



# Guideline.

## Alcohol and drug guideline for contractors.

### Purpose and scope

TC Energy (the “Company”) is committed to being an industry leader in maintaining a safe and healthy workplace. The use of Alcohol and Drugs, including medications, can adversely affect job performance and can have a negative impact on the worker’s personal safety and the safety of other personnel, property, and the environment.

This document outlines the minimum expectations regarding Alcohol and Drug possession and use for all Contractors and is driven by the requirements of the Construction Owners Association of Alberta’s (COAA) Canadian Model for Providing a Safe Workplace: Drug and Alcohol Guidelines and Work Rule, as well as the U.S. Department of Transportation (DOT) requirements and regulations.

Contractors are expected to have a policy which meets or exceeds the Alcohol and Drug requirements outlined in this document.

This Guideline is intended to provide direction to all Contract Workers and Independent Consultants regarding TC Energy’s requirements. It is intended to minimize the risks associated with the Company’s operations and to ensure a safe and healthy workplace.

All Contractors regulated by the DOT are expected to be fully compliant with all applicable DOT requirements and regulations including, without limit:

- a) Rule 49, Code of Federal Regulations (CFR) Part 40, Section 40.1;
- b) Rule 49, CFR Part 199; and
- c) Rule 49, CFR Part 382.

## Guideline

### 1 Responsibilities

- 1.1 Contractors are expected to ensure that their Contract Workers are free and remain free of any Alcohol or Drugs (including all medications which may cause impairment) in compliance with the requirements of this document when engaged in TC Energy Business when on TC Energy Premises and TC Energy Worksites, and when operating Company vehicles and equipment.
- 1.2 Contract Workers must:
  - a) report Fit for Work, and remain Fit for Work throughout their work day or shift;
  - b) adhere to the Fit for Work standards set out in this document;
  - c) maintain a valid driver's license if it is a condition of work and report any loss of such license immediately, and in any event, no later than 24 hours after losing the driver's license;
  - d) conduct themselves in an appropriate manner while on TC Energy Business, TC Energy Premises, and TC Energy Worksites; and
  - e) co-operate with an investigation into any violation, including any testing requirements.
- 1.3 Any Contract Worker who is scheduled on-call must remain Fit for Work to respond to a call-in and comply with this Guideline.
- 1.4 Should unexpected circumstances arise where a Contract Worker is unknowingly requested to perform services while under the influence of Alcohol or Drugs or is not Fit for Work, it is the responsibility of that individual to inform the Contractor or a TC Energy Representative that they cannot accept that assignment.

### 2 Fit for Work requirement

- 2.1 All Contract Workers must not:
  - a) use or consume any Alcohol and Drugs, whether legal or illegal, while engaged in TC Energy Business, with the exception of medications used in accordance with the provisions of this Guideline;
  - b) attend any TC Energy Premises or TC Energy Worksites, for any reason, after using any Alcohol and Drugs;
  - c) consume any amount of Alcohol and Drugs during the work day, including during meals or other breaks;
  - d) return to work or report for work after consuming Alcohol or Drugs at a social event; or
  - e) have a positive result on an Alcohol and Drug test based on DOT Rule 49, CFR Part 40 and COAA Testing Protocols.

### **3 Alcohol and drugs on company premises and worksites**

- 3.1 The use and possession of Alcohol and Drugs are prohibited on TC Energy Premises and TC Energy Worksites. In particular, Contract Workers must not:
- a) use, consume, possess, or store of any Alcohol or Drugs or related Drug Paraphernalia on TC Energy Premises or Worksites, with the exception of medications used in accordance with this Guideline;
  - b) distribute, offer, sell, cultivate, manufacture any Alcohol or Drugs or Drug Paraphernalia on TC Energy Premises or TC Energy Worksites;
  - c) use a TC Energy marked vehicle for the purchase, acquisition, or transportation of Alcohol or Drugs; or
  - d) operate a Company vehicle (including any equipment) or vehicle rental after consuming Alcohol or Drugs at any time.

### **4 Alcohol**

- 4.1 The use, possession, distribution, offering or sale of beverages containing Alcohol, and the possession of beverages containing Alcohol in containers that are not factory sealed, is prohibited when on TC Energy Business, TC Energy Premises and TC Energy Worksites. In addition, anyone working at these locations must not:
- a) have an Alcohol test result of 0.02 BAC or greater result as determined through the testing program; and
  - b) use Alcohol after an incident until tested or advised by the TC Energy Representative testing is not required.

### **5 Medications**

- 5.1 Contract Workers are expected to investigate and confirm whether a medication could affect fitness for work and proactively take action to avoid, prevent, and mitigate any potential safety concerns. The following are prohibited while on TC Energy Business, TC Energy Premises, and TC Energy Worksites:
- a) the intentional misuse of medications (e.g., not using the medication as it has been prescribed or directed by the pharmacy or physician, using someone else's prescription medication, combining medication and Alcohol use against direction); and
  - b) the possession of prescribed medications without a legally medically obtained prescription and unauthorized distribution, offering or sale of prescription medications.

### **6 Investigations**

- 6.1 TC Energy reserves the right to require a Contractor to fully investigate any possible violations and require Contract Workers to be tested for Alcohol and Drugs as part of the investigation.

- 6.2 In the case of an Independent Consultant, the individual will be removed from the immediate TC Energy Worksite and an investigation will be undertaken by a TC Energy Representative.
- 6.3 As a part of the investigation process, TC Energy reserves the right to request an Alcohol and Drug test. An Independent Consultant must provide confirmation of a compliant test result to their TC Energy Representative prior to returning to the TC Energy Worksite.
- 6.4 Contract Workers required to operate any motorized vehicle, including rental vehicles, in the course of their job duties on behalf of TC Energy must immediately inform their supervisor if, at any time or location, whether the incident was in a TC Energy vehicle, rental vehicle, or personal vehicle, if they:
  - a) have been charged with an impaired driving offense; or
  - b) have had their driver's license revoked or received an administrative license suspension.
- 6.5 TC Energy reserves the right to conduct investigations when there are reasonable grounds to believe that Alcohol or Drugs are present on TC Energy Premises or TC Energy Worksites. A Contract Worker who refuses to submit to an investigation requested by a TC Energy Representative will be removed from the TC Energy Premises or TC Energy Worksites.

## **7 Other testing circumstances**

- 7.1 Where applicable, TC Energy reserves the right to require Contract Workers who hold a higher-risk position, or who are assigned to work on a high-risk operating or project site to be tested prior to assignment.
- 7.2 Where applicable and permissible by law, testing may also be required on a random basis when it is deemed necessary to meet the objectives of this Guideline. All individuals affected will be advised in advance of these requirements.
- 7.3 Where applicable, pre-site access testing will be required for all individuals accessing major pipeline and energy construction projects.
- 7.4 Minimum Alcohol and Drug standards for testing must be based on DOT Rule 49, CFR Part 40 and COAA Testing Protocols.

## **8 Violations of contractor expectations**

- 8.1 If there is any reason to believe any Contract Worker is not Fit for Work or otherwise in contravention of the intent and provisions of this Guideline, the worker will be removed from TC Energy Premises or TC Energy Worksites and an investigation must take place.

## **9 Testing program**

- 9.1 The minimum standards for testing are as outlined in the DOT Rule 49, CFR Part 40, Section 40.1 and COAA Testing Regulations.

## Compliance

Personnel must comply with all aspects of this Policy and support others in doing so. Personnel are responsible for promptly reporting suspected or actual violation of this Policy, applicable law, or any other concern, through available channels so that it can be appropriately investigated, addressed and handled. Personnel who fail to comply, or knowingly permit Personnel under their supervision to not comply, may be subject to appropriate corrective disciplinary action in accordance with the Company's Policies and processes. Please refer to the TC Energy Corporate Policies website for more information.

## Interpretation and administration

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

## Non-retaliation

We support and encourage Personnel to report suspected incidents of non-compliance with applicable laws, regulations, and authorizations, as well as hazards, potential hazards, incidents involving health and safety or the environment, and near hits. We take every report seriously, investigate each report to identify facts, and effect improvements to our practices and procedures when warranted. All Personnel making reports in good faith will be protected. Good Faith Reporting is intended to remove protection for Personnel making intentionally false or malicious reports, or who seek to exempt their own negligence or willful misconduct by the act of making a report. We ensure immunity from disciplinary action or retaliation for Personnel for the Good Faith Reporting of such concerns. Reports can be made to management, a compliance coordinator, or anonymously to the ethics helpline.

## Definitions

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

**Contingent Workforce Contractor (CWC)** means an individual who typically:

- is employed by a Supplier to work on behalf of TC Energy;
- uses TC Energy assets (e.g., workstation, email, phone);
- is compensated on an hourly or daily rate basis; and
- works under the direction of a TC Energy leader.

**Contract Worker** means an individual or entity employed by a service provider to work at, or on behalf of TC Energy for a defined period. Contract Workers can be a Contingent Workforce Contractor, Consultant, Excluded Contractor, Independent Contractor, Sole Proprietor or Seconded.

**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 document, drugs of concern are those that inhibit a Contract Worker'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;
- 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.

**Fit for Work** means, in accordance with section 2.1 of this Guideline, being able to safely and acceptably perform assigned duties without the use of or any limitations due to the use or after-effects of Alcohol or Drug(s).

**Independent Consultant** means an individual who:

- typically provides services in a professional capacity;
- is registered as a corporation; and
- maintains a business license, a taxpayer identification number, commercial general liability insurance, worker compensation insurance, vehicle insurance, certificate of incorporation, and a bank account in their corporate name.

**Supplier or Contractor** means a third-party hired by TC Energy to perform services for or to supply equipment, materials, or goods to TC Energy. Suppliers are generally referred to as 'contractors' in TC Energy's service agreements and purchase orders.

**TC Energy Business** means all business activities undertaken by Contract Workers in the course of performing duties, whether conducted on or off TC Energy premises.

**TC Energy Premises** means, but is not necessarily restricted to, all land, facilities, work sites, and vehicles owned, leased or otherwise controlled by TC Energy for the purpose of conducting TC Energy Business.

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

**TC Energy Representative** means the person accountable for a particular area or shift, including managers, and others in supervisory positions who direct others.

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

## References and links

### Supporting or related governance documents

- [Code of Business Ethics \(COBE\) Policy](#)
- [Contractor Code of Business Ethics \(COBE\) Handbook](#)

### References

- [Construction Owners Association of Alberta's \(COAA\) Canadian Model for Providing a Safe Workplace: Drug and Alcohol Guidelines and Work Rule](#)
- United States Department of Transportation (DOT):
  - [Rule 49, CFR Part 40, Section 40.1](#)
  - [Rule 49, CFR Part 199](#)
  - [Rule 49, CFR Part 382](#)