



Alcohol and Drug  
Statement of Expectations for Contractors

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Version 1.2



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## A. Introduction

The success of Emera's business depends on the safe and reliable management of all our operations. Emera is committed to the health and safety of its employees, Contractors, customers, the public and the environment.

To maintain our health and safety commitment to our stakeholders, Emera has implemented an Alcohol and Drug Policy for its Canadian affiliates, which applies to employees and Contractors. The objective of the policy is to minimize the risk of impaired performance due to the use of Alcohol or Drugs.

This Statement of Expectations for Contractors ("Statement") applies to Contractors with whom Emera does business. Contractors are expected to meet or exceed the practices outlined in this Statement and to ensure their Workers do the same.

For this purpose, Contract Workers performing Safety Sensitive Work (as defined herein) must attend an Emera safety orientation before performing work on Emera Premises or Emera Work Sites. Contractors must contact their Emera Representative to arrange for this orientation.

Our goal is for Contractors to fully understand and abide by all safety standards, practices, and procedures, as our employees do.

## B. Definitions

Where questions arise with respect to the meaning of any of the following definitions, or other provisions contained in this Statement, Contractors must consult an Emera representative.

**Alcohol** means any substance that may be consumed and that has an alcoholic content in excess of 0.5 percent by volume.

**Contractor** means any legal entity that Emera has engaged to perform a service or to act as its representative and includes the entity's sub-contractors and their respective employees (also referred to as "**Contract Workers**" or "**Worker(s)**"). Such entity may be a corporation, unincorporated organization, partnership, joint venture, association, individual, firm or trust.

**Drug** includes any drug, substance, chemical or agent the use or possession of which is unlawful in the country, province or state jurisdiction or requires a personal prescription from a licensed treating health care professional, any non-prescription medication, and drug paraphernalia.

**Emera** means Emera Inc. and each of its affiliates and subsidiaries.

**Emera's Alcohol and Drug Testing Protocol** means the provisions under section C.2 dealing with alcohol and drug testing.

**Emera Business** means all activities and operations for or on behalf of Emera or its affiliates whether conducted on or off Emera Premises.

**Emera Premises or Emera Work Site** means all land, property, structures, vehicles and equipment whether owned, leased, operated or otherwise directly controlled by Emera, including accommodation facilities and camps in remote areas operated or controlled by Emera.

**Emera Representative** means an employee of Emera who is the main contact person for the Contractor with respect to the services being supplied.

**Fit for Work** means being able to safely and acceptably perform assigned employment duties without impairment by Alcohol and/or Drugs and remaining fit for work during the entire shift.

**Incident** means an occurrence, circumstance or condition that caused or had the potential to cause damage or injury to person, property, reputation, security or the environment.

**Safety Sensitive Work** means work which involves responsibility for actions or decisions, which, if not performed correctly, could directly cause or contribute to:

- A significant Incident affecting the health or safety of Employees, Contractors, customers, the public or the environment; or
- An inadequate response or failure to respond to an emergency or operational situation.

Without limiting the generality of the foregoing, Contract Workers who carry out the following types of work shall be considered to perform Safety Sensitive Work:

- Large scope project work (e.g.: wind farms, in-stream projects, significant system/plant modifications or new builds, etc.);
- Major infrastructure additions or improvements (e.g.: significant building modifications/construction, asbestos removal, roofing replacement, manhole system installations, etc.); and
- Maintenance of power systems & plants (e.g.: tree trimming, pole-line upgrades/repair, boiler maintenance, coal supply, etc.).

**Third Party Administrator or TPA** means a service agent that provides or coordinates the provision of Alcohol and Drug testing services. TPAs typically perform administrative tasks concerning the operation of a company's Alcohol and Drug testing programs. TPAs are not employers.

## C. Requirements for Contractors

### 1. Alcohol and Drug Work Standards for Contract Workers

To minimize the risk of unsafe behaviour due to the use of Alcohol or Drugs, the following standards are set forth.

#### 1.1 General Standards and Prohibited Drug and Alcohol Levels

A Contract Worker shall not:

- a) Use in the course of work
  - i. Alcohol,
  - ii. Drugs (except as set out in 1.2),
  - iii. Any product or device that may be used in an attempt to tamper with any sample for an Alcohol or Drug test;
- b) Report to work or remain on duty under the influence of Alcohol or Drugs
  - i. With an Alcohol level equal to or in excess of 0.04 grams per 210 litres of breath,
  - ii. With a Drug level equal to or in excess of that set out in Table 1 of this section,
  - iii. While unfit for duty due to the use of prescription or non-prescription Drugs;
- c) Refuse to comply with a request from a supervisor or manager under these work standards;
- d) Refuse to provide a sample for an Alcohol or Drug test as set forth in this Statement;
- e) Tamper with a sample for an Alcohol or Drug test;
- f) While on Company property or at a Company worksite possess or offer for sale
  - i. Alcohol (except if secured and in a commercially sealed container for consumption outside of work hours),
  - ii. Drugs (except as set out in 1.2),
  - iii. Drug paraphernalia,
  - iv. Any product or device that could be used to tamper with any sample for an Alcohol or Drug test;
- g) If subject to the United States Department of Transportation (US DOT) regulations for drivers of commercial motor vehicles required to have a Commercial Driver's License (CDL) while working in the United States
  - i. Use Alcohol during the 4 hours before performing his/her duties,
  - ii. Report for duty or remain on duty to perform his/her duties with an Alcohol Concentration of 0.02 grams per 210 litres of breath or greater,
  - iii. Use Alcohol while performing his/her duties,
  - iv. Use Alcohol for up to 8 hours following an accident or until the Worker undergoes a post-accident test,
  - v. Report for duty or remain on duty requiring the performance of safety sensitive functions when the Worker uses any scheduled or non-scheduled Drug as identified in US 21 CFR 1308, as amended, except when the use is pursuant to the instructions of a Licensed Medical Practitioner who is familiar

with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

**Table 1: Positive Urine Drug Cut-off Levels**

Drugs or classes of drugs	Screening Concentration equal to or in excess of	Confirmation Concentration equal to or in excess of	Common Drug Names (examples only; NOT an inclusive list)
*Marijuana metabolites (THC)	50 ng/ml	15 ng/ml	Pot; hash; hash oil; Mari J; weed
*Cocaine metabolites	150 ng/ml	100 ng/ml	Coke; crack
*Opiate metabolites <ul style="list-style-type: none"> <li>• Codeine</li> <li>• Morphine</li> </ul>	300ng/ml	300ng/ml 300ng/ml	Tylenol #1, #2, #3; Codeine Contin; Fiorinal C ¼, C ½; MS Contin; M-Eslon
Synthetic opiate metabolites <ul style="list-style-type: none"> <li>a) Hydrocodone</li> <li>b) Hydromorphone</li> </ul>	300 ng/ml	300 ng/ml 300 ng/ml	Dimetane Expectorant DC; Novahistex DH; Tussionex Dilaudid; Hydromorph Contin
Oxycodone	300 ng/ml	300 ng/ml	Percocet; Percodan; Endocet; Supeudol; Oxy-IR; Oxy- Neo
Benzodiazepines	100 ng/ml	50 ng/ml	Valium; Serax; Ativan; Xanax; Restoril; Versed
*6-Acetylmorphine	10 ng/ml	10 ng/ml	Heroin
*Phencyclidine	25 ng/ml	25 ng/ml	Angel dust; horse
*Amphetamines <ul style="list-style-type: none"> <li>a) Amphetamine</li> <li>b) Methamphetamine</li> </ul>	500 ng/ml 500 ng/ml	250 ng/ml 250 ng/ml	Dexedrine; Ritalin; Adderall Ecstasy
*MDMA MDMA MDA		250 ng/ml 250 ng/ml	

\*US DOT requirements

**1.2 Prescription Drug or a non-prescription Drug use**

A Contract Worker shall be permitted to use a prescription Drug or a non-prescription Drug provided:

- a) The Worker is using the prescription or non-prescription Drug for its intended purpose and in the manner directed by the Worker's licensed health care practitioner or the manufacturer of the Drug; and

- b) The use of the prescription or non-prescription Drug does not adversely affect the Worker's ability to safely perform his/her duties.

### **1.3 Impaired Driving Charges and/or Convictions**

Contractors shall require their Workers operating or expected to operate licensed vehicles for the purposes of Emera Business or on Emera Premises to hold a valid driver's license, and report immediately or prior to their next scheduled shift to their Emera Representative if:

- a) Their Worker's license is suspended; or
- b) Their Worker has been charged with an offense relating to impaired driving.

Emera and the contractor will discuss any restrictions that may result from the Worker's suspension or charge.

## **2. Emera's Alcohol and Drug Testing Protocol**

To ensure compliance with this Statement, Contractors shall implement (at their own cost) standards and testing practices that meet or exceed Emera's Alcohol and Drug Testing Protocol, carried out by an independent contracted Third Party Administrator (TPA), as follows and the under the following circumstances:

### **2.1 Pre-Access Testing for Workers performing Safety Sensitive Work**

Contractors must ensure that their Workers performing Safety Sensitive Work will not be permitted to work on Emera Premises or Work Sites until they can demonstrate that the Worker has submitted to a Drug and Alcohol test, the results of which are in compliance with clause 1.1 above, within the 12 (twelve) month period immediately prior to deployment to the Emera Work Site.

### **2.2 Random Testing – US DOT Regulations**

Where required by US DOT Regulations, Contractors must conduct random Alcohol and Drug testing for all their Workers who are drivers of commercial motor vehicles and are required to have a CDL while working in the United States on Emera Business, for substances and levels described in clause 1.1.

The selection of Contract Workers for random testing shall be:

- a) Based on a scientifically valid method;
- b) Administered by a Third Party Administrator (TPA), who shall maintain all pertinent records on random tests administered;
- c) Spread reasonably throughout the calendar year and generated on a quarterly basis;
- d) At a rate of 10% of Workers for Alcohol and 50% of Workers for Drugs in a year (subject to US DOT requirements);
- e) Unannounced, with each Contract Worker having an equal probability of being tested each time selections are made.

### **2.3 Reasonable Cause/Suspicion Testing**

When reasonable cause exists to suspect Alcohol and/or Drug use that is in violation of this Statement and Emera's Alcohol and Drug Policy, Emera may require any Worker to be removed from an Emera Work Site and to be tested for Drugs and/or Alcohol.

Reasonable cause cannot be fully described in any policy or statement, but as a guideline, it includes, but is not limited to, instances of:

- Observed use or evidence of use of Alcohol and/or Drugs;
- Detection of Alcohol or Drugs on Emera Premises in a location which can reasonably be associated with a specific Contract Worker;
- Erratic or unusual behaviour (e.g., repeated errors in job performance);
- Changes in physical appearance;
- Changes in behaviour (e.g., excessive absenteeism or lateness);
- Changes in speech patterns (e.g., slurred speech);
- Odour of alcoholic beverage on breath;
- Glassy eyes;
- Unsteadiness in walking or standing;
- Disorientation;
- Drowsiness; and/or
- Any other observed physical signs of a Worker's inability to safely perform their duties.
- For more information, see *Appendix – Reasonable Cause Checklist*

### **2.4 Post-Incident Investigation and Testing**

Following an Incident, Contract Workers may, at Emera's discretion, be subjected to testing for Alcohol and Drugs.

If required by Emera, Post-Incident testing is to be conducted by the Contractor's TPA as soon as reasonably practicable following an Incident, and in no case shall an Alcohol test occur more than eight (8) hours from the time of the Incident, or shall a Drug test occur more than thirty-two (32) hours from the time of the Incident. It is recognized that it may not be possible to test an individual after an Incident which renders him or her incapable of giving informed consent and/or which requires immediate medical attention.

Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an Incident, or to prohibit a Worker from leaving the scene of an Incident for the period of time necessary to obtain assistance in responding to the Incident, or to obtain necessary emergency medical care.

### **2.5 Test Administration**

All testing of Contract Workers is the sole responsibility of the Contractor. At a minimum, all testing must be conducted in accordance with the procedures and standards set out by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S.



Department of Health and Human Services (US DHHS) and the US Department of Transportation (US DOT) regulations.

SAMHSA: <http://www.samhsa.gov/workplace/drug-testing>

US DOT: <http://www.dot.gov/odapc/part40>

## **2.6 Testing Results and Procedures**

In order to comply with Emera's Drug and Alcohol Testing Protocol, Contractors must have an independent contracted TPA carry out testing in accordance with the following requirements and the threshold levels set out in Table 1:

- a) Alcohol and Drug test results shall be reported as negative, positive, tampered (adulterated or substituted) or invalid/inconclusive. They shall be interpreted as follows:
  - i. A negative test result = compliant;
  - ii. A positive test result = non-compliant;
  - iii. A tampered (adulterated or substituted) test result = non-compliant; and
  - iv. An invalid or inconclusive test = cannot be relied upon to determine compliance or non-compliance.
  
- b) The TPA shall arrange for a laboratory to report all test results to a Medical Review Officer (MRO), who is a licensed physician with knowledge of substance abuse disorders and the ability to evaluate an individual's Drug test results, and for a MRO to receive and review all laboratory results generated by a Contractor's Drug testing program.

## **D. Work Standard Violations**

### **1. Contract Worker in Violation**

Emera may require that the Contractor remove from Emera Premises any of its Contract Workers whom Emera has reasonable cause to suspect are in contravention of Emera's Alcohol and Drug Policy or this Statement.

A Contract Worker may be permitted access to Emera Premises if the Contractor is able to demonstrate to Emera's satisfaction that the Contract Worker is in compliance with:

- the requirements of this Statement; and
- Emera's Alcohol and Drug Policy by obtaining negative results on a Drug test and breath Alcohol test conducted as soon as reasonably practicable following removal. Alcohol test should occur no more than eight (8) hours from the time of removal from the Emera work site, Drug test should occur no more than thirty-two (32) hours from removal from the Emera work site.

The Contract Worker will be permanently removed from Emera Premises and Emera Business where he or she has:

- tested positive on any Alcohol or Drug test required under this Statement and/or Emera's Alcohol and Drug Policy;
- refused to be tested.

## **2. Contractor in Violation**

A Contractor who is found to have violated any component of Emera's Alcohol and Drug Policy, or this Statement may be:

- i. Removed from Emera Premises, temporarily or permanently; and
- ii. Prohibited from providing goods or services to Emera.

## **E. Audit**

Emera, at its discretion, reserves the right to conduct an audit of a Contractor's Alcohol and Drug program and all relevant records to verify that:

- The Contractor's Alcohol and Drug program and its enforcement comply with this Statement, and Emera's Alcohol and Drug Policy, and
- Where applicable, Alcohol and Drug tests are being conducted in accordance with US Department of Health and Human Services (US DHHS) minimum guidelines and US Department of Transportation regulations and procedures for testing programs.

## Appendix - Reasonable Cause Checklist - Contract Worker Observed Behaviour Record (not to be used when related to an Incident)

Contract Worker's Name	Date Observed
Address of Observation: (street, town/city)	Time Observed From _____ am/pm To _____ am/pm

Record Contract Worker's observed behaviour for reasonable cause of the use of Alcohol or Drugs. Emera shall contact the Contractor and will require the Worker to submit to an Alcohol and/or Drug test if reasonable cause exists.

### Mark items that apply and describe specifics

#### Walking/Balance:

- |   |  |                                     |  |
|---|--|-------------------------------------|--|
| <input type="checkbox"/> stumbling        | <input type="checkbox"/> staggering      | <input type="checkbox"/> falling    | <input type="checkbox"/> unable to stand |
| <input type="checkbox"/> swaying          | <input type="checkbox"/> unsteady        | <input type="checkbox"/> holding on | <input type="checkbox"/> rigid           |
| <input type="checkbox"/> sagging at knees | <input type="checkbox"/> feet wide apart |                                     |  |
| <input type="checkbox"/> other            |  |                                     |  |

#### Speech:

- |                                   |                                     |                                     |                                   |
|-----------------------------------|-------------------------------------|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> shouting | <input type="checkbox"/> whispering | <input type="checkbox"/> slow       | <input type="checkbox"/> rambling |
| <input type="checkbox"/> slurred  | <input type="checkbox"/> slobbering | <input type="checkbox"/> incoherent |                                   |
| <input type="checkbox"/> other    |                                     |                                     |                                   |

#### Actions:

- |   |                                    |                                      |                                   |
|---|------------------------------------|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> resisting communications | <input type="checkbox"/> insulting | <input type="checkbox"/> hostile     | <input type="checkbox"/> drowsy   |
| <input type="checkbox"/> fighting/insubordinate   | <input type="checkbox"/> profanity | <input type="checkbox"/> belligerent | <input type="checkbox"/> erratic  |
| <input type="checkbox"/> hyperactive              | <input type="checkbox"/> crying    | <input type="checkbox"/> indifferent | <input type="checkbox"/> avoiding |
| <input type="checkbox"/> other                    |                                    |                                      |                                   |

#### Eyes:

- |                                    |                                  |   |                                 |
|------------------------------------|----------------------------------|---|---------------------------------|
| <input type="checkbox"/> bloodshot | <input type="checkbox"/> watery  | <input type="checkbox"/> dilated            | <input type="checkbox"/> glassy |
| <input type="checkbox"/> droopy    | <input type="checkbox"/> crossed | <input type="checkbox"/> wearing sunglasses |                                 |
| <input type="checkbox"/> other     |                                  |   |                                 |

#### Face:

- |                                     |                                   |                                 |                                      |
|-------------------------------------|-----------------------------------|---------------------------------|--------------------------------------|
| <input type="checkbox"/> flushed    | <input type="checkbox"/> pale     | <input type="checkbox"/> sweaty | <input type="checkbox"/> nose bleeds |
| <input type="checkbox"/> runny nose | <input type="checkbox"/> sniffing |                                 |                                      |
| <input type="checkbox"/> other      |                                   |                                 |                                      |

#### Appearance/clothing:

- |                                       |   |  |  |
|---------------------------------------|---|--|--|
| <input type="checkbox"/> dishevelled  | <input type="checkbox"/> messy                            | <input type="checkbox"/> unclean/un-kept | <input type="checkbox"/> partially dressed |
| <input type="checkbox"/> having odour | <input type="checkbox"/> failing to wear safety equipment |  |  |
| <input type="checkbox"/> other        |   |  |  |

**Breath/Body:**

- alcoholic odour                       faint alcohol odour     no alcohol odour     marijuana odour
- strong perfume/cologne     smell of mouthwash     smell of breath mints
- other

**Movements:**

- fumbling                               jerky                       slow                       nervous
- hyperactive                       uncoordinated                       erratic
- other

**Eating/Chewing**

- gum                                       candy                       mints                       tobacco
- other

**Performance**

- absenteeism                       increased incidents     changes in work performance
- customer complaints                       erratic productivity     forgets instructions/normal procedures
- co-worker complaints                       missed deadlines                       abnormally slow in completing tasks
- other

Other observations:

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Discussion with Worker:

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Did the Worker admit to using Drugs or Alcohol?     Yes     No

If yes, when? \_\_\_\_\_ what substance? \_\_\_\_\_

How much? \_\_\_\_\_ taken where? \_\_\_\_\_

Contractor contacted (specify who was contacted):

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Witnessed by:

Signature	Title	Date
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Signature	Title	Date
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