
 <p style="text-align: center;"><b>HEALTH &amp; SAFETY POLICY</b> HS-003</p>	<b>DEPARTMENT:</b>	<b>INQUIRIES TO:</b>	<b>TOPIC:</b>
	All	Joint Health & Safety Committee	Alcohol & Drug Free Workplace
	<b>ISSUED:</b>	<b>REVIEW DATE:</b>	<b>APPROVED BY:</b>
January 2021	December 2021	 President & CEO	

## 1.0 Purpose

- 1.1 This Policy has been established to help provide a safe Workplace for all Employees and those whose safety may be affected by the acts, omissions or errors of Employees.
- 1.2 Given the risks associated with many of the Corporation's activities, all Employees must be fit to perform their duties and free of any Impairment caused by any legal or illegal Substance. The implementation of this Policy is an essential component of the Corporation's commitment to safety, and will help to manage the health and safety risks associated with our operations.

## 2.0 Scope and Application

- 2.1 This Policy applies to all of the Corporation's Employees, contractors and consultants while engaged in their work or providing services to the Corporation, whether at the Corporation's workplace or while operating any vehicles, equipment or machinery of the Corporation.

## 3.0 Definitions

- 3.1 For the purposes of this Policy, the following definitions will apply:

- **The Corporation:** Yukon Energy Corporation.
- **Employee:** any person employed by the Corporation on a permanent, temporary, full time or part time basis.
- **Impaired or Impairment:** any alteration of mind, mood, behavior, emotions, reasoning, performance or physical functioning. For further information, see Appendix A, Impairment and Substance Use Procedure.
- **Incident:** an occurrence, circumstance or condition that caused or had the potential to cause harm, damage or injury to a person or to the Corporation's property, reputation, security or the environment.
- **Safety Sensitive Position:** a position in which the performance of employment duties Impaired by the use of Substances or the effects or after effects of such use may result in risk of injury to the Employee, other Employees, contractors, consultants, the public or the environment.
- **Substance(s):** alcohol, recreational cannabis, drugs that require a prescription from a registered physician, non-prescription medication, and any drug, substance, chemical, compound or agent the use or possession of which is unlawful in Canada or the use of which may cause Impairment.
- **Workplace:** any land or premises on, in or near where an Employee, contractor or consultant works or provides services.

## **4.0 Policy**

- 4.1 All Employees are responsible for safety in the workplace. Subject to paragraphs 4.2 and 4.3 below, while at the Workplace or engaged in employment duties or the provision of services, Employees, contractors, and consultants are prohibited from:
- a. being Impaired;
  - b. being unfit to perform their duties or provide services;
  - c. jeopardizing their safety or the safety of Employees, the public, the environment or the Corporation's assets or property due to the use, effects or after effects of any Substance; or
  - d. using, possessing, selling, purchasing, manufacturing, distributing or transferring any Substance, Substance paraphernalia, or any product or device that may be used to tamper with an alcohol or drug test.<sup>1</sup>
- 4.2 Dependency on or addiction to a Substance may constitute a disability under applicable human rights legislation, and, where practicable, the Corporation will assist Employees in obtaining treatment for such dependency or addiction. The Corporation may require medical documentation from a registered physician to assess the need for accommodation if required, and will work with the Employee to develop a reasonable accommodation arrangement.
- 4.3 An Employee may have a medical condition or disability that requires him or her to consume cannabis for medical purposes. In such circumstances, the Corporation may require medical documentation from a registered physician to assess the need for accommodation, and will work with the Employee to develop a reasonable accommodation arrangement. Employees who consume medical cannabis in accordance with a prescription from a registered physician in order to treat a disability under applicable human rights legislation must cooperate with the Corporation in developing and implementing an accommodation arrangement that governs the circumstances (i) in which they may possess or consume medical cannabis while at the Workplace (if at all), and (ii) in which they may possess or consume medical cannabis in those areas designated by the Corporation for the purposes of possession or consumption of medical cannabis (if at all).
- 4.4 Employees are encouraged to use the Employee Assistance Program to help foster a safe and healthy workplace.

## **5.0 Fit for Duty**

- 5.1 Section 1.05(3) of the Yukon *Occupational Health and Safety Regulations* provides that workers shall not “enter, remain or be permitted to remain in a workplace while their

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<sup>1</sup> Paragraph 4.1(d) does not prohibit the possession or use of prescription or non-prescription medication which does not cause Impairment.

ability to work may be affected by alcohol, drugs or other substances so as to endanger their health or safety of the worker or of any other person.”

5.2 As such, Employees, contractors and consultants are expected to be able to safely perform assigned duties or provide services without limitations or Impairment due to the use, effects or after effects of a Substance.

5.3 Any Employee, contractor or consultant who is requested to perform work for or provide services to the Corporation who is not fit for duty due to the use, effects or after effects of a Substance or due to Impairment must refuse the request.

## **6.0 On-Call Employees**

6.1 Designated on-call Employees will not consume or use a Substance to the extent they may become Impaired or become unable to safely perform their duties if called out. A call-out must be declined if an Employee is Impaired or unable to safely perform his or her duties.

## **7.0 Alcohol or Drug Testing**

7.1 The Corporation may undertake alcohol or drug testing of Employees employed in Safety Sensitive Positions following a serious accident, near miss or other Incident (including situations involving the operation of a motor vehicle or equipment) in the following circumstances:

- a. when there is evidence suggesting the Employee is using a Substance during working hours;
- b. when the Employee has been involved in previous accidents, near misses, or Incidents; or
- c. when the Employee is Impaired or appears to be Impaired while performing safety sensitive work.

7.2 The decision to undertake an alcohol or drug test following a serious incident will be made by the department Director.

7.3 All alcohol or drug test results are confidential and results will only be disclosed to the Manager, Human Resources and others within the Corporation who have a need to know such information.

## **8.0 Policy Violation**

8.1 Employees have a duty to disclose to their supervisor the use of any prescription or non-prescription medication that when taken as intended or otherwise, may cause or result in Impairment. The Corporation may, depending on the circumstances, have a duty to accommodate any such Employee under applicable human rights legislation. Failure to disclose such use before an Impairment-related accident, near miss or other Incident is a violation of this Policy.

- 8.2 Employees have a duty to disclose to their supervisor an addiction to or dependency on a Substance before the occurrence of an accident, near miss or Incident, and a failure to do so is a violation of this Policy. An employee will not be disciplined for having a dependency on or addiction to a Substance, or for requesting accommodation in respect of such dependency or addiction, if such disclosure takes place before any violation of this Policy or before any accident, near miss or Incident that results in the Employee being required to take an alcohol or drug test. Employees will be required to cooperate with the Corporation in developing and implementing an accommodation arrangement to address their dependency or addiction.
- 8.3 Refusal to comply with a request to take an alcohol or drug test in accordance with paragraph 7.0 is a violation of this Policy.
- 8.4 The consequences for a violation of this Policy will be determined by the Corporation and will depend on the circumstances, including the nature of the violation, the existence of prior violations, the seriousness of the violation, and all other relevant circumstances.
- 8.5 Violation of this policy, even for a first incident, may result in disciplinary or other action, including, but not limited to, referral to a Substance Abuse Professional for assessment rehabilitation, modified work placement, written warning, suspension without pay or termination of employment for just cause.

## **9.0 Responsibilities**

- 9.1 All Employees, contractors and consultants will:
- Treat the safety of the Workplace and Employees as being of paramount importance.
  - Comply with the terms of this Policy at all times.
  - Report to work fit for duty and remain fit for duty at all times while at work.
  - Immediately report to a supervisor or manager of the Corporation if they reasonably believe that another Employee is or may be Impaired, has consumed a Substance, or is or may be experiencing the effects or after effects of a Substance while on the job, working on Yukon Energy property or driving a Yukon Energy vehicle or operating machinery or equipment. Employees who report a suspected violation of this Policy in good faith will not be disciplined if the Corporation determines that the suspicion was unfounded.
  - Cooperate fully during investigations related to this Policy. For employees in Safety Sensitive Positions, this includes taking an alcohol or drug test following an accident, near miss or Incident (including one involving a motor vehicle or equipment).
  - Disclose to a supervisor the use of any prescription or non-prescription medication that when taken as intended or otherwise, may cause Impairment.
  - Proactively disclose to a supervisor a Substance dependency or addiction and seek medical assistance and support as needed.
  - Discuss with their supervisor any need for modified work.

- 9.2 Management will:
- Deal promptly with any suspected or actual Impairment-related issues.
  - Insofar as is practicable, protect the privacy of an Employee who is using cannabis with a prescription from a registered physician or who is dealing with an addiction to or dependence on a Substance.
  - Attempt to reasonably accommodate Employees who, due to a dependency on or addiction to a Substance, or who suffer from a medical condition which requires use of a Substance constituting a disability under applicable human rights legislation, are unable to fully or safely perform all the functions of their position.

## **10.0 Impairment and Substance Use in the Workplace**

- 10.1 It is not the role of a supervisor, manager Department Head, Manager, Human Resources or Manager, Health and Safety to diagnose or identify a possible Substance use, dependency or addiction problem. Their role is to identify if an Employee is Impaired or appears to be Impaired and to take reasonable steps to ascertain whether Employees are fit to perform their duties.
- 10.2 Management has a duty to inquire when there are concerns about an employee's performance or behaviour and reasonably suspects that there may be an external cause for it.
- 10.3 When Impairment in the workplace is suspected, Appendix A of this policy, Impairment and Substance Use procedure will be followed.

## APPENDIX A

### Impairment and Substance Use Procedure

#### 1.0 Purpose

- 1.1 The purpose of this procedure is to outline the response of the Corporation to instances of suspected impairment or alcohol or Substance use in the Workplace.

#### 2.0 Impairment at Work

- 2.1 Impairment at work may result from a number of different causes, including:

- The use of alcohol or a Substance
- Medications(s) with side effects leading to brain fog, cognitive dysfunction, *etc.*
- Mental or physical fatigue
- Exhaustion due to long work periods or working more than one job
- Disruption to sleep patterns or sleep disorders
- Family crisis
- Unresolved conflict

- 2.2 The following may indicate potential impairment:

- Personality changes or erratic behaviour at work (*e.g.*, increased interpersonal conflicts; overreaction to criticism)
- Appearance of impairment at work (*e.g.*, odour of alcohol, cannabis or other drugs, glassy or red eyes, unsteady gait, slurring, poor coordination)
- Working in an unsafe manner or involvement in an accident/near miss
- Consistent lateness, absenteeism, or reduced productivity or quality of work

#### 3.0 Responding to Suspected Employee Impairment

- 3.1 It is not the role of the supervisor, Department Head, Manager, Human Resources or Manager, Health and Safety to diagnose a possible alcohol or Substance use or dependency problem. Their role is to identify if an Employee appears to be impaired and to take appropriate steps to ensure that the Employee and other Employees around them are fit to perform their duties.

- 3.2 Sometimes there are signs that may appear immediately and at other times there may be a pattern of behavior that may draw attention or concern.

- 3.3 If impairment is reasonably suspected by a co-worker, they should immediately report it to the supervisor, manager or Department Head.

- 3.4 If a supervisor has been made aware of or becomes aware of an Employee who is showing signs of impairment (regardless of the cause), immediate action must be taken, including:

- Call for first aid or emergency medical assistance if necessary.

- Speak to the Employee in a private area to discuss their behavior.
  - If they are a bargaining unit member, invite the Employee to have a Union representative present and request HR or the Department Head to be present.
  - Be respectful and non-judgmental.
  - State any concerns about the Employee's behavior and/or safety for others and themselves to the Employee and ask him or her what is going on. Do not assume alcohol or Substance use is the cause.
- Based on Employee response, discuss options, where applicable and available.
- If applicable, notify HR, senior management and/or union representative.
- Let the Employee know about the Employee Assistance Program and encourage access and use of support programs, and reassure the Employee that the services are voluntary and confidential.
- If necessary, call a taxi or have the Employee escorted home; do not allow him or her to drive if any impairment is suspected.

#### **4.0 Duty to Accommodate**

- 4.1 The Corporation has a duty to reasonably accommodate a disability under applicable human rights legislation, including dependence on alcohol or a Substance, and it is the Employee's duty to help the Corporation facilitate the implementation of reasonable accommodation (where applicable, the union may have a shared duty with the Corporation and the Employee to facilitate reasonable accommodation of an Employee's disability).
- 4.2 The Employee Assistance Plan is available for all Employees and their dependents, and provides confidential counselling services as per HR-001 Employee Assistance Plan Policy.

