

# Policy.



## Alcohol and Drug Policy.

### Purpose and Scope

This Policy outlines the expectations regarding being Fit for Work and Employee use and possession of Alcohol and Drugs. It is intended to minimize the risks to the Company's operations and to support the Company's commitment to a safe and healthy workplace.

This Policy applies to all TC Energy Employees. Requirements for contractors are set out in the TC Energy Contractor Alcohol and Drug Policy.

Where there is a conflict between this Policy and any applicable collective bargaining agreement between TC Energy's Employees and the Company, the collective bargaining agreement will apply.

In addition to the provisions of this Policy, U.S. Employees must also comply with additional requirements applicable to their position established by the U.S. Department of Transportation (DOT) regulations, including those covering commercial motor vehicle drivers (FMCSA), aviation (FAA), and pipeline operators (PHMSA). These provisions are located in the *Additional Requirements for U.S.-Based Employees* section of this Policy and in the associated Leader Handbook.

This Policy is supplemented by the following standards and guidelines:

- i) Medication Use Standard;
- ii) Fit for Work Assessment and Alcohol and Drug Testing Standard; and
- iii) Prevention, Assistance, Rehabilitation, and Aftercare Guideline (collectively, the "Standards").

## Policy

### 1 General provisions

- 1.1 Maintaining a safe Worksite is of great importance to the Company. To minimize the risk of unsafe and poor performance due to the use or after-effects of Alcohol and Drugs and to ensure safety in the Worksite, Employees are expected to comply with this Policy while:

- i) engaged in any Company Business regardless of location; or
- ii) on any Company Premises or Worksites.

## 2 Alcohol and Drugs on Company Premises or Worksites

2.1 Subject to the limited exceptions in this Policy, the use and possession of Alcohol and Drugs are prohibited in the workplace. In particular, Employees must not:

- i) use, consume, possess or store any Alcohol or Drugs or related Drug Paraphernalia on Company Premises or Worksites, with the exception of medications if used in compliance with the Medication Use Standard;
- ii) distribute, offer, sell, cultivate or manufacture any Alcohol or Drugs on Company Premises or Worksites, including related Drug Paraphernalia;
- iii) use a TC Energy marked vehicle for the purchase, acquisition, or transportation of Alcohol or Drugs; or
- iv) operate a Company vehicle or vehicle rental after consuming Alcohol or Drugs at any time.

## 3 Fit for Work Requirement

3.1 All Employees are expected to report Fit for Work and remain Fit for Work while engaged in any Company Business and when scheduled on-call and must not:

- i) use or consume any Alcohol and Drugs, whether legal or illegal, while engaged in Company Business;
- ii) attend at any Company Premises or Worksites for any reason after using Alcohol and Drugs or other mood altering substances;
- iii) consume any amount of Alcohol and Drugs during meal breaks or other breaks from work; or
- iv) have a positive result on an Alcohol and Drug test as determined through an applicable testing program and established *Alcohol and Drug Testing Cut-Off Levels* and any other provisions outlined in this Policy and the Fit for Work Assessment and Alcohol and Drug Testing Standard.

3.2 The use of medications as per the Medication Use Standard does not constitute a breach of this Policy.

## 4 Scheduled on-Call

4.1 If a scheduled on-call Employee is directed by the Company to engage in Company Business or to attend at Company Premises or a Worksite but is not Fit for Work, the Employee is required to decline the direction and explain that they are not Fit for Work.

## 5 Unscheduled Call-In

- 5.1 If an Employee who is not on-call is requested by the Company to engage in unscheduled Company Business or to attend at Company Premises or a Worksite but is not Fit for Work, the Employee is required to decline the request.

### 6 Not Fit for Work

- 6.1 When there is reason to suspect an Employee may not be Fit for Work, the Employee may be interviewed by a Company leader and provided an opportunity to explain any behavior, appearance, or other observations leading to the suspicion that the Employee is not Fit for Work.
- 6.2 If the Company determines that the Employee is not Fit for Work, the Employee may be directed to submit to an Alcohol and Drug test in accordance with the Fit for Work Assessment and Alcohol and Drug Testing Standard.

### 7 Additional requirements for United States employees

- 7.1 In addition to all other provisions of this Policy, any Employee engaged in Company Business in the course of their job duties for and on behalf of the Company in the United States must also comply with the following requirements:

### 8 Commercial Motor Vehicle Drivers

- 8.1 In addition to the requirements for Fit for Work and Safety-Sensitive Duties and Positions of this Policy, Employees who operate a commercial motor vehicle in the United States are prohibited by regulation from:
- i) consuming any amount of Alcohol within four (4) hours prior to operating a commercial motor vehicle; or
  - ii) operating a commercial motor vehicle within four (4) hours after consuming any amount of Alcohol.

### 9 Covered Pipeline Employees

- 9.1 In addition to the requirements for Fit for Work and Safety-Sensitive Duties and Positions of this Policy, covered pipeline Employees operators in the United States are prohibited by regulation from:
- i) consuming any amount of Alcohol within four (4) hours prior to performing a covered function;
  - ii) consuming any amount of Alcohol after being notified of any call-out or emergency and until such call-out or emergency has been resolved; or
  - iii) performing a covered function or respond to a call-out or emergency within four (4) hours after consuming any amount of Alcohol.

### 10 Covered Aviation Employees

- 10.1 In addition to the requirements for Fit for Work and Safety-Sensitive Duties and Positions of this Policy, covered aviation Employees in the United States are prohibited by regulation from:
- i) consuming any amount of alcohol within eight (8) hours prior to performing any Safety-Sensitive Duties; or

- ii) performing any covered aviation work within eight (8) hours after consuming any amount of Alcohol.

### 11 Exceptions to Alcohol Provisions

- 11.1 In limited circumstances, and on a case-by-case basis, exceptions to certain provisions of this Policy may be granted (in advance and in writing) by the Director of Health and Safety in consultation with the Director of Corporate Compliance.
- 11.2 Employees may possess Alcohol bottles or containers on a limited basis (for example Alcohol bottles or containers received as gifts or as part of certain Company events) provided they are received the same day, remain factory sealed at all times and stored for no longer than twelve (12) hours unless an exception has been granted in writing by the Director of Health and Safety in consultation with the Director of Corporate Compliance. No Alcohol bottles or containers shall be kept or stored at operational installations or operational facilities or in equipment owned, leased, or otherwise directly or indirectly controlled by the Company, including marked Company vehicles.

### 12 Company Functions

- 12.1 The Company recognizes that, on occasion, Company functions, business-related events, and occasions may occur where Alcohol is permitted to be served to Employees. Employees who consume Alcohol at any such events must act responsibly and refrain from becoming intoxicated or impaired.
- 12.2 Employees who elect to consume Alcohol at any Company function cannot return to work until they are Fit for Work.
- 12.3 Use of any Drugs at a Company function, except for medications as per the Medication Use Standard, is prohibited.

### 13 Medication Use

- 13.1 Employees use medications for various health and wellness reasons. Many types of medications are defined as Drugs in this Policy as they can inhibit an Employee's ability to perform their job safely and effectively. With respect to medications, any Employee engaged in Company Business in the course of their job duties for and on behalf of the Company must at all times adhere to and comply with the provisions outlined in the Fit for Work Assessment and Alcohol and Drug Testing Standard and the Medication Use Standard.

### 14 Impaired Driving and Loss or Suspension of Driver's License

- 14.1 Employees who operate a Company vehicle or any motorized vehicle, including vehicle rentals, in the course of their job duties for and on behalf of TC Energy must immediately inform their leader if they:

- i) have been charged with an impaired driving offense at any time or location, whether in a Company vehicle or any motorized vehicle, including vehicle rentals or a personal vehicle; or
  - ii) have had their driver's license revoked or received an administrative license suspension at any time or location, whether in a Company vehicle or any motorized vehicle, including vehicle rentals or a personal vehicle.
- 14.2 An arrest or charge will not necessarily lead to disciplinary action but will be considered by the Company to assess whether the Employee may be permitted to operate motorized vehicles while such charges are pending, subject to applicable law(s).

### 15 Testing and Investigations

- 15.1 Employees and job applicants may be subject to Alcohol and Drug Testing as described in the Fit for Work Assessment and Alcohol and Drug Testing Standard. Employees must participate in testing and cooperate with investigations in accordance with this Policy and the Fit for Work Assessment and Alcohol and Drug Testing Standard.
- 15.2 In addition to any Alcohol and Drug Testing completed for the Company, Employees may also be required to submit to Alcohol and Drugs Testing by TC Energy customers to gain access to their safety-sensitive premises or worksites. Employees will be notified when such a requirement applies to them.
- 15.3 The Company reserves the right to conduct Alcohol and Drug Testing in any situation when there are reasonable grounds to suspect that an Employee has violated this Policy or the supporting Standards. Company leaders are responsible for identifying and responding to situations where Alcohol and Drug Testing is justified based on a combination of relevant indicators which could include, but are not limited to, Employee appearance, behaviour, odour, or the actual or suspected presence of Drug Paraphernalia or Alcohol and Drugs. Employees who are suspected of violating this Policy may be removed from their duties or reassigned pending the results of Alcohol and Drug Testing.
- 15.4 Leaders are responsible for advising both Health Services and their senior leaders, in conjunction, of any actual or suspected violations of this Policy. Health Services will determine whether to involve the Corporate Security Department and whether an internal investigation is warranted, including whether to involve law enforcement. The Company may notify law enforcement of any Employee actual or suspected involvement with Alcohol or Drugs in violation of any applicable laws and cooperate in any resulting investigation.

### 16 Consequences

- 16.1 For Employees in safety-sensitive roles, a verified positive alcohol or drug test, as outlined in the Fit for Work Assessment and Alcohol and Drug Testing Standard, will

result in immediate for-cause termination of employment with no pay in lieu of notice or severance, unless as part of the investigation, the Employee was assessed as having a Severe Substance Use Disorder. A refusal to test or any attempt to alter or tamper with a testing sample will result in immediate for-cause termination of employment with no pay in lieu of notice or severance. Any other violation of the provisions of this Policy will result in disciplinary action up to and including termination of employment.

- 16.2 For Employees in non-safety sensitive roles, a verified positive alcohol or drug test, as outlined in the Fit for Work Assessment and Alcohol and Drug Testing Standard, refusal to test and any other violation of the provisions of this Policy will result in disciplinary action up to and including termination of employment.
- 16.3 For all Employees, a positive result on i) a Drug test seeking the presence of Drugs or their metabolites; or ii) a breath Alcohol test result of .020 Blood Alcohol Content (BAC) or higher; will result in the Employee being removed from their duties and an investigation will be conducted which may require the Employee to meet promptly with a Substance Abuse Professional (SAP) for an assessment in which the SAP will determine if the employee has a Severe Substance Use Disorder.
- 16.4 All Employees will be accountable for their actions, including Employees with an identified Severe Substance Use Disorder. If an Employee is not terminated from the Company following a Policy violation, the Employee may be offered continued employment contingent upon completing enumerated return-to-work requirements. In the event the SAP assessment does identify a Severe Substance Use Disorder, the applicable Employee must complete a recommended treatment program as a requirement of continued employment with TC Energy. In addition, the Employee will be required to enter into a written agreement with the Company governing their continued employment which may include, but is not limited to, the following conditions:
- i) removal from their position until return to work requirements are met;
  - ii) adherence to any recommended treatment and aftercare program;
  - iii) maintenance of sobriety and satisfactory performance on return to work;
  - iv) successful completion of a return-to-work Alcohol and Drug Test;
  - v) ongoing unannounced testing for a period determined on a case-by-case basis; and
  - vi) no further violations of the Policy.
- 16.5 Post treatment, a verified positive Alcohol or Drug Test, as outlined in the Fit for Work Assessment and Alcohol and Drug Testing Standard, will result in for-cause termination of employment of an Employee in a safety-sensitive role.
- 16.6 The Company may investigate any situation that it becomes aware of where off-the-job actions involving Alcohol and Drugs may have implications for the workplace and will take appropriate action which may result in disciplinary action up to and including potential termination of employment.

16.7 See the Prevention, Assistance, Rehabilitation, and Aftercare Guideline for more information.

### 17 Self-Disclosure

17.1 Employees who believe that they may have an Alcohol or Drug problem, or an emerging Alcohol or Drug problem are required to report such problem to the Company. An Employee who requests such help will not be subject to discipline pursuant to this Policy unless the Employee, before the Employee requests such help:

- i) has been involved in a workplace incident, including but not limited to an incident involving a worker injury, a fatality, damage to property, or a near miss incident; or
- ii) the Employee is directed or otherwise required to submit to Alcohol and Drug Testing; or
- iii) has been otherwise found to have violated this Policy.

17.2 For more information, see the Prevention, Assistance, Rehabilitation, and Aftercare Guideline.

## Confidentiality

Medical records and communications retained by the Company, the Program Administrator, or TC Energy's third-party health administrator regarding Alcohol and Drug issues will be maintained in accordance with the Company's Protection of Personal Information Policy.

## Your Responsibility

Personnel must follow all applicable provisions and the spirit and intent of this corporate governance document and support others in doing so. Personnel must promptly report any suspected or actual violation of this corporate governance document through available [channels](#) so that TC Energy can investigate and address it appropriately. Personnel who violate this corporate governance document or knowingly permit others under their supervision to violate it, may be subject to appropriate corrective action, up to and including termination of employment or contract, as applicable, in accordance with the Company's corporate governance documents, employment practices, contracts, collective bargaining agreements and processes.

## Interpretation and Administration

The Company has sole discretion to interpret, administer and apply this corporate governance document and to change it at any time to address new or changed legal requirements or business circumstances.

## Non-Retaliation



TC Energy supports and encourages Employees and Contractors to report suspected violations of corporate governance documents, applicable laws, regulations, and authorizations, as well as hazards, potential hazards, incidents involving health and safety or the environment, and near hits. Such reports can be made through available [channels](#). TC Energy takes every report seriously and investigates it to identify facts and, when warranted, makes improvements to our corporate governance documents and practices. All Employees and Contractors making reports in good faith will be protected from retaliation, and all Employees and Contractors must report if they or someone they know is being or has been retaliated against for reporting. Good Faith Reporting will not protect Employees and Contractors who make intentionally false or malicious reports, or who seek to exempt their own negligence or willful misconduct by the act of making a report.

## References

### Related corporate governance and supporting documents.

- Alcohol and Drug Leader Handbook
- Alcohol and Drug Policy Addendum (DOT)
- Background Screening Policy
- Business Travel Policy
- Code of Business Ethics Policy
- Fit for Work Assessment and Alcohol and Drug Testing Standard
- Medication Use Standard
- Motor Vehicle Operation Standard
- Prevention, Assistance, Rehabilitation, and Aftercare Guideline
- Protection of Personal Information Policy
- Reasonable Workplace Accommodation Policy
- Vehicle Fleet Policy

### Other References

- Schedule “A” – Definitions
- Canadian/Mexican Safety-Sensitive Roles
- Employee Family Assistance Program (EFAP)
- United States Safety-Sensitive Roles

## How to Contact us

- [Policy Questions and Comments](#)

## TC Energy’s Reporting Channels

- [Ethics Helpline](#)

- [Corporate Compliance](#)
- [Internal Audit](#)
- Human Resources
- Legal department
- Compliance Coordinators

## Schedule “A” – Definitions

**Alcohol** means the intoxicating agent in beer, wine, and distilled spirits, and other low-molecular weight alcohols.

**Alcohol and Drug Testing** means an examination or technical analysis of various biological specimens of a human such as blood, urine, exhaled air, sweat, saliva, and hair to determine the presence of Alcohol and Drugs or their metabolites.

**Company Business** means all business activities undertaken by Employees in the course of the Company's operations or on the Company's behalf, whether conducted on or off Company Premises or Worksites, including but not limited to:

- i) performance of the Employee's regular or assigned job duties;
- ii) any decision-making, approvals or authorizations;
- iii) negotiations or planning;
- iv) preparation or review of any company materials, documents or reports;
- v) any representation of TC Energy and its subsidiaries or affiliates;
- vi) meetings;
- vii) communications;
- viii) operation of Company Vehicles or other vehicles for the Company; and
- ix) operation of any machinery or equipment for the Company.

**Company Premises** means, but is not necessarily limited to, all land, property, structures, installations, and equipment owned, leased, or otherwise directly or indirectly controlled by the Company, including Company vehicles and vehicle rentals.

**Drugs** means substances, including but not limited to illicit drugs, medications, or other mood-altering substances, the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For purposes of this Policy, drugs of concern are those that inhibit an Employee's ability to perform their job safely including, but not limited to:

- nonprescribed substances found in medications and intoxicants present in other products not intended for human consumption such as inhalants;
- illicit drugs: any drug or substance whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g., street drugs such as cocaine and other non-prescribed controlled substances);
- medications: a drug obtained legally, either over-the-counter or through a doctor's prescription; and
- other mood-altering substances: any other product that, when used, results in cognitive or physical limitations which negatively impact performance or Fitness for Work on the job (e.g., any product containing cannabis including inhaled products or consumables, synthetic marijuana, “bath salts”, solvents, inhalants, and similar products).

**Drug Paraphernalia** means any personal property which is associated with the use of any Drug, substance, chemical or agent. This would also include any product or device that may be used to attempt to tamper with a testing sample.

**Employee** means full-time and part-time employees of TC Energy, whether permanent or temporary, including student employees.

**Fit for Work** means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of Alcohol and Drug(s).

**Good Faith Reporting** means an open, honest, fair, and reasonable report without malice or ulterior motive.

**Personnel** means full-time, temporary, and part-time employees and contractors.

**Program Administrator** means an Employee in Health Services responsible for Alcohol and Drug program management.

**Refusal to Test** means:

- i) failure of an Employee to report directly for a test or refusal to submit to a test when directed to do so;
- ii) failure to provide a valid specimen absent a documented medical condition preventing sample collection;
- iii) a confirmed attempt to adulterate, substitute, dilute or otherwise tamper with a test sample;
- iv) attempting to avoid a test by failing to report involvement in an incident which may require testing or by avoiding management following involvement in an incident;
- v) failure to advise of release from hospital if testing is delayed for medical reasons;
- vi) failing or refusing to attend and cooperate in a medical evaluation where required under the Policy; or
- vii) any attempt to disrupt the testing process as described in the Policy.

**Safety-Sensitive Duty (Duties)** means any duty where impaired performance, including from Alcohol and Drug use, could result in a significant incident or failure to adequately respond to a significant incident, or affect the health, safety, or security of the Employee, other persons, property, or the environment. Employees are considered to be performing Safety-Sensitive Duties whenever they are assigned to Safety-Sensitive temporary relief duties, the supervision or management of Safety-Sensitive duties, or being on-call for such duties.

**Safety-Sensitive Position** means any position in which Employees are responsible to perform Safety-Sensitive Duties.

**Substance Abuse Professional (SAP)** means an individual with knowledge of and clinical or other sufficient experience in the diagnosis and treatment of Alcohol and Drug related disorders who may assess if an Employee has an Alcohol and Drug dependency, make recommendations regarding education and treatment, and recommend a return-to-work monitoring program including unannounced testing.

**Severe Substance Use Disorder** is a determination by TC Energy's SAP provider.

**TC Energy** or the **Company** means TC Energy Corporation and its direct or indirect wholly-owned subsidiaries, affiliates and operated entities.

**Worksite** means any TC Energy worksite or TC Energy's customers' worksites or prime contractors' worksites, provided Employees are engaged in Company Business on such worksite.

**Worksite Rules** means any applicable policies and procedures governing a Worksite, including those of TC Energy customers and prime contractors.