

Kiwetinohk Energy Corp. Fit for Duty Policy

At Kiwetinohk, we recognize the fortunes of all our stakeholders are inseparable. We believe that, in the long term, for any stakeholder to benefit, all must be engaged and encouraged to contribute. We acknowledge our responsibility to these stakeholders includes health, safety and environmental excellence across all our operations and projects.

1.0 Purpose and Scope

- Describe the responsibilities of Kiwetinohk employees and contractors to report to work and remain Fit for Duty while at work;
- Keep people safe by reducing the occurrence of incidents where alcohol and/or drugs are a contributing factor;
- Prevent Kiwetinohk employees and contractors from using alcohol and/or drugs in a manner that negatively affects their performance or cause an incident;
- Require Kiwetinohk employees and contractors to disclose alcohol and/or drug dependencies prior to the occurrence of a potential alcohol and/or drug related incident;
- Describe circumstances in which alcohol and/or drug testing or searches may occur.

To ensure a safe, secure and productive work environment for everyone, all Kiwetinohk employees and contractors must comply with this policy.

2.0 Definitions

“Company Business” means all business activities undertaken by Workers in the course of Kiwetinohk’s operations regardless of where the activities are conducted.

“Company Worksite” includes, but is not restricted to, all land, facilities, Equipment and worksites used for the purpose of performing Company Business, Kiwetinohk-provided crew houses or accommodations, and third-party premises on which Company Business is carried out or at which Kiwetinohk social activities are conducted.

“Contractor” includes any person that has been contracted, sub-contracted or otherwise engaged to provide services to Kiwetinohk other than as an Employee.

“Equipment” includes all vehicles, machinery and equipment which are owned, leased or otherwise controlled by Kiwetinohk or used by an Employee for the purpose of conducting Company Business, including a Worker’s own vehicle.

“Employee” includes any full-time, part-time, temporary, casual, fixed-term or season employee of Kiwetinohk.

“Fit for Duty” means a condition in which a Worker’s physical, physiological and psychological state enables them to continuously perform assigned tasks safely. Kiwetinohk uses Energy Safety Canada’s definition of Fit for Duty.

“Fit for Duty Assessment Process” means the process used by Kiwetinohk leaders, Supervisors, HSE and / or Human Resources personnel to assess if a Worker is Fit for Duty and determine if alcohol and/or drug testing is warranted.

“HSE” means Health, Safety and Environment.

“Kiwetinohk” means Kiwetinohk Energy Corp. and includes its subsidiaries where the context requires.

“Kiwetinohk-Sponsored Event” includes all events that have been sanctioned, sponsored or paid for by Kiwetinohk, regardless of whether the event takes place during regular working hours.

“Medical Review Officer” means a licensed physician with expertise in substance abuse disorders who is engaged to receive and evaluate alcohol and/or drug testing results.

“Medication” means any substance prescribed by a licensed healthcare practitioner and any substance that is obtained legally over the counter.

“Near Miss” means a Potentially Serious Incident or an incident that had the potential to cause damage to property or the environment.

“Policy” means this Fit for Duty Policy.

“Potentially Serious Incident” means any event where a reasonable and informed person would determine that under slightly different circumstances, there would be a high likelihood for a serious injury to a person. Kiwetinohk follows the Energy Safety Canada guidelines for Potentially Serious Incidents in its definitions and reporting.

“Prime Directive” means the level 1 policy document outlining Kiwetinohk’s primary goal to build a better enterprise by stakeholder engagement and inclusion, serving and protecting its stakeholders and working together with them as society transitions to sustainable energy.

“Supervisor” means an Employee accountable for a particular facility, department or area, including managers, and others in supervisory positions who are directly responsible for the performance of Employees.

“Worker” means an Employee or Contractor.

3.0 Principles and Rules

This Policy is founded on our shared responsibility to ensure Company Worksites are safe and healthy environments. The responsibility to ensure a safe and healthy work environment is owned by all Workers.

We do this by:

- 1) Defining and outlining specific expectations of what it means to be Fit for Duty
- 2) Detailing the steps Kiwetinohk will take, including searches and testing, to ensure alcohol- and drug-free Company Worksites
- 3) Supporting wellness, including providing assistance to employees with identified personal medical or substance abuse issues that could impair fitness for duty
- 4) Clearly outlining the steps to follow if you are asked to work with someone who may not be Fit for Duty
- 5) Applying this Policy fairly and equitably

3.1 Prohibited Conduct

The following are strictly prohibited:

- 1) Not being Fit for Duty at work, while conducting Company Business or at any Company Worksite;
- 2) Possessing, transporting, using, consuming or being under the influence of alcohol and/or drugs while conducting Company Business or at a Company Worksite;
- 3) Engaging in disorderly conduct while under the influence of Alcohol and/or Drugs while conducting Company Business or at a Company Worksite;
- 4) Manufacturing, producing, cultivating, selling or distributing any Alcohol and/or Drugs while conducting Company Business or at a Company Worksite;
- 5) Tampering or attempting to tamper with an Alcohol and/or Drug test sample;
- 6) Refusing to undergo, eluding or attempting to elude an alcohol and/or drug test required under this Policy; and
- 7) Failing to disclose an alcohol and/or drug dependency problem prior to the occurrence of an alcohol- and/or drug-related incident occurring during Company Business or at a Company Worksite.

3.2 Company-Sponsored Events

As a limited exception to the above, the CEO may permit the moderate and responsible consumption of alcohol for the duration of a Kiwetinohk-Sponsored Event. Workers are expected to act responsibly at all Kiwetinohk-Sponsored Events and limit their consumption of alcohol accordingly.

Under no circumstances will Kiwetinohk permit Workers using or being under the influence of drugs, including Cannabis at Kiwetinohk-sponsored events. No one should ever drive a motor vehicle to or from a Kiwetinohk -sponsored event after consuming alcohol.

3.3 Prescription, Authorized or Over-the-Counter Medications

A Worker must always be Fit for Duty including the use of prescription or over-the-counter medication. Each Worker is responsible seeking advice from their physician whether use could adversely affect their ability to report to work and remain Fit for Duty.

Workers are required to advise their direct Supervisor if they are taking any medications that could make them not Fit for Duty.

Use of medication disclosed in accordance with this Policy will not result in disciplinary action, but may require appropriate and reasonable accommodation. Accordingly, a Worker may be reassigned, placed on modified duties, or placed on an unpaid leave of absence until the Worker is Fit for Duty. Kiwetinohk may request documentation from a Worker's physician to confirm whether the use of any medication will or will not affect the Worker's ability to perform their duties, or to support the implementation of any accommodation.

3.3 Voluntary Disclosure, Prevention, Assistance and Rehabilitation

Kiwetinohk requires Workers who suspect they may have an alcohol and/or drug dependency or abuse problem to self-identify before their ability to report to work and remain Fit for Duty at work is affected.

No Worker will be disciplined for voluntarily disclosing to Kiwetinohk a personal alcohol and/or drug dependency or abuse problem prior to the occurrence of an alcohol- and/or drug-related incident during at a Company Worksite. Such disclosure can be made in confidence to your direct Supervisor or the Senior Vice President of Business Systems.

Kiwetinohk-provided assistance on treatment and rehabilitation is intended as a support for Workers and does not alter Kiwetinohk's ability to enforce this Policy in the event of a violation. Rather, rehabilitation and/or treatment is an option available to Workers who acknowledge an Alcohol and/or Drug dependency and voluntarily seek treatment to end that dependency.

Workers are expected to actively cooperate and participate in any treatment or rehabilitation program, which may include the Worker being reassigned, placed on modified duties, or placed on an unpaid leave of absence until the Worker can comply with this Policy. Workers may be required to provide medical certification to support their voluntary disclosure of a dependency or abuse problem and any accommodation required. Assistance, rehabilitation and return to work plans must align with professional assessments and meet the reasonable expectations of Kiwetinohk. A Worker's

continued employment may become conditional upon their complete participation in a rehabilitation program and/or other recommended treatment. Kiwetinohk may monitor a Worker's appointments and participation, including confirmation of completion of treatment.

3.4 Alcohol and Drug Testing

Kiwetinohk may require Workers to undergo drug and alcohol testing to ensure compliance with this policy. Kiwetinohk must obtain the express consent of a Worker prior to conducting an alcohol or drug test. However, the failure by a Worker to report promptly for a drug and/or alcohol test, refusal to submit to a drug and/or alcohol test, refusal to agree to disclosure of a drug and/or alcohol test result to Kiwetinohk, tampering or attempted tampering with a drug and/or alcohol sample, or failure to report an accident or Near Miss which may lead to a drug and/or alcohol test, are violations of this policy.

Employees subject to testing may be placed on a leave of absence with or without pay pending test results or any related investigation.

Contractors subject to testing may have their services or fees suspended pending any testing and related investigation.

Employees who receive a positive test result may be referred through the Employee and Family Assistance Program, or to an alternative program, as a condition of continued employment or engagement.

(a) Reasonable Cause Testing

Alcohol and/or Drug testing may be conducted when a Supervisor has reasonable grounds to believe that the actions, appearance or conduct of a Worker while conducting Company Business or at a Company Worksite is indicative of the use of Alcohol and/or Drugs. If a Supervisor believes there are reasonable grounds, where possible they must engage a second person to assist with the Fit for Duty Assessment Process. The reasons for a decision to test a Worker will be documented.

Examples of reasonable cause may include, but are not limited to:

- (i) Direct visual observation of a Policy violation;
- (ii) Discovery of alcohol, drugs or related paraphernalia at a Company Worksite that can reasonably be associated with a particular Worker;
- (iii) Direct visual observation of physical or behavioral signs indicative of alcohol and/or drug use (e.g. difficulty in maintaining coordination, slurred speech, odor of Cannabis or smell of alcohol on breath, extreme drowsiness, incidents or injuries);
- (iv) A pattern of failure to follow HSE policies, operating procedures or legal requirements.

Workers noticing these or other behavioural indicators are required to inform their Supervisor or Kiwetinohk HSE personnel, which may trigger the Fit for Duty Assessment Process.

(b) Post-Incident Testing

Alcohol and/or drug testing may be conducted as a part of an investigation into a work-related incident if, while conducting Company Business or at a Company Worksite, a Worker is involved in the following:

- (i) Any accident that results in a fatality and/or serious personal injury to any person;
- (ii) Any accident that results in an injury that requires recording and/or reporting in accordance with applicable worker's compensation legislation;
- (iii) Any accident that involves loss or damage to any equipment or property;
- (iv) Any environmental incident with significant implications;
- (v) Any incident or Near Miss where, following an investigation, a Supervisor or other official who is trained to identify alcohol and/or drug use or impairment has a reasonable belief that alcohol and/or drugs may have been a contributing factor to the work-related incident.

If a Supervisor is investigating a potentially alcohol-related and/or drug-related incident, where possible they must engage a second person to assist with the Fit for Duty Assessment Process. The reasons for a decision to test a Worker will be documented.

3.5 Alcohol and Drug Searches

Kiwetinohk may conduct routine or unannounced searches for alcohol and drugs at Company Worksites.

Searches of Workers and their personal space and property may be conducted when Kiwetinohk has reasonable cause to believe that a Worker is in violation of this Policy or when justified by circumstances and/or workplace conditions, including based upon unsatisfactory job performance, abnormal behaviour, absenteeism, and/or involvement in a Near Miss or any other work-related problem, as well as general deterrence of the use and possession of alcohol and/or drugs at the Company Worksite.

Workers shall have no reasonable or other expectation of privacy with respect to their use of lockers, Kiwetinohk vehicles and other Kiwetinohk areas assigned to or used by Workers.

Personal property includes, but is not limited to, lunch containers, brief cases, desks, work areas, lockers, and personal vehicles (while parked at a Company Worksite).

Searches of a Worker and/or their personal property must be approved by Senior Vice President of Business Systems and must be conducted with the Worker's prior consent.

Entering the Company's Worksite constitutes advance consent to reasonable cause searches of personal space or property.

Prior to commencing work at the Company Worksite, Contractors will (i) advise their personnel that Kiwetinohk may search the Company Worksite and any Worker or property on these locations to confirm compliance with this Policy, and (ii) obtain the consent of their personnel to permit Kiwetinohk to conduct such searches.

All searches will be conducted in a fair and reasonable manner and in the presence of the Worker. Where Kiwetinohk considers it necessary, a police officer may be requested to attend to the search. If the Worker refuses to attend, the search will proceed, and actions will be documented.

A Worker's refusal to give consent to or cooperate with a reasonable cause search constitutes a violation of this Policy, which will subject the Worker to immediate discipline, including termination of employment for cause or termination of their engagement.

Drugs discovered at the Company Worksite will be turned over to the appropriate law enforcement agency. Any action taken by law enforcement agencies will be completely independent of this Policy.

3.6 Consequences of Policy Violation

In all situations where a Policy violation is suspected, an investigation will be conducted pursuant to Kiwetinohk's incident investigation procedures and applicable law.

The Worker will be permitted to participate in and respond to the investigation. The appropriate discipline and/or consequences in a particular case will depend on the nature of the Policy violation and the surrounding circumstances.

Consequences to an Employee for violating this Policy may include:

- Immediate removal from the Company Worksite
- Reassignment
- Leave of absence without pay
- Suspension without pay
- Referral to a substance abuse professional for assessment
- Rehabilitation and counselling as a condition of continued employment
- Termination for cause
- Other discipline

Consequences to a Contractor for violating this Policy may include:

- Immediate removal from the Company Worksite

- Termination of contract without further obligations by Kiwetinohk beyond the date of violation

Any illegal substances discovered in connection with a violation of this Policy will be reported and turned over to the appropriate law enforcement agency.

3.7 Confidentiality and Privacy

Personal information, including alcohol and drug test forms and results will be collected, used and disclosed only for reasonable purposes, which relate to employment or engagement at Kiwetinohk. Reasonable purposes include but are not limited to:

- Determining fitness to perform duties safely
- Compliance with this Policy
- To inform and assist Kiwetinohk management, Supervisors, and HSE personnel about any suspension, with decisions related to, or to implement decisions relating to, suspensions, terminations, or other action taken due to a breach of this Policy
- Referrals for medical review, assessment, treatment or rehabilitation
- Facilitating return to work
- Disciplinary action

All personal information will be treated in accordance with applicable privacy legislation.

Employee alcohol and drug forms and test results will be kept separate from their regular personnel file and will be stored in a secure location. Workers are entitled to review and access their test results at any time by contacting Human Resources.

3.8 Compliance with Applicable Laws

Kiwetinohk will implement this Policy, including its alcohol and drug testing requirements, in a manner that complies with relevant federal and provincial laws.

4.0 Other Matters

Workers are encouraged to report suspected violations of this Policy via Kiwetinohk's Whistleblower process. Visit [Kiwetinohk.com](https://kiwetinohk.com) – Contact Us for more information.

In the case of immediate risk to personal or public safety, always intervene, contact your Supervisor or call 9-1-1.

Workers may also use the Kiwetinohk's Whistleblower process to appeal or dispute enforcement actions under this Policy.

5.0. Related Policies and Mandates

- Prime Directive

- Code of Conduct
- Whistleblower Policy
- Health, Safety and Environment Policy

6.0 Review, Modification and Exception

Any Worker can recommend a review or modification of, or exception to, this Policy to the Chief Executive Officer on an as-needed basis. At minimum, the Chief Executive Officer will review this Policy annually, making modifications as required.

Approved by Pat Carlson, Chief Executive Officer, on October 18, 2023.