

**WORKPLACE DRUG AND ALCOHOL
POLICY AND PROCEDURES**

ARTICLE 1: PURPOSE

1. To support the maintenance of workplace safety and prevent accidents and injuries.
2. To encourage and recognize the responsibilities of Employees to work unimpaired by Substances and to follow safe work practices.
3. To identify and correct situations where Substance use or impairment affects employment obligations or safety.

ARTICLE 2: SCOPE

This Policy applies to all Employees.

ARTICLE 3: EMPLOYEE RESPONSIBILITIES

(A) Impairment

1. All Employees are required to perform their work in a manner that does not pose a safety risk to themselves or other workers, including due to the effects or after effects of Substance use either on or off duty.
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, as required by the Employer or Contractor.
4. 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 not report to work or make themselves available for work including emergency or on-call work.

(B) Substance Use

1. On Worksites 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).

(C) Medication Use

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 any Worksites 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: MANDATORY DISCLOSURE

1. An Employee who performs Safety Sensitive Work must advise their Supervisor of any Substance use or impairment issue which affects the Employee's ability to meet their work responsibilities or may pose a safety risk. The obligation to make a disclosure under this Article is in addition to, and not a substitute for, an Employee's other obligations under the Policy.
2. Upon an Employee making such a disclosure, the Contractor will advise the Employer and the Council, and may hold the Employee out of service for the purpose of an assessment pursuant to ARTICLE 8(A).
3. If an Employee advises the Council of a Substance use or impairment issue which affects the Employee's ability to meet their work responsibilities or may pose a safety risk, the Council will advise the Contractor and the Employer, who may hold the Employee out of service for the purpose of an assessment pursuant to ARTICLE 8(A).

ARTICLE 5: SUBSTANCE TESTING

A Contractor or the Employer may require an Employee to undergo Substance Testing in the following circumstances:

(A) Reasonable Cause Testing

1. An Employee may be required to undergo Reasonable Cause Substance Testing where the Employee discloses impairment or Substance use at work, or 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 and/or Alcohol or their after effects. Any

explanation provided by the Employee for factors which may give rise to a basis for Reasonable Cause Substance Testing will be taken into consideration.

2. During the process of determining whether Reasonable Cause Substance Testing is warranted, the Employee may request the presence of a Council representative.
3. An Employee demonstrating signs of impairment must be removed from duty and may be prohibited from returning to duty until the cause of the Employee's behaviour, or the cause of the apparent impairment, is determined. Where the employee produces a Negative Test Result, the Contractor or Employer may require the Employee attend the Employee's Physician for an assessment and to provide a letter stating whether the Employee is fit to return to work.
4. Employees required to undergo Reasonable Cause Substance Testing may not operate their own or a Company vehicle. The Contractor will make provisions if necessary to transport the Employee to the collection site and to the Employee's home or hotel.

(B) Post-Incident Testing

1. An Employee may be required to undergo Post-Incident Substance Testing in the circumstances described in this section. The purpose of Post-Incident Substance Testing is to rule out Substance use as a potential cause of the Triggering Event.
2. The circumstances of each case must be taken into consideration before requiring Post-Incident Substance Testing. Post-incident Substance Testing will not occur unless a Triggering Event has occurred and a preliminary investigation has been undertaken and determined that the condition of the Employee is a reasonable line of inquiry.
3. This determination requires:
 - a. a connection between the Employee and the Triggering Event;
 - b. a determination that the Employee's act(s) or omission(s) may have caused or contributed to the Triggering Event;
 - c. consideration of whether other factors (e.g., environmental conditions, mechanical failure) caused the Triggering Event; and
 - d. consideration of whether testing would assist the investigation.
4. A "**Triggering 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 significant injury to an Employee or any other person;
 - c. significant damage to property, equipment or vehicles;
 - d. a reportable environmental event, including a reportable hazard or spill; or
 - e. a near miss which, had the event not been avoided, would likely have resulted in one of the conditions set out above.

5. An Employee who is involved in a Triggering Event must report that event to their Supervisor as soon as possible, and must remain available for an investigation and Post-Incident Substance Testing.
6. During the process of determining whether Post-Incident Substance Testing is warranted, the Employee may request the presence of a Council representative.
7. An Employee involved in a Triggering Event must not consume Drugs, Alcohol or Medication, unless prescribed by a medical practitioner or administered by a first responder, until after Post-Incident Substance Testing has been completed or the Employee has been advised that Post-Incident Substance Testing is not required.

(C) Return-To-Duty Testing

1. An Employee who, due to a breach of this Policy, has been discharged from the job, removed from a Worksite, suspended, dismissed, or held out of service may be required to undergo Return-to-Duty Substance Testing and have a confirmed Negative Test Result prior to returning to Safety Sensitive Work.

(D) Follow-Up Testing

1. An Employee may be required to undergo unannounced Follow-Up Substance Testing as set out in a treatment plan by the Employee's Physician or an IME Physician.

(E) Employee Payment

1. All time spent by an Employee in Reasonable Cause investigation or Substance Testing or Post-Incident investigation or Substance Testing will be paid by the Contractor for time spent in the investigation and testing process.

ARTICLE 6: PRE-ACCESS TESTING

1. The Contractor may require Employees to undergo Pre-Access Substance Testing where (a) the Contractor determines that it is necessary in the context of a specific Worksite or operation, including but not limited to circumstances where the Owner requires such testing and (b) the Employer approves the use of Pre-Access Substance Testing.
2. Applicants will be advised where Pre-Access Substance Testing is required.
3. For clarity, the Contractor will be responsible for administering Pre-Access Substance Testing in a manner consistent with human rights legislation, and any costs associated with accommodation. This obligation does not restrict the Contractor's responsibility for all costs associated with the implementation of this Policy.

ARTICLE 7: SUBSTANCE TESTING RESULTS

(A) The Third Party Administrator (TPA)

A TPA will be contracted to provide services including the following:

1. Substance Testing under this Policy, including but not limited to performing Screening Tests, securing collection sites, providing testing personnel, and following testing protocols;
2. engaging the services of an accredited forensic laboratory to perform Confirmation Tests;
3. selecting and providing the services of an MRO; and
4. reporting the results of Substance Testing to the Designated Representative(s).

(B) Sample Collections

1. Substance Testing shall be administered by appropriately trained persons selected or employed by 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. The TPA will administer the collection of Substance Test specimens at an appropriate location.
2. An Employee who is directed to report for Substance Testing will be required to travel to the testing location accompanied by person(s) designated by the Contractor. The Contractor will arrange for transportation of the Employee.
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 Employee providing the sample.
4. An Employee directed to report for Substance Testing must follow the directions of the TPA person administering the Substance Testing and may not dilute, tamper with, or alter a specimen.

(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. Sample testing and analysis will be conducted in accordance with the panel of substances and applicable cut-off levels identified at **APPENDIX "A"**.
2. The Employer may from time to time, in its discretion, update the specimen analysis provisions of 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. The Employer's goal is to utilize the best scientific methods reasonably commercially available and to keep current with developments in this area.
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; and

c. notify the Designated Representative(s) of the Substance Test result.

(D) Designated Representative(s) Responsibilities

1. The Designated Representative(s) will be responsible for coordinating with the TPA to ensure that Substance Testing is arranged and conducted promptly where necessary.
2. The Designated Representative(s) will be responsible for communicating with the TPA to receive Substantiating Testing process information and results, and for communicating that information to the Contractor and/or Employer as designated.
3. The Designated Representative(s) may attend at the collection site to provide assistance to the Employee and to observe the Substance Testing process.
4. The Designated Representative(s) will be responsible for communicating and coordinating with the Employee's Physician and/or IME Physician, where appropriate, in relation to assessments and treatments plans developed for an affected Employee, and for communicating those assessments and treatment plans to the Contractor and/or Employer as designated.

ARTICLE 8: ASSESSMENT AND RETURN TO WORK

(A) Assessments

1. If the Contractor or Employer reasonably believes that an Employee's ability to work is being affected by Substance Use, the Employee may be required to undergo an assessment by the Employee's Physician or by an IME Physician as set out below. The Contractor will be responsible for costs associated with Employee assessments required in accordance with this Policy.
2. Assessments by Employee's Physician
 - a. If the Contractor or Employer reasonably believes that an Employee's ability to work is being affected by Substance use, the Contractor or Employer may require that the Employee be assessed by the Employee's Physician.
 - b. The Employee's Physician will establish any treatment plan required.
3. Independent Medical Examinations
 - a. In circumstances where:
 - i. an Employee has multiple incidents involving potential Substance use;
 - ii. the Contractor or Employer believes that the Employee may suffer from a Substance Use Disorder; or
 - iii. The Contractor or Employer has received conflicting medical information regarding whether the Employee may suffer from a Substance Use Disorder;

the Contractor or Employer may request an assessment by an IME Physician.

- b. An IME will be facilitated by the Designated Representative and conducted by an IME Physician designated by the Employer or Contractor.
- c. Where an IME is conducted, the IME Physician will establish any required treatment plan.

(B) Treatment

- 1. Where a treatment plan for a Substance Use Disorder is recommended by an Employee's Physician or an IME Physician, the Designated Representative(s) will work with the Employee to choose the specific treatment provider(s) (e.g., treatment facility, psychologist, counsellor), consistent with the requirements of the treatment plan.
- 2. Employees are required to comply with their treatment plans. Employees will be responsible for bearing the cost of their own treatment plans, unless otherwise agreed to by the Contractor or Employer.
- 3. Where the Employee's Physician, the EAP Co-ordinator, or an IME Physician determine an Employee is unfit for work, the Contractor or Employer may hold the Employee out of service pending confirmation that the Employee is fit to return to work.

(C) Return to Work Requirements

- 1. If an Employee has been held out of service based on a reasonable belief by the Contractor or Employer that the Employee's ability to work is being affected by Substance Use, the Contractor or Employer may require that:
 - a. the Employee be cleared to return to work by the Employee's Physician or IME Physician;
 - b. the Designated Representative(s) obtain a report from the Employee's Physician or IME Physician that confirms that the Employee is fit to return to work; and/or
 - c. the Employee undergo Return-to-Duty Substance Testing and have a confirmed Negative Test Result prior to returning to Safety Sensitive Work, however this Policy does not intend to restrict work for Employees who may use Substances off duty in a manner which does not impact their ability to meet their work responsibilities or pose a safety risk.
- 2. If the Employee's Physician or an IME Physician recommends conditions on an Employee's return to work, the Contractor or Employer may require that the Employee agree to those conditions to return to work.
- 3. The Employee must serve any disciplinary penalty imposed prior to returning to work, subject to the Council's right to grieve the same.

ARTICLE 9: POLICY IMPLEMENTATION

- 1. The Employer has delegated the implementation of this Policy to the Contractor. The Contractor will be responsible for all aspects of implementation of this Policy, and will be responsible for all costs associated with the implementation of this Policy for any Employees working on that Contractor's Worksite, unless otherwise expressly specified in the relevant Contractor Agreement.

2. The Employer may provide direction to the Contractor regarding the implementation of this Policy, in their discretion. For greater certainty, where this Policy provides for a right, discretionary decision, or obligation for the Contractor or Employer, the Contractor will be presumed responsible for implementation of the Policy unless otherwise directed by the Employer.

ARTICLE 10: PERSONAL INFORMATION

1. The personal information of Employees shall be collected, used and disclosed only in accordance with the objective of this Policy and only to the extent necessary for the reasonable implementation of this Policy except as required or authorized by applicable law.
2. The Employer, Contractor and Owner may each collect, use and disclose the personal information of Employees in accordance with this Policy, including through communications between the Employer, Contractor and/or Owner where reasonable for implementation of the Policy.
3. The Contractor will be responsible for taking reasonable measures for storing and protecting personal information collected in accordance with this Policy, in accordance with applicable law.

ARTICLE 11: 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. **Collective Agreement:** The collective agreement between the Employer and the Council.
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. **Contractor:** A company or organization defined as a “Contractor” under the terms of the Collective Agreement. For greater certainty, Sub-Contractors to Contractors are also included in the definition of “Contractor”.
5. **Contractor Agreement:** A “CHC-Contractor Agreement” between a Contractor and the Employer.
6. **Council:** The Allied Hydro Council of British Columbia.
7. **Designated Representative(s):** The representative(s) designated by the Employer or Contractor to coordinate testing, receive test results and medical information, and preserve the confidentiality of an Employee's Substance Testing information and medical information.

8. **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.
9. **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 (for clarity this includes, but is not limited to, medically prescribed cannabis).
 - 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).
10. **Employee:** Any individual employed under the Collective Agreement.
11. **Employee's Physician:** A licensed medical practitioner chosen by the Employee or other licensed medical practitioner who has treated the Employee.
12. **IME Physician:** An independent, impartial, and licensed medical practitioner with expertise in addictions medicine.
13. **Medical Review Officer (MRO):** A licensed medical practitioner 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.
14. **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 APPENDIX A.
15. **Owner:** the British Columbia Hydro and Power Authority.
16. **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 APPENDIX A. An Employee's refusal to provide a specimen for Substance Testing will be deemed a Positive Test Result under this Policy.
17. **Safety Sensitive Work:** A job in which an Employee:
 - a. operates machinery, vehicles, or equipment;
 - b. performs tasks or duties; and/or
 - c. works in a location,

where the Employee's error or omission poses a serious risk of injury or threat to health, safety, property, or the environment.

18. **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.
19. **Substance:** Includes Alcohol or Drugs.
20. **Substance Testing:** The analysis of the biological presence of a Substance by means of urine, breath, and/or saliva sampling and analysis.
21. **Substance Use Disorder:** A dependency and/or problematic pattern of using Alcohol or another Substance that results in impairment, or the threat of impairment, in daily life, as diagnosed by a licensed medical practitioner.
22. **Supervisor:** A person employed by the Contractor or Employer who is in a position of authority and directs the work of others. Supervisor may include, but is not limited to, foreperson, manager, supervisor, safety officer or manager, superintendent, and team leader.
23. **Third Party Administrator (TPA):** The TPA is an independent organization that is responsible for administering Substance Testing under this Policy (see ARTICLE 7(A)).
24. **Worksite(s):** any "Site" or "Worksite" as defined in the Collective Agreement.

APPENDIX A – SUBSTANCE TESTS

Testing under this Policy shall screen, at a minimum, for the following Substances. Results below the levels established in the Screening and Confirmation Tests are required to establish a Negative Test Result:

Oral Fluid Testing

Drug or class of Drugs	Screening Test concentration equal to or in excess of ng/ml	Confirmation Test concentration equal to or in excess of ng/mL
6-Acetylmorphine	---	4
Amphetamines - Amphetamine - Methamphetamine - MDMA ¹ - MDA ²	50	50
Barbiturates	50	50
Benzodiazepines	10	10
Cannabinoids (Marijuana – THC)	4	2
Cocaine - Cocaine or Benzoylcegonine	20	8
Methadone	50	20
Opioids - Codeine - Morphine - Hydrocodone - Hydromorphone - Oxycodone - Oxymorphone	40	40
Phencyclidine (PCP)	10	10
Propoxyphene	20	10
Fentanyl	1	1

Urine Screening

Drug or class of Drugs	Screening Test concentration equal to or in excess of ng/ml	Confirmation Test concentration equal to or in excess of ng/mL
Amphetamines - Amphetamines - Methamphetamines	500	250
Cocaine Metabolites - Benzoylcegonine	150	100
Marijuana Metabolites - Delta-9-tetrahydrocannabinol-9- carboxylic acid (THC)	50	15
Opiate Metabolites - Codine - Morphine	2000	2000
Phencyclidine (PCP)	25	25
MDMA - MDMA - MDA	500	250
Synthetic Opioids - Hydrocodone / Hydromorphone - Oxycodone / Oxymorphone	--- 300 100	--- 100 100

Breath Alcohol Test

Substance	Screening Test	Confirmation Test
Alcohol**	0.02 grams / 210 litres of breath	0.04 grams / 210 litres of breath

**Alcohol Substance Test results below the levels identified in Screening and Confirmation Tests 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, based on scientifically established dissipation rates for Alcohol.