoking in Federal Workplaces. Therefore, smoking is prohibited in all buildings (i.e. offices, sheds, garages, hotrooms, gatehouses, and other buildings). Those who wish to smoke must do so outdoors.

We urge everyone to comply with the act, since failure to do so will leave us no other alternative than to take **Disciplinary Action** with those who smoke in restricted areas.

Note:

The smoking of marijuana in the workplace is strictly prohibited.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:

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HALTERM CONTAINER TERMINAL LIMITED
LOGISTEC STEVEDORING (Nova Scotia) INC.
FURNCAN MARINE
HALIFAX OFFSHORE TERMINAL SERVICES LTD.
MATHERS TERMINALS LTD**

RE-ISSUED: October 10, 2018

Date Issued: February 1, 2018
Effective Date: February 1, 2018
Re-issued: October 10, 2018

Comprehensive Technology Use and Social Media Policy

1. Personal Communication and Music Devices in the Workplace - Directive

The Safety and Health Committees have determined that the use of cellular phones, taking photographs, texting and using headphones to listen to music on the job, including whenever walking on the terminal, operating any equipment or vehicles, hatch-tending and/or directing any operation throughout the terminal, constitutes a danger to the employee and other employees and an interference with productive operations. Any such use is prohibited unless specifically authorized by a member of Management.

As a result of their determinations at all work sites in the Port of Halifax the use of electronic devices (e.g. cellular phones, Blackberries, MP3 players, ear phones and iPods), with the exception of those provided and/or specifically authorized by the Employer (which includes anyone for whom ILA represented employees perform work at the Port of Halifax), are prohibited except during meal and break periods (the "Directive").

Individuals who fail to comply with this Directive will be subject to disciplinary action up to and including termination of employment.

2. Use of Computers, Internet and E-Mail - Company Equipment

Although use of company computers and other electronic devices, servers, information systems, internet and e-mail ("Company Equipment") by ILA represented employees may be limited, it is necessary to establish the guidelines regarding such use. This section addresses workplace access to the Company Equipment to facilitate communications between employees and clients.

To ensure the Company Equipment is being used for its intended purpose, each Employer has the right to monitor any aspect of the Company Equipment's usage; for example, the Employer and the HEA may review sites visited by employees, review material downloaded or uploaded by employees, or email sent and received by employees. Information stored or transferred within or out of the Employers' networks may also be monitored. You have no expectation of privacy when using the Company Equipment.

As authorized by the Employer, employees may be required to use the Company Equipment:

- To communicate with management, fellow employees, clients, customers, shipping lines and agents and/or other groups operating at or out the Port Of Halifax (which includes but is not limited to the Council of ILA Locals for Port of Halifax, the Halifax Port Authority, trucking companies, CBSA, services providers and parts suppliers) regarding matters within your assigned duties
- To acquire information related to the performance of your regular assigned duties

- To facilitate performance of any task approved by your supervisor.

The Company Equipment is NOT to be used for the following:

- Game playing
- Distribution of destructive programs (i.e., viruses and/or self-replicating code)
- Hateful, harassing, or other anti-social behaviour
- Intentional damage or interference with others (for example, hacking and distributing viruses)
- Making obscene files
- Solicitation for non-company business
- Commercial usage for non-company business
- Circulating, distributing, or printing of copyrighted materials (including articles, images, videos, and software) in violation of copyright laws
- Sending, receiving, printing or otherwise distributing proprietary data, trade secrets or other confidential information belonging to the HEA or any of its members; Shipping Lines, Agents and Employers of Labour (and related affiliates), or the Halifax Port Authority, Autoport and other private facilities, government authorities and regulators, the International Longshoremen's Association (ILA), any customers, suppliers, service providers, and/or clients (collectively, the "Port Stakeholders") in violation of company policy or proprietary agreements. If you are unsure as to whether information is confidential, check first with a member of Management
- Sending or soliciting sexually oriented messages or images
- Operating a business, usurping company business opportunities, soliciting for personal gain, or searching for external employment outside the longshoring industry in the Port of Halifax.
- Sending chain letters, gambling or engaging in any other activity of a similar nature
- engaging in any illegal activity

Any employee who uses Company Equipment in a manner in violation of this section will be subject to disciplinary action up to and including termination of employment.

3. Personal Use of the Internet and E-mail - Limitations

Your Employer may provide access to the internet and e-mail to assist employees in regularly assigned duties. However any such use shall not violate Section 2 of this Policy.

Please be aware that sites visited and messages sent are not confidential and can be monitored like any other aspect of the internet and e-mail system. Your Employer has a legal obligation to report illegal computer use to third parties (i.e., the *Child Pornography Reporting Act*) and will fully comply with the police during a lawful investigation.

Any violation of this section will lead to disciplinary action up to and including termination of employment.

4. Social Media - Limitations

Social media may be used in your personal life; however, even if you post comments/information/pictures, etc. during your personal time, such posts may potentially affect your employment. You are personally responsible for all posts you made in public forums and what you publish online may be accessible to the public and may be online forever. Your communications must not negatively impact the business interests of the Port Stakeholders. Activity on social media that may seem unconnected to your employment can still impact the Port Stakeholders' reputation which can, in turn, affect your employment.

This section applies to any post made on social media by employees to the extent that the post may reflect on the Port Stakeholders or their employees. For the purpose of this section, social media means any technology for online publication and commentary, including without limitation blogs, wiki's, social networking sites such as Facebook, LinkedIn, Twitter, Flickr, Reddit, Instagram, Snapchat and YouTube.

If you participate in social media, please follow these guiding principles:

- Personal social networking, blogs, news groups and other non-business activities must be performed on personal time. No business activities are to be pre-empted by personal use of social networking activities.
- Always respect the Port Stakeholders' proprietary information, branding, content and confidentiality.
- You must not communicate anything that will compromise the reputation of the Port Stakeholders.
- You must not communicate anything that is in violation of any other company policies.
- If a member of the news media or a blogger contacts you about an internet posting that concerns a Port Stakeholder or any of its customers, please refer that person to a member of Management. You must not communicate publicly on behalf of any of the Port Stakeholders unless you have received prior authorization.
- Photographs and videos posted to social networking sites cannot compromise the reputation of the Port Stakeholders or their employees or clients and must not inappropriately identify an individual as an employee in a way that links the employee to an Employer or one of its customers. No photographs or videos taken in the workplace should be posted without prior authorization from the HEA/Employer or the Port Stakeholder(s).
- Employees, including supervisors, who use social media sites such as LinkedIn should not provide "recommendations"/endorsements of employees or former employees. To do so is

the equivalent of an employment reference. There are potential risks if supervisors or employees are perceived to be providing references on the Employer's behalf.

- Before engaging in any social media that may be business or work related, employees must obtain permission from their Employer and/or HEA and must at all times be respectful of the Port Stakeholders (including the Port Stakeholders' employees). This includes not only the obvious (i.e., no ethnic slurs, offensive comments, defamatory comments, personal insults, obscenity, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory - such as politics and religion.
- Never post inappropriate content. This includes any illegal or illicit behaviour whether depicted in words, links, or photos. Do not post any material that is obscene, defamatory, libellous, threatening, or embarrassing to another person or entity, or could constitute harassment, with respect to the Port Stakeholders, their employees, and competitors.
- Clients, potential clients, business partners, the ILA, or suppliers should not be cited or obviously referenced without their approval. Never identify a client, business partner or supplier by name without permission and never discuss confidential details of a client engagement.

You are responsible for your communications. Therefore, you will be subject to liability if they are found to be defamatory, harassing, and discriminatory or in violation of any other applicable law. Further, if there are any claims made against the Port Stakeholders as a result of your communications, you will be held responsible for those claims as well.

Any violation of this section will lead to disciplinary action up to and including termination of employment.

SEAT BELT POLICY

Consistent with the Canada Labour Code Part II, Sections 125.1 (k), (q) and 126. 1(a) and (d) and the Canadian Occupational Health and Safety Regulations Sections 14.7, 14.23 (1), the employers have implemented this seat belt policy to minimize the severity of injury resulting from motorized equipment related incidents.

Employees operating equipment equipped with a seat belt are required to wear the seat belt and ensure the seat belt is properly adjusted and securely fastened at all times while the equipment is mobile.

Employees are prohibited from tampering with seat belts or rendering them ineffective.

This policy is to be strictly adhered to and, in the interest of protecting the health and safety of employees, we require every employee to cooperate.

Failure to comply with this policy may result in disciplinary action.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:

**CERES HALIFAX INC.
HALTERM CONTAINER TERMINAL LIMITED
LOGISTEC STEVEDORING (Nova Scotia) INC.
FURNCAN MARINE LTD – EMPIRE STEVEDORING (MARITIMES) CO.
HALIFAX OFFSHORE TERMINAL SERVICES LTD.
SCOTIA TERMINALS LIMITED**

**REVISED June 21, 2016
RE-ISSUED October 10, 2018
EFFECTIVE July 1, 2016**

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NOTICE

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NEW DRUG TESTING PROTOCOL

This notice is to advise all employees, Cardboard Members, Trainees on the Dispatch List, and Management of the protocol associated with the use of the “Quick Test” drug test. The Quick test provides a reliable indicator of negative results, upon which we will rely.

Any result other than a negative will result in the specimen sent to the lab for analysis. **In the case of the quick test indicating a non-negative result for the presence of Tetrahydrocannabinol (THC), the employee will be required to submit to an oral swab test in addition to the quick test** and these results will be sent to the lab for analysis.

This enables us to receive immediate results and therefore allows the employee who tests negative to go back to his/her job.

Therefore, if a replacement was ordered, he/she would complete the period and then the employee, who tested negative, would then take their spot back.

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HALIFAX OFFSHORE TERMINAL SERVICES LTD.
MATHERS TERMINALS LTD**










**Issued: July 1, 2013
Effective August 1, 2013
Re-Issued: October 10, 2018**

**SAFETY NOTICE
PORT OF HALIFAX**

TO ALL EMPLOYEES

1. PROTECTIVE FOOTWEAR

All employees when “turning to” at all work locations shall wear protective footwear with slip resistant soles meeting the C.S.A. standard-green triangle. **The chart below specifies the type of safety footwear that should be worn based on the functional hazard assessment as a way to reduce the risk of injury.**

Position	Standard	Reason
Checkers	 Shoes / Sneakers	In and out of unit, Industrial area
Walking Boss	 Shoes / Sneakers	In and out of unit, Industrial area
Foreman	 Shoes / Sneakers	In and out of unit, Industrial area
Lashing Foreman, Hatchtender	 6”- 8” Boots	Extra support on ship and ladders
Lashers	 6”- 8” Boots	Extra support on ship and ladders
Operators	 Shoes/ Sneakers	In and out of unit, Industrial area, Autoport
Maintenance	  8” Boots	Lifting, uneven ground, climbing
Management/Marine Superintendent	 Shoes / Sneakers	In and out of unit, Industrial area

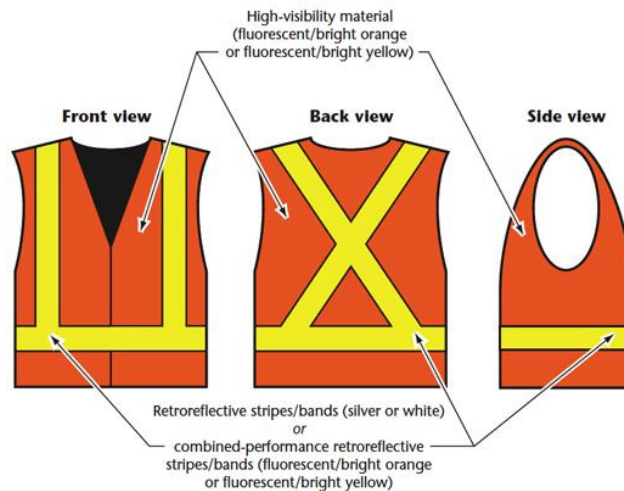
2. HARD HATS

Protective headwear (hard hat) meeting C.S.A. standard **Z94.1-05 Class type 2 Class C** shall be worn by all employees while on the vessel, on the brow during vessel operations, while working under overhead equipment or as otherwise prescribed for safe operations on a day-to-day basis. Hard hats are not required while handling autos on Ro-Ro. Employees who are lashing should be wearing a chin strap attached to their hard hat.



3. SAFETY VESTS

All employees when turning to at all work location shall wear an approved safety vest with high visibility reflective striping on front and back and/or other clothing equipped with high-visibility reflective striping on front and back. **Employees shall wear reflective clothing in orange or yellow that meets CSA Standard Z96-09, Class 2 as illustrated below.**



4. PERSONAL FLOTATION DEVICES

A Canadian (Transport Canada) approved personal flotation device shall be worn, as prescribed by the manufacturer, when performing lineswork.

ALL PROTECTIVE EQUIPMENT AND CLOTHING MUST BE MAINTAINED TO CSA STANDARDS.

Individuals who fail to comply with this policy will be checked in immediately and subject to disciplinary action.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:

**Ceres Halifax Inc.
Furncan Marine Ltd – Empire Stevedoring (Maritimes) Co.
Halifax Offshore Terminal Services Limited
Halterm Container Terminal Limited
Logistec Stevedoring (Nova Scotia) Inc.
Mathers Terminals Ltd**

Originally issued: May 1, 1997

Revised: March 23, 2016

Re-Issued: October 10, 2018

Effective: May 1, 2016

STAFF BULLETIN

TO ALL EMPLOYEES

SUBJECT: ALCOHOL, MARIJUANA & ILLEGAL DRUGS

This notice is to serve as a reminder that an employee who is under the influence of alcohol, marijuana or illegal drugs is prohibited from being at work.

Alcohol, marijuana or illegal drug use, which adversely affects the job performance and attendance of an employee or which could jeopardize the safety of himself/herself or other employees, clients, or company property, is cause for disciplinary action up to and including dismissal.

The **use, sale or possession** of alcohol, marijuana or illegal drugs while on the job or on company property is cause for disciplinary action up to and including dismissal.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:

**CERES HALIFAX INC.
HALTERM CONTAINER TERMINAL LIMITED
LOGISTEC STEVEDORING (Nova Scotia) INC.
FURNCAN MARINE LTD - EMPIRE STEVEDORING
(MARITIMES) CO.
HALIFAX OFFSHORE TERMINAL SERVICES LTD.
MATHERS TERMINALS LTD**

RE-ISSUED: October 10, 2018

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 (e.g. 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.

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NOTICE
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TO ALL EMPLOYEES, MEMBERS OF THE CARDBOARD AND LABOUR POOL

**SUBJECT: PERSONS RETURNING TO WORK FROM STD, LTD
OR WCB, ETC...**

In order to avoid any unnecessary delays in your return to work please be guided by the following:

At least two weeks prior to your intended date of return to work please provide HEA with a note from your treating physician as to your ability to return to work in the longshoring industry. This should be done regardless of whether or not you require accommodation to facilitate your return.

If temporary or permanent accommodation is required, you will be required to complete a “**Request for Accommodation and/or Removal from Skill Registration Form**”. A sample of this form is attached. A copy of this form and the HEA’s accommodation policy and procedure is also available on our website at www.halifaxemployers.com.

After receiving **advanced** notice of an employee’s intent to return to work, the HEA will, within a reasonable period of time, complete their inquiries/assessment through our company doctor, in order to clear the employee for return to work.

It will be necessary that the employee provide a completed “Medical Release Form” to HEA the same day the doctor’s note is provided.

This notice is being distributed to everyone at the Union’s request because we have recently had people delayed coming back into the workforce until they were medically cleared through our company doctor.

If you have any questions please feel free to contact HEA or your Union.

NOTE: Depending on the circumstances, for medical absences of a short duration, a doctor’s note stating you are fit to return to your normal duties is all that may be required.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:
CERES HALIFAX INC.
FURNCAN MARINE LTD – EMPIRE STEVEDORING (MARITIMES) CO.
HALIFAX OFFSHORE TERMINAL SERVICES LTD.
HALTERM CONTAINER TERMINAL LIMITED
LOGISTEC STEVEDORING (Nova Scotia) INC.
MATHERS TERMINALS LTD

RE-ISSUED: October 10, 2018

REQUEST FOR ACCOMMODATION AND/OR REMOVAL FROM SKILL REGISTRATION

Part I Employee Information

Name of Employee or Applicant for Employment:

Name Working Card # (If applicable) Phone Number

Address: _____
Street City Postal Code

I am requesting the following accommodation and/or de-registration for the following skills or functions:

This request is for: Permanent Accommodation and/or Permanent De-registration
 Temporary Accommodation and/or Temporary De-registration

If temporary please provide dates: From _____ to _____

Reason for Request Medical Restrictions/Disability (*Attach medical certificate outlining restrictions*)
 Other

Please Provide Details:

NOTE: Requests for accommodation or de-registration due to medical conditions or disability require medical certification from the treating physician(s) outlining restrictions and the accommodation sought. The authorization for release of medical information below must be completed and signed. **Failure to do so may void this request.**

Authorization for Release of Medical Information

I understand that the HEA may request their designated medical physician/practitioner to communicate with the medical physician(s)/practitioner(s) listed below. I hereby authorize the release of any information necessary for the purpose of determining my medical condition as it relates to my employment in the longshoring industry in the Port of Halifax.

_____ _____
Signature Date

Dr. _____
Name and Telephone Number

Dr. _____
Name and Telephone Number

SAFETY NOTICE

**TO ALL EMPLOYEES & PERSONS
ON THE DISPATCH LIST**

SUBJECT: USE OF RADIOS

All Members Employing Labour in the Port of Halifax have determined that the use of radios, **for non-work related conversations on the job**, constitutes a danger to all employees on the Pier, e.g. when operating equipment, hatchtending, etc. In addition to the foregoing, the use of profanity on the radio will no longer be tolerated.

As a result of their determination the current policy is:

At all work sites in the Port of Halifax the use of radios for non-work related purposes is prohibited. In addition, the use of profanity will no longer be tolerated on the radios.

Individuals who fail to comply with this policy will be subject to appropriate disciplinary action.

HALIFAX EMPLOYERS ASSOCIATION ON BEHALF OF:

**CERES HALIFAX INC.
HALTERM CONTAINER TERMINAL LIMITED
LOGISTEC STEVEDORING (Nova Scotia) INC.
FURNCAN MARINE LTD - EMPIRE STEVEDORING
(MARITIMES) CO.
HALIFAX OFFSHORE TERMINAL SERVICES LTD.
MATHERS TERMINALS LTD**

RE-ISSUED: October 10, 2018

Notice to All Employees
14 August 2008

First Aid/Accident/Illness Reporting & Contacting Emergency Services

In accordance with Part II of the Canada labour Code, the employer members of the Halifax Employers Association (H.E.A) are committed to providing employees with a healthy and safe work environment. The employers will provide prompt emergency services (i.e. 911) when it is appropriate to do so, especially when there may be some doubt as to an employee's medical and/or mental state.

Of primary importance, will be the speedy assessment of an employee's injury or illness in order to provide the fastest and most appropriate response. In some cases Management may determine the best response is to take the injured person to the hospital rather than calling emergency services and waiting for an ambulance. Accordingly, the "injured and/or ill" employee(s) are not to leave the premises on their own without first notifying their supervisor and receiving prior approval.

Therefore please be advised that:

- Employees have a duty to immediately report every accident or illness/injury that occurs at work to their appropriate supervisor, that is a Foreman, Walking Boss, Head Checker, Terminal Planner, Shop Supervisor and to the Marine Superintendent.
- If the report is first made to a Foremen, Walking Bosses, Head Checker, Terminal Planners or Shop Supervisors, then that supervisor is then obligated to report that information to the Marine Superintendent immediately.

Employees who observe another employee who is injured or displaying signs of serious illness or involved in an accident must report it to their supervisor and the Marine Superintendent immediately.

Based on the observation and questioning of the injured or ill employee by their supervisor and/or the Marine Superintendent, he/she will determine, to the best of his/her ability, whether or not emergency services should be called.

- Notwithstanding the foregoing, should it be clear that emergency services are required urgently, then the first person on scene should make that call and then follow the above notification process

If an incident/illness occurs and the employee does not feel he/she is getting the assistance required please be advised that there is nothing in this policy that prevents an employee from calling emergency services directly if he/she feels it is warranted. However, the "injured and/or ill" employee(s) are not to leave the premises on their own without first notifying their supervisor and receiving prior approval.

- Remember common sense should prevail. For example, if someone is having difficulty breathing or loses consciousness then emergency services should be called immediately even if the person is refusing it.

First aid kits are located in the hotrooms, offices and pick-up trucks across the Waterfront.

THIS POLICY IS EFFECTIVE IMMEDIATELY

The Halifax Employers Association for and on behalf of:
Ceres Halifax Inc.,
Furncan Marine Ltd – Empire Stevedoring (Maritimes) Co.
Halifax Offshore Terminal Services Limited,
Halterm Container Terminal Limited,
Logistec Stevedoring (Nova Scotia) Inc.,
Mathers Terminals Ltd

RE-ISSUED: October 10, 2018