



**Title: Drug and Alcohol Policy**

**Version: 2.4**

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<b>Document #:</b> POL-005	<b>Title:</b> Drug and Alcohol Policy	<b>Version #</b> 2.4
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Document	Rev #	Date	Originator	Details of Change
POL-005	1.0	2012-01-16	SQT	Created
POL-005	1.1	2015-01-01	SQT	Change signature to VP's
POL-005	1.2	2016-08-12	SQT	Updated title page, change signature to President
POL-005	2.2	2018-05-07	SQT	Updated to include testing
POL-005	2.3	2018-11-19	SQT	Removed Longshore from Policy (separate policy created), updated testing procedure and post incident testing. Added Terminal Managers Signature.
POL-005	2.4	2019-03-29	SQT	Removed L514 (separate policy created)

## **ARTICLE 1: PURPOSE**

1. To promote workplace safety and prevent accidents as a result of Drug and Alcohol use.
2. To deter workplace impairment.
3. To establish procedures for testing and monitoring Employees.
4. To provide guidance when violations of this policy are suspected and validated.
5. To provide guidance on supervisory responsibilities under this policy.

## **ARTICLE 2: SCOPE**

This policy applies to all Employees of Squamish Terminals except those employees working under the BCMEA-ILWU Local 500 and Local 514 Canada Collective Agreement.

## **ARTICLE 3: POLICY**

1. On Company Premises and/or during working hours, Employees are prohibited from:
  - a. using, possessing, selling, or distributing Alcohol, Illicit Drugs, Medications or other Mood Altering Substances, except as provided for under this policy;
  - b. possessing Drug Paraphernalia; and
  - c. reporting for duty or being on duty while under the influence of any Substance(s) which may impair the Employee's cognitive or motor skills including Alcohol, Illicit Drugs, Mood Altering Substances and Medications or the after effects of the same (e.g., a hangover).
2. Any Employee whose cognitive or motor skills may be impaired for any reason, including from the use of Alcohol, Illicit Drugs, Medications, or other Mood Altering Substances, or the after effects of the same (e.g., a hangover), must immediately notify their Supervisor of their condition.
3. All Employees shall cooperate with an investigation into any alleged violation of this policy. Such investigations may include a request to undergo Substance Testing, an evaluation for a substance use disorder, and a Search.
4. An Employee who is contacted to report to work in an emergency or for other unanticipated reasons must refuse the assignment if his or her cognitive or motor skills may be impaired for any reason, including from the use of Alcohol, Illicit Drugs, Medications, or other Mood Altering Substances, or the after effects of the same (e.g., a hangover).

### **(A) Medications**

1. Employees are expected to responsibly use prescribed and over the counter Medications and are

required to confirm through their doctor or pharmacist that the Medication prescribed or otherwise being used will not negatively affect their cognitive and/or motor skills if performing Safety Sensitive work. If the Medication may negatively affect an Employee's cognitive and/or motor skills they are expected to take appropriate steps including notifying their Supervisor of any need for a modified work assignment.

2. The following are prohibited on Company Premises and/or during working hours:
  - a. the possession of prescribed Medications without a legally obtained and current prescription; and
  - b. the intentional misuse of Medications including altering the means of use (crushing, liquefying, injecting and/or snorting) or otherwise using the Medication in a manner not intended by the prescribing physician or as specified by the pharmacist.

## **ARTICLE 4: DRUG AND ALCOHOL TESTING**

Employees may be subject to Substance Testing in the following circumstances:

### **(A) Reasonable Cause Testing**

1. An Employee may be required to undergo Substance Testing where there are reasonable grounds to believe that the Employee's appearance, behaviour, speech, motor skills, or body odour is consistent with the use of Drugs or Alcohol or their after effects; in such a case, testing for both Drugs and Alcohol will be carried out.
2. An Employee demonstrating signs of impairment must be removed from duty and may not be allowed to return to duty until the cause of the Employee's behaviour, or the cause of the apparent impairment, is determined. Underlying health issues must be considered if the Employee tests negative for Drugs and Alcohol; such a finding may result in a medical assessment being carried out.
3. Employees required to undergo Reasonable Cause testing may not operate their own or a Company vehicle. The Company will therefore make provisions to transport the Employee to the collection site and to the Employee's home or hotel.
4. Due to the risk that impaired driving poses to the safety of the Employee and to the public, the Company will contact the police if the Employee refuses to accept a ride under these circumstances and attempts to operate their own or another person's vehicle.

### **(B) Post-Incident Testing**

1. The Company may require an Employee to undergo post-incident Substance Testing. The purpose of Substance Testing in these circumstances is to rule out substance use as a potential cause of the Significant Event.
2. The circumstances of each case must be taken into consideration before making the decision to test. Post-incident Substance Testing will not occur unless a preliminary investigation has been undertaken and determined that the condition of the Employee is a reasonable line of inquiry. This determination requires:

- a. a connection between the Employee and the Significant Event;
  - b. a determination that the Employee's act(s) or omission(s) may have caused or contributed to the Significant Event;
  - c. consideration of whether other factors (e.g., environmental conditions, mechanical failure) caused the Significant Event; and
  - d. consideration of whether testing would assist the investigation.
3. A "Significant Event" includes an accident, incident or near miss where the Employee is involved in the occurrence of an event that results in:
- a. a fatality;
  - b. a reportable injury to an Employee or any other person;
  - c. damage to property, equipment or vehicles in excess of \$750, as reasonably estimated by management at the time of the incident;
  - d. a reportable environmental event, including a reportable hazard or spill; or
  - e. a near miss which, had the event not been avoided, could have reasonably resulted in one of the conditions set out above.
4. An Employee who is involved in a Significant Event must report that event to their Supervisor as soon as possible, and must remain available for testing.
5. An Employee involved in a Significant Event must not consume Drugs, Alcohol or Medication, unless prescribed by a physician or administered by a first responder, until after testing has been completed or the Employee has been advised that testing is not required.

**(C) Return-To-Duty Testing**

The Company will require an Employee who has been discharged from the job, removed from the Company's Premises, suspended, dismissed, deregistered, or who has been held out of service due to a breach of this policy to undergo Substance Testing and have a confirmed Negative Test Result prior to returning to Safety Sensitive work.

**(D) Follow-Up Testing**

The Company may require Employees returning to work to undergo unannounced Follow-Up Substance Testing as recommended by an SAP pursuant to this policy in order to ensure the Employee's continued fitness for work.

**(E) Pre-Employment Testing**

All applicants applying for a position as a direct hire Employee that will require Safety Sensitive work will be

notified that Pre-Employment Substance Testing is a condition of employment. Applicants, including existing Employees that transfer into a Safety Sensitive position from a non- Safety Sensitive position, must have a confirmed Negative Test Result for Drugs and Alcohol prior to commencing Safety Sensitive work with the Company. Applicants and Employees transferring into a Safety Sensitive position may choose not to participate in testing by declining the conditional offer of employment.

**(F) Searches**

The Company will investigate any situation where there are reasonable grounds to believe that substances, devices, and/or products prohibited by this policy are present on Company Premises, or are in an Employee's possession while the Employee is at work. Such an investigation may include a Search.

**ARTICLE 5: MANDATORY DISCLOSURE**

It is a condition of employment that an Employee who is required to perform Safety Sensitive work disclose to the Company the fact that they suffer from a substance use disorder prior to breaching this policy. An Employee who discloses a substance use disorder may be referred to an SAP for the purpose of having a Fitness For Work Assessment completed pursuant to ARTICLE 7(A) and will be encouraged to seek the assistance of the Company's or the Industry's Employee Assistance Program, as applicable.

**ARTICLE 6: ALCOHOL AND DRUG TESTING RESULTS**

**(A) The Third Party Administrator (TPA)**

The TPA is an independent third party professional organization that is responsible for:

1. administering Substance Testing under this policy, including but not limited to collection sites, collection site personnel, and testing protocols;
2. engaging the services of an accredited forensic laboratory for the purpose of analyzing Substance Testing specimens where applicable under this policy;
3. selecting and providing the services of a MRO (Medical Review Officer) that is licensed to practice medicine in British Columbia;
4. reporting the results of Substance Testing to the Designated Representative(s).

**(B) Sample Collections**

1. Substance Testing as required under this policy shall be administered by appropriately trained persons working with the TPA to ensure both proper chain of custody protocols and privacy protocols are respected. All specimens will be collected with concern for each Employee's personal privacy, dignity and confidentiality. Depending on the circumstances of the case, the TPA will administer the collection of Substance Test specimens on Company Premises or at another appropriate location.
2. Any person who is directed to report for Substance Testing at a location other than on Company Premises will be required to travel to the testing location accompanied by person(s) designated by the Company.

3. Substance Testing for Alcohol will be administered by way of an approved Alcohol Screening Device or breath testing using an Evidential Breath Testing Unit (EBT). Substance Testing for Drugs will be administered by analysis of urine and/or saliva. The appropriately trained person from the TPA administering Substance Testing will explain the sample collection procedure to the person providing the sample.

**(C) Specimen Analysis**

1. Sample collection, testing and reporting of results will be conducted in accordance with standards accepted in Canada in order to ensure the accuracy and integrity of results. Testing shall screen, at a minimum, for the following Substances and below the following levels will result in a Negative Test Result:

<b>Drug of classes of Drugs</b>	<b>Screening Test concentration equal to or in excess of ng/mL</b>	<b>Confirmation Test concentration equal to or in excess of ng/mL</b>
Marijuana (urine screen)	50	15
Marijuana (oral fluid)		10 ug
Cocaine	150	100
Opiates	2000	2000
Phencyclidine	25	25
Amphetamines	500	250
MDMA	500	250
Heroin	10	10
Oxycodone	300	300
Breath Alcohol Content	0.04%**	0.04%**

\*\*Alcohol Substance Test results below 0.04% may be considered a Positive Test Result if it is determined that the Employee would have produced a Positive Test Result while engaged in any work for the Company based on scientifically established dissipation rates for Alcohol.

2. The Company shall have the right to change this policy including with respect to the Drugs tested, the cut-off levels, and the analysis procedures as new legal standards, methods, or technology in Substance Testing warrant.
3. The MRO will interpret and evaluate the Substance Test result. The responsibilities of the MRO will be to:
  - a. ensure that proper protocols have been maintained with respect to the chain of custody of test

specimens; and

- b. notify and discuss with the Employee the result of their Substance Test.

## **ARTICLE 7: ASSESSMENT AND RETURN TO WORK**

The Company may refer an Employee to an SAP for a Fitness For Work Assessment where:

1. an Employee breaches any prohibition or requirement referred to under ARTICLE 3: Policy and/or is the subject of a Positive Test Result;
2. an Employee has been off work for treatment for a substance use disorder; or
3. an Employee self-discloses a possible substance use disorder.

### **(A) Fitness For Work Assessment**

1. In conducting a Fitness For Work Assessment, the role of the SAP will be to:
  - a. determine whether or not the Employee is fit to return to work;
  - b. determine whether the Employee has a substance use disorder and, if one is determined to exist, to recommend a treatment plan to the Employee; and
  - c. if the Employee is fit to return to work, to determine whether Follow-Up Substance Testing is recommended in order to ensure the Employee's continued fitness to work and, if so, determine the frequency and duration of such Follow-Up Substance Testing.
2. Where the SAP determines an Employee to be unfit for work:
  - a. the SAP will notify the Company of this determination;
  - b. the Company will hold the Employee out of service until the Employee is fit to return to work;
  - c. the SAP will encourage the Employee to follow the SAP's treatment recommendations and to obtain help from such resources as the SAP or the Employee believe are appropriate in the circumstances (e.g., physicians, counsellors, rehabilitation services, etc.); and
  - d. the Employee will also be encouraged to seek the assistance of the Company's or the Industry's Employee Assistance Program, as applicable.
3. An Employee who is held out of service pursuant to the SAP's determination that he or she is unfit for work must notify the Company when the Employee believes that he or she is fit to return to work. Upon receipt of such notice, the Company may refer the Employee to the SAP for a further Fitness For Work Assessment.

### **(B) Return to Work Requirements**

If an Employee breaches any prohibition or requirement referred to under ARTICLE 3: Policy or is the subject of a Positive Test Result, then the Employee will be prohibited from returning to work until all of the following conditions are satisfied:

- a. the SAP has performed a Fitness For Work Assessment and certified that the Employee is fit to return to work;
- b. if the Employee is returning to Safety Sensitive work, the Employee undergoes a Return-to-Duty Substance Test and produces a Negative Test Result;
- c. the Employee agrees in writing to comply with any Follow-Up Substance Testing determined to be appropriate by the SAP; and
- d. any disciplinary measures imposed on the Employee (e.g., suspension) are fulfilled.

## **ARTICLE 8: POLICY VIOLATIONS**

### **(A) Employee Discipline**

In addition to referring an Employee to an SAP pursuant to ARTICLE 7(A), where an Employee violates the terms of this policy, the Company may discharge the Employee from the job and may impose discipline for breach of this policy. The imposition of any disciplinary measure for a breach of this policy will depend on the facts and circumstances of each case, including consideration of any duty to accommodate that may exist in each case. In determining the appropriate disciplinary measure, the Company will place primary importance upon deterring similar behaviour by other employees.

Violations of this policy include, but are not limited to, the following:

- a. violating any prohibition or requirement referred to under ARTICLE 3: Policy;
- b. failing to meet any disclosure obligations under ARTICLE 5: Mandatory Disclosure;
- c. a Positive Test Result;
- d. refusing to submit to Substance Testing and to provide a specimen as required by this policy;
- e. refusing to participate in an investigation pursuant to this policy, including a Search;
- f. failing to report a Significant Event which may require Substance Testing;
- g. falsifying, minimizing or altering the report of a Significant Event which may require Substance Testing;
- h. consuming Drugs, Alcohol or Medication, unless prescribed by a physician or administered by a first responder, after being involved in a Significant Event and until after testing has been completed or the Employee has been advised that testing is not required;
- i. failing to remain at the testing site until the Substance Testing process is complete;



- j. refusing or failing to attend a Fitness For Work Assessment when requested under this policy; and
- k. tampering with a specimen for a Substance Test.

**(B) Supervisor's Duties**

If a Supervisor has reasonable cause to believe that an Employee's cognitive or motor skills may be impaired for any reason, including from the use of Alcohol, Illicit Drugs, Medications, or other Mood Altering Substances, or the after effects of the same (e.g., a hangover), the Supervisor will direct the Employee to undergo Substance Testing.

A Supervisor must not knowingly permit an Employee to remain at the workplace if the Supervisor has reasonable cause to believe that the Employee may be impaired by the use of any Substance or the after effects of the same. Any Supervisor that fails to abide by this provision will be subject to personal disciplinary action.

**ARTICLE 9: DEFINITIONS**

As used in this policy, the following terms shall have the following meaning:

1. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
2. Company Premises: Includes all real or personal property, facilities, land, buildings, parking lots, equipment containers, vehicles, vessels and boats whether owned, leased or used by the Company and wherever it may be located.
3. Confirmation Test: A test used to verify the positive results from a Screening Test. Confirmation Tests for Drugs use different methods than Screening Tests to identify the specific Drug or Drugs in the specimen, as well as the concentration of each Drug in the specimen.
4. Designated Representative(s): The representative(s) designated by the Company to receive test results from the Medical Review Officer and Third Party Administrator and preserve the confidentiality of an Employee's Substance Testing information. The Designated Representative will be responsible for determining who in the Company is to be made aware of test results and other employee information received by the Company pursuant to this policy.
5. Drug Paraphernalia: Any object or device which is used in association with the use of any Illicit Drug, marijuana or improper use of Medication. This is deemed to include any product or device, the purpose of which is to tamper with a testing sample or otherwise defeat a Drug of Alcohol test.
6. Drug(s): Any substance which has the potential to compromise the Employee's motor or cognitive skills including the categories defined below:
  - a. 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

- and heroin).
- b. Medication refers to any Drug which is legally obtainable, either over-the-counter or through a doctor's prescription.
  - c. Mood Altering Substance refers to any product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance on the job (e.g., marijuana, synthetic marijuana, cathinone derivatives commonly known as "bath salts", doda, glues, aerosols, and other similar products).
- 7. Employee: Any person employed by the Company.
  - 8. Medical Review Officer (MRO): The MRO is a licensed physician who has knowledge of laboratory procedures and substance use disorders and has received the appropriate medical training to interpret and evaluate Substance Test results as it relates to a person's medical history and any other circumstances.
  - 9. Negative Test Result: A report that the Employee who provided a specimen for Alcohol and Drug testing did not have an Alcohol and/or Drug concentration level equal to or in excess of that set out in ARTICLE 6(C).
  - 10. Positive Test Result: A report that the Employee who provided a specimen for Substance Testing did have an Alcohol and/or Drug concentration level equal to or in excess of that set out in ARTICLE 6(C). An Employee's refusal to provide a specimen for Substance Testing will be deemed a Positive Test Result under this policy.
  - 11. Safety Sensitive: A characteristic of operations where error could result in serious harm to a person, property or the environment.
  - 12. Screening Test: An initial test performed on a breath, urine, or saliva sample to determine the presence or absence of Alcohol and/or Drugs. Screening Tests usually focus on identifying particular classes of Drugs rather than specific Drugs. All positive Screening Tests must be verified by a Confirmation Test.
  - 13. Search: The examination of an Employee's personal property where, on the basis of reasonable and probable grounds, it is believed that the Employee is in possession of Alcohol, Drugs or Drug Paraphernalia in contravention of this policy. Personal items that may be searched on Company Premises include, but are not limited to, bags, backpacks, lunch kits, personal vehicles on Company Premises as well as desks and lockers on Company Premises. An Employee may be required to empty his or her pockets as part of a Search.
  - 14. Substance: Includes Alcohol or Drugs.
  - 15. Substance Testing: The analysis of the biological presence of a Substance by means of urine, breath, and/or saliva sampling and analysis.
  - 16. Substance Abuse Professional (SAP): A licensed physician or a licensed or certified psychologist, social worker, or addiction counselor with knowledge of and clinical experience in the diagnosis and

treatment of Substance use disorders.

17. Supervisor: A person employed by the Company who is in a position of authority and directs the work of others. Supervisor may include, but is not limited to, foreman, manager, supervisor, safety office or manager, superintendent, and team leader.
18. Third Party Administrator (TPA): The TPA is an independent organization that is responsible for administering Substance Testing under this policy (see ARTICLE 6(A)).

Approved By:



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Paul Morris  
Terminal Manager