



Torq Transloading Occupational Substance Abuse Policy

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1.0 PROGRAM OVERVIEW

1.1 Position Statement

Torq Transloading (the “Company”) is committed to establishing programs to promote and enhance safety in the workplace. The Company recognizes the safety risk caused by drug and alcohol impairment at work. The Company has implemented a substance abuse policy to support our commitment to safety and to meet our responsibilities to the working environment, the health and safety of employees, co-workers and the general public. The Substance Abuse Policy combines drug and alcohol testing with education, supervisor training and access to substance abuse assistance programs.

This Drug and Alcohol Free Workplace Program (“the Program”) has been implemented to support our commitment to safety and to meet our responsibilities to employees.

The Program is intended to allow all employees to enjoy a safe, productive, and healthy environment, along with the safety of the public. Employees with substance abuse problems are urged to seek assistance before the problems affect on-the-job performance.

The Company will offer rehabilitation assistance, at the employee’s expense, to any employee who has a substance use problem, whether or not that employee has tested positive. All employees who are verified as testing positive for drugs or alcohol will be required to see a Substance Abuse Professional (SAP) for evaluation.

This policy applies to any person performing work for The Company (includes: Torq Transload Operators and Torq Transloading Administrative Staff) while engaged in company business, working on Company Property, or who may be required by the Company to perform safety sensitive functions. It is an essential job function for all employees to meet and comply with the requirements of this policy.

1.2 Goals and Objectives

1. Ensure that while at work, employees and contractors are provided with a safe working environment, which minimizes the risk of injury due to any act or omission by themselves or others.
2. Ensure that the Company meets its obligations to employees and the general public to carry out all its activities safely.
3. Promote health and wellness among employees and their families by reducing the risk of substance use that affects the workplace.

4. Provide assistance through a full range of preventative, educational and rehabilitative measures to help employees overcome personal problems that may, or do, adversely affect the employee's fitness for work or work performance.
5. Ensure that all employees who are deemed unfit for work are treated in an effective, fair, diligent, and constructive manner.

1.3 General Duties

1.3.1 Employer

Under the Occupational Health and Safety Act, the Company is obligated to provide a safe workplace, a safe system of work and to eliminate hazards in the workplace. A major part of this obligation includes taking reasonable precaution to ensure that all individuals are in a fit state to work so as to minimize risks both to themselves and others.

1.3.2 Employee

Employees have a duty to take reasonable care to avoid exposing themselves or others to unnecessary health or safety risks. An important part of this duty is the employee's responsibility to ensure that he/she is in a fit state at the start of and throughout each shift. An employee shall report to his/her employer, manager, or supervisor any contravention of the Occupational Health and Safety Act or regulation, or the existence of any hazard of which he/she is aware.

An employee who requires accommodation in order to perform the essential duties of his/her job is responsible for:

- Communicating the need for accommodation in sufficient detail
- Cooperation in consultations and assessments and taking part in the prescribed treatment program

1.3.3 People Involved

Designated Employer Representative (DER) – An employee authorized by the employer to take immediate action(s) to remove impaired employees from safety-sensitive duties, and to make required decisions in the testing and evaluation process. Authorized to receive and manage all drug and alcohol testing information from the Program.

Medical Review Officer (MRO) – A licensed physician who has the knowledge necessary to critically review drug test results. The MRO will review and evaluate all confirmed positive drug tests and will communicate results of drug tests to the affected employee. The MRO will also work with MRO Designated Staff to report, if appropriate, a confirmed drug test to the Company DER(s).

Service Agent – The service agent includes all MRO Designated Staff. The Service Agent typically performs administrative tasks concerning the operation of the employer’s drug and alcohol testing program. These services include, but are not limited to, maintaining the data, and reporting results to the Company DER(s). The Service Agent can be asked to provide and monitor relevant training, and assist with rehabilitation and referral process.

Substance Abuse Professional (SAP) – A person who consults with employees who have tested positive and who can determine whether or not an employee needs treatment for a substance dependency or use problem by using tools which are accepted in the addictions field or whether the employee is a recreational user of drugs and/or alcohol.

1.4 Confidentiality

All drug and alcohol test results are kept private and confidential. Results are released by the MRO, or MRO Designated Staff Member to the Company DER(s). The Company DER(s) may release relevant information to Company decision makers as required. Confidential information from SAP or MRO will be handled in a similar manner.

1.5 Definitions / Explanations

- a) **Accident** – An unexpected occurrence that causes or has the potential to cause injury or damage.
- b) **Alcohol** - Alcohol is the intoxicating agent in beverage alcohol, ethanol alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol. Alcohol abuse is linked to above average absenteeism, low productivity resulting in lessened ability to perform job requirements. These individuals are also more likely to injure themselves or other persons in an incident. Presence in the body of alcohol for all employees on Company Property, or in safety sensitive positions while performing company business will not be tolerated.
- c) **Breath Alcohol Testing** – Analyzing a breath sample, using an Evidential Breath Testing (EBT) machine, for the purpose of detecting alcohol in an employee’s system.

- a. **Stage 1 Positive** – After confirmation alcohol test. Result of 0.020% to 0.039%. Employer is notified and the employee is suspended for 24 hours.
- b. **Stage 2 Positive** –After confirmation alcohol test. Result of 0.040% or greater. Employer is notified, employee is suspended for an indefinite period, employee is referred to a SAP, and will be required to complete return to duty and follow-up testing.

- d) **Breath Alcohol Technician (BAT)** – A person who has received training, and certification, to operate an evidential breath testing device.

- e) **Chain of Custody** – The process of documenting and handling of a specimen from the time a donor gives the specimen to the collector, during the testing at the laboratory until the results are reported by the laboratory.

- f) **Company Property** - Refers to all Property owned and/or operated by Torq Transloading, and Torq Transloading affiliate companies.

- g) **Designated Employer Representative (DER)** - An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from Company Property, or safety-sensitive functions and to make required decisions in the testing and evaluation processes.

- h) **Drugs** – For the purpose of this Program, a “drug” is any substance, illicit drug, (not lawfully obtained – this also refers to a prescription drug which is not prescribed for that employee’s use or is not being used for its prescribed purpose) or medication, the use of which has the potential; to inhibit an employee’s ability to perform his/her job safely and productively. Examples of drugs of concern include, but are not limited to, Alcohol, Marijuana, Cocaine, Opiates, and Amphetamines.

- i) **Medical Review Officer (MRO)** - A Medical Review Officer (MRO) is a licensed physician who has the knowledge necessary to critically review drug test results. The MRO will review all positive drug test results and ensure that the proper procedure for testing has been followed. The MRO will also contact the employee for further discussion in regard to the positive drug test.

- j) **MRO Designated Staff (Service Agent)** - MRO staff may perform routine administrative support functions, including receiving test results, reviewing negative test results, and scheduling interviews for the MRO.

- k) **Positive Test** – Breath alcohol concentrations which are confirmed at 0.020% or greater

will be considered a positive test in violation of this Program. A positive drug test means that the quantitative levels of the sample are over one or more of the accepted cut-off levels supported by current practices.

- l) **Safety Sensitive Function** - Safety-sensitive position or function where an individual has a key and direct role in an operation where safety is a bona fide occupational requirement at the job, in that safety is necessary to assure the efficient and economical performance at the job without endangering the employee, their fellow employees, or the general public. Includes employees where there is no direct or limited supervision available to provide frequent operational checks.

- m) **Substance Abuse Professional (SAP)** - A licensed medical practitioner (medical doctor), or licensed or certified psychologist, social worker, employee assistance professional, or addiction counsellor, with appropriate knowledge or clinical experience in the diagnosis and treatment of alcohol and controlled substance abuse and related disorders.

- n) **Supervisor Training** – In-house training for all supervisors that include how to identify specific behaviours related to alcohol and or drug misuse. These include: physical, behavioural, speech, and performance indicators.

- o) **The Company** – Refers to Torq Transloading throughout this policy.

- p) **The Program** – Refers to the policy and guidelines set out in this document

- q) **Third Party Administrator (TPA)** - A service agent that provides or coordinates one or more drug and/or alcohol testing services for the Employer.

- r) **Torq Transloading Administrative Staff** – provides clerical and administrative support in the office to assist in the Transloading of dangerous goods on the sites that Transload commodities that include dangerous goods.

- s) **Torq Transload Operators** – employees that Transload commodities into rail cars that include dangerous goods.

2.0 TYPES OF TESTING

2.1 Pre-employment (Drugs only)

Once a conditional offer of employment is extended to, and accepted by, the successful applicant. A returning employee, within a 6 week time frame from active employment, will be excused from the pre-employment drug screen.

2.2 Post Collision/ Serious Incident

The Company reserves the right to test any employee following a collision/serious Incident for post-incident testing. The testing may include a drug screen and alcohol test. Attempts to schedule these tests will be made within the first 2 hours after the occurrence, and up to 8 hours thereafter for alcohol, and 32 hours for drugs. Testing may be administered after a near miss, or incident that involves a fatality, disabling injury, serious incident of concern or any combination of the above. Each occurrence will be reviewed separately. If unable to test, reasons will be documented.

2.3 Reasonable Suspicion

The determination for reasonable suspicion testing will be made by a Company supervisor who is trained to identify drug and alcohol use. The actions or observations of the employee must occur while the employee is on duty or just preceding the work period and the company's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behaviour, speech or body odours of the employee

2.4 Return to Duty

An employee who has previously tested positive for drugs and / or alcohol at or above 0.040% for alcohol must receive a drug and / or alcohol test indicating a negative test result prior to consideration for a return to duty.

2.5 Follow-Up

Following a negative drug and / or alcohol return to duty test, an employee will be subject to the follow-up testing. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

3.0 REFUSALS TO BE TESTED AND INTERFERING WITH TESTING PROCESS

3.1 Refusal to be tested

A refusal to be tested will be viewed as non-compliance with the Program and will be deemed to have the same consequences as a positive result. A refusal to comply with testing evaluation may result in discipline, up to and including termination of employment.

3.2 Specimen Adulteration

Any employee found to have tampered with or attempted to alter any specimen collected for the purpose of drug or alcohol testing will be deemed to have refused the test. The test will be managed with the same consequences as a positive and the employee may be subject to disciplinary action.

3.3 Inability to provide an adequate sample

3.3.1 Breath Alcohol

In the event that an employee is unable to provide a suitable sample of breath for breath alcohol.

- a) If collection site is using an EBT that has the capability of operating manually, they may attempt to conduct the test in manual mode.
- b) If the donor is unable to provide a suitable sample of breath and the manual option was unsuccessful, the donor will then be required to provide the company with a signed statement, from a physician, stating that a medical condition has, or with a high degree of probability could have, prevented the employee from providing a sufficient amount of breath.
- c) There is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath. This constitutes a refusal to test

3.3.2 Instant Alcohol Oral Swab

In the event that an employee is unable to provide a suitable sample of saliva the Company will be immediately notified by the collector. The collector will comment in the remarks section of the chain of custody form, and the donor will be asked to sign. The employee should then be escorted to the confirmation facility location by a Company representative. A BAT should then administer a breath test using an EBT.

3.3.3 Drug Screen (Urine and/or Saliva)

In the event that an employee is unable to provide a suitable sample for urine drug testing, after consumption of no more than 40 oz. of fluid over a period of no longer than 3 hours the employee will be required to:

- a) Submit to an evaluation by a licensed medical physician. The examining physician will then forward this report to the MRO and determine whether there is, or is not a medical condition. If there is no medical condition identified then the test result will be considered a Refusal and have the same consequences as a positive test. The MRO need only report on whether or not there is a valid medical condition.
- b) Or, for a lab based oral swab drug test In the event that an employee is unable to provide a suitable sample of saliva the Company will be immediately notified by the collector. The collector will comment in the remarks section of the chain of custody form, and the donor will be asked to sign. The donor may be required to provide a urine specimen in place of the oral drug screen collection as per the Company request.

A refusal to comply with testing or medical evaluation may result in discipline, up to and including termination of employment.

4.0 COLLECTION, PROCESSING, REVIEW AND COMMUNICATION

1. All drug and alcohol procedures for testing are set up to ensure the optimal privacy for employees and the accuracy of test results. A drug collection must be completed by a certified collector.
2. All employees must be positively identified with Photo ID prior to testing.
3. The drug screen that will be collected by a certified collector, and analysed by a certified laboratory will be a 5-panel drug test and the 5-panel regimen will be: marijuana (THC), Cocaine, Amphetamines (including XTC), Opiates (including Heroin) and Phencyclidine (PCP).
4. The alcohol testing will be conducted by the collection of a breath sample. It will be conducted by a trained Breath Alcohol Technician (BAT) using an Evidential Breath Tester (EBT). The Company may decide, if the option is available, to utilize a saliva alcohol screen to be completed by a certified collector.
5. The MRO will evaluate all confirmed positive drug tests to determine if there is any reasonable medical explanation for the positive result other than substance use. The

MRO will do the following:

- a) Attempt to contact the employee, or candidate for employment, to verify whether there is a valid medical use for the drug in question.
 - If there is no valid medical reason for the drug in question, the MRO will communicate a “verified positive” drug test result.
 - If the employee believes there is a valid medical use for the drug in question, the MRO will request that the employee provide proof of prescription. If the prescription does not validate the positive drug and the levels the MRO will make the determination whether or not there is a valid medical reason and declare the results positive or negative based on the evidence provided.
- b) If the MRO received a positive test result but is unable to contact the employee who provided the sample within a 10 day count down time period the Service Agent, as directed by the MRO, will contact the Company who will in turn contact the employee and request that the employee contact the MRO. Once the employee has been informed of the need to contact the MRO by the Company, the employee will have 3 business days to contact the MRO. Otherwise a ‘Positive’ drug test result will be reported.
- c) Once the MRO has reviewed the drug test results and arrived at a decision, the MRO Designated Staff will communicate the ‘Positive’ drug test results to a DER of the Company. Communication is established via phone, and then the positive result is emailed to the DER of the Company in the form of an Employer Letter.

5.0 Prohibitions

- a) Alcohol Concentration – No employee shall report for duty or remain on duty requiring the performance of safety-sensitive or risk-sensitive functions or while on Company Property while having alcohol in their system, adhering to the Company’s zero tolerance rule. No supervisor having actual knowledge that an employee has consumed alcohol shall permit the employee to remain on Company Property, perform safety-sensitive or risk-sensitive functions.
- b) On-Duty Use – No employee shall use alcohol while performing safety-sensitive or risk-sensitive functions or while on Company Property. No supervisor having actual knowledge that an employee is using alcohol while on Company Property, performing safety-sensitive or risk-sensitive functions shall permit the employee to remain on Company Property, perform or continue to perform safety-sensitive or risk-sensitive functions.

- c) Pre-Duty Use – No employee shall perform safety-sensitive or risk-sensitive functions or be granted access onto Company Property within four hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four hours shall permit an employee to be on Company Property, or to perform or continue to perform safety-sensitive or risk-sensitive functions.
- d) Use Following a Collision – No employee required to take a post-collision alcohol test shall use alcohol for eight hours following the collision or until he/she undergoes a post-collision alcohol test, whichever occurs first.
- e) Drug Use
 - (i) No employee shall report for duty or remain on duty requiring the performance of safety-sensitive or risk-sensitive functions or while on Company Property when the employee uses any drug except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely work at the job site.
 - (ii) No supervisor having actual knowledge that an employee has used a drug shall permit the employee to perform a safety-sensitive or risk-sensitive function or to be granted access onto Company Property, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely work at the job site.
 - (iii) No employee will intentionally misuse prescription medications or over-the-counter medications in such a manner as to render themselves unfit to safely perform their work.
- f) Refusal to submit to a required alcohol or drug test – No employee shall refuse to submit to a post-incident alcohol or drug test, a reasonable suspicion alcohol or drug test, a return to duty alcohol or drug test, or a follow-up alcohol or drug test. No supervisor shall permit an employee who refuses to submit to such tests to be granted access onto Company Property, or to perform or continue to perform safety-sensitive or risk-sensitive functions. An employee who refuses to submit to a required test, tampers or attempts to tamper with a test sample, will be considered to have refused the test and this carries the same consequences as a positive.
- g) Possession of alcohol on company premises is prohibited. Use of alcohol on company premises for social functions or when it relates to company business is permitted when

approved by senior management who will ensure that the use does not contravene the intent of our policy.

6.0 ACTION ON TEST RESULTS

6.1 Drug Test

After the DER receives a verified Positive drug test result from the MRO Designated Staff, the DER will:

1. Contact the identified employee and discuss the conditions of continued employment.
2. Remove the employee from work until the employee has completed the required SAP assessment, and has completed a Return to Duty drug screen with a negative result.

6.2 Alcohol Test

1. When testing for alcohol with an Evidential Breath Tester (EBT), a result of 0.020% or great will require that a confirmation test be performed. The confirmation test will be conducted not less than 15 minutes, but not more than 30 minutes, after the completion of the initial test. The reason for this requirement is to allow mouth alcohol to dissipate. The results of the screening and confirmation test will be printed.
2. A confirmation test less than 0.020% is considered a negative alcohol test result as per the EBT. This does not prevent the Company from deciding on further actions for this employee since there is zero tolerance, as per this policy.
3. A confirmation test reading greater than 0.020% but less than 0.040% (Stage 1 positive) will require removal of the employee from duty for 24 hours and a Return to Duty breath test at or below 0.020% (negative). The Company reserves the right to impose additional requirements on employees who have a confirmation test equal to 0.020% to 0.039% (Stage 1 Positive) on more than one occasion, including the requirement that the employee undergo an evaluation by a SAP. The employee will be prohibited from driving, and will be provided with transportation to a location until such time that the employee is legally capable of operating a motor vehicle.

4. If the confirmation test is equal to or greater than 0.040% (Stage 2 Positive) the employee will automatically be removed from duties and required to undergo an evaluation by the SAP.
5. A refusal to test either on screening or confirmation will have the same consequences as a positive test.

6.3 Conditions the Employee Must Meet Prior to Returning to Work following a positive test result.

- a) The employee will read and sign the consent for “Condition of Continued Employment” (refer to Forms section). A refusal to sign or a signature indicating the employee declines to abide by the conditions indicated, may result in discipline up to and including termination of employment. The DER will notify the Human Resources Manager of such action.
- b) Employees suspended and/or removed from duty will be required to attend a meeting at the head office. Senior management will review each case and provide written correspondence of the resources available in evaluating and resolving problems associated with the misuse of alcohol and/or the use of drugs, including the names, addresses and telephone numbers of a Substance Abuse Professional (SAP).
- c) The employee must undergo an evaluation by a designated SAP. The SAP will determine what assistance, if any, the employee needs in resolving the current situation. Any costs associated with evaluation and rehabilitation will be the responsibility of the individual.
- d) After completion of assessment and/or treatment and prior to return to regular duties, a drug and/or alcohol test will be conducted. If the result(s) are negative, the employee will return to regular duties.
- e) An employee cannot be granted access to Company Property, returned to safety-sensitive or risk-sensitive duties until he/she has been evaluated by a SAP complied with recommended rehabilitation, and has a negative result on a Return-to-Duty drug test and/or a breath alcohol concentration of zero. The employee must provide a written report from the SAP verifying the completion of the evaluation, with recommendations and rehabilitation or provide a release document for the required information. The employee will be responsible for SAP, Return-to-Duty and Follow-up testing costs to be garnished from the employees’ wages.

- F) Should the employee have a positive test result a second time, the employee's name will be forwarded to the Human Resource Manager for further action. The Human Resource Manager will consider all of the circumstances including whether the employee appears to have a substance use problem, and any previous rehabilitation program provided to the employee, and will determine the consequences to the employee which may include discipline up to and including termination of employment.

7.0 ADDITIONAL ISSUES

7.1 Company Social Events

In the case of Company related social activities, whether on or off company property, appropriate regard must be had for the safety and well-being of the individuals present and the community. In situations where impairment is possible, Senior Management will ensure that the use does not contravene the intent of the Program.

7.2 Amendment

This program will be reviewed regularly. The Company reserves the right to amend this Program and procedure in any manner as it is deemed appropriate given the testing environment.

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The wellbeing, safety, and efficiency of all employees is of the highest concern to Torq Transloading. It would be inconsistent to promote a strong safety and efficiency effort while not preventing the use of drugs and/or alcohol from undermining the company's aim to keep the employees, customers, general public, and other persons doing business with the company in a safe and productive work environment. Torq Transloading therefore requests that you review and consider this policy carefully. Any questions you may have with respect to the administration may be referred to the Torq Transloading Management Staff.

I understand the importance of this policy and will give it my complete support and cooperation. I am in receipt of a copy of this Drug and Alcohol Policy and Substance Abuse Policy.

Name of Employee (Please Print): _____

Signature of Employee: _____

Date: _____

Signature of Employer: _____

Name of Torq Rep: _____

Employee Copy to be kept by employee

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I understand the importance of this policy and will give it my complete support and co-operation. I am in receipt of a copy of this Drug and Alcohol Policy and Substance Abuse Policy.

Name of Employee (Please Print): _____

Signature of Employee: _____

Date: _____

Signature of Employer: _____

Name of Torq Rep: _____

Employer Copy to be sent to Calgary Safety Department