ALCOHOL AND DRUG POLICY
EXPECTATIONS FOR CONTRACTORS AND CONTRACT WORKERS

PURPOSE:

Consistent with our commitment to safety, VIA has established an Alcohol and Drug Policy and Procedures for all employees. It places a priority on minimizing risk associated with our operations. We are issuing specific requirements for contractors and contract workers to ensure they meet the same high standards when operating on VIA business and premises.

We recognize that the use of illicit drugs and other mood altering substances, and the inappropriate use of alcohol and medications can adversely affect a worker’s health, safety and job performance. It can also affect or endanger employees, contract workers, customers or members of the community. Accordingly, this Policy is intended to outline in more detail the standards and expectations associated with alcohol and other drug use in our facilities and throughout our operations.

RESPONSIBILITIES:

i. Contractors are expected to ensure that their representatives remain free from any adverse performance effects of alcohol or other drugs in compliance with the standards below when on VIA business whether on or off of VIA premises, including when operating VIA vehicles and equipment. Contractors are encouraged to implement an Alcohol and Drug Policy of their own which meets or exceeds these requirements, however having their own policy is not obligatory.

ii. Contract Workers are expected to:

• report fit for duty, and remain fit throughout their work day or shift,
• adhere to the fitness for duty standards that have been set out below,
• maintain a valid driver’s license if it is a condition of work and report any revocation of license immediately (no later than 24 hours after losing the license),
• conduct themselves in an appropriate manner while on VIA business and premises; and
• co-operate with any investigation into a Policy violation, including any testing requirements.

If unexpected circumstances arise where a contract worker is requested to perform services while under the influence of alcohol or other drugs or substances that could impact safe operations, it is the responsibility of that individual to inform the Contractor or a VIA representative that he or she cannot accept that assignment.
STANDARDS:

i. **Alcohol**: The following are prohibited when on VIA business and premises:

- reporting to work or remaining at work under the influence of alcohol from any source;
- the consumption of any product containing alcohol (including alcoholic beverage) when on duty, including during meals or breaks;
- unauthorized possession, distribution, offering or sale of alcoholic beverage;
- an alcohol test result of 0.02% BAC (Blood Alcohol Content) or greater;
- the use of alcohol after an accident/incident, before being tested or before being advised that testing is not required.

ii. **Illicit Drugs**: The following are prohibited on VIA business and premises:

- the use, possession, distribution, cultivation/manufacture, offering or sale of illicit drugs or of illicit drug paraphernalia;
- reporting to work or remaining at work while under the influence of illicit drugs; and
- a positive drug test result as determined through the testing program.

iii. **Medications**: Contract workers are expected to responsibly use prescribed and over-the-counter medications. They should investigate (through their doctor or pharmacist) whether a medication can affect safe operation, and take appropriate steps to minimize associated risks, which would include notifying their Corporation or a VIA representative of any need for altered work under these circumstances. The followings are prohibited while on VIA business and premises:

- the possession of prescribed medications without a legally obtained prescription, as well as the distribution, offering or sale of prescription medications (trafficking); and
- the intentional misuse of medications (e.g. using the medication not as it has been prescribed, using someone else's prescription medication, combining medication and alcohol use against direction).

INVESTIGATIONS:

i. **Unfit for Work Investigations**: VIA reserves the right to require a Contractor to fully investigate a possible Policy violation if a contract worker is on duty in an unfit condition. As part of the investigation, VIA can require the contractual worker to submit to a reasonable cause test.

If the contract worker is a sole supplier or a small independent contractor, the individual will be evicted from the VIA premises and an appropriate investigation will be undertaken by a VIA representative.
• Contractor’s employee, sub-contractor or agent:

- the VIA representative will disengage the worker from his/her work, conduct the individual to a safe place, and advise the Contractor;
- the Contractor will be expected to investigate the occurrence, by following the requests from the VIA representative, including conducting a reasonable cause test;
- the contractor must demonstrate to the VIA representative that there was no violation to the present Policy;
- if the Contractor confirms that a Policy violation has occurred, it is required to take the appropriate steps in order to prevent further risks to people, property, environment or the Corporation’s business; and
- in this situation, the individual will not be allowed to return to work for VIA without a written permission, and will be required to adhere to any given conditions governing his or her return to work.

• Single Operators will be escorted out of the VIA premises and will be given the opportunity to explain the situation. If, after discussion and after consultation and agreement of another member of the management team (whenever possible), the VIA representative still believes the individual is unfit for normal duty:

- the individual will be taken for a reasonable cause test if there are grounds to believe alcohol or other drugs may be a contributing factor; or
- if there are grounds to believe the individual has a medical problem, then the individual will be taken for appropriate medical attention; or
- the VIA representative will take other action appropriate to the situation; and
- in the case of a confirmed violation resulting from this investigation, the individual will not be allowed to return to work for VIA without a written permission from the Corporation, and will be required to adhere to any given conditions governing his or her return to work.

ii. Impaired Driving Situations: If required to operate any VIA vehicle on a public road on behalf of the Corporation, contract workers are expected to report the revocation of their driver’s license. In addition, they are required to immediately report receipt of an impaired driving charges or an administrative license suspension to their contract manager or supervisor if it is received while operating a vehicle on behalf of VIA, and to comply with all investigation procedures and consequences.

iii. Incident Investigations: VIA reserves the right to require a contract worker to be tested for alcohol and drugs as part of an investigation into a significant or potentially significant work-related accident, incident, or collision. The decision to refer someone, or a group of individuals, for a test will be made by the VIA representative investigating the incident in consultation with their employer as appropriate.

iv. Access to Testing Services: Minimum standards for the testing program are provided in the appendix. In those situations where testing is required, VIA may allow contractors to access the Corporation’s employee testing system or to independently obtain testing services (procedures consistent with those set out in this Policy).
Any contractor accessing the Corporation’s employee testing system will be required to sign a waiver indemnifying VIA from any legal liability associated with the provision of testing services. VIA reserves the right to invoice the contractor for reasonable and customary charges associated with providing this service.

In addition, contractors must ensure that their testing protocol includes a requirement for their workers to sign a release indicating the name of the donor and that results can be released to VIA. In any situation where workers are tested under the VIA employee testing system, that individual must confirm in writing that their results can be released to the VIA Program Administrator.

v. Failure to Test: Failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the Designated Program Administrator, a confirmed attempt to tamper with a test sample, or failure to report an incident which may require testing, are a violation of this Policy.

vi. Possession of Alcohol or Drugs: VIA reserves the right to conduct investigations when there are reasonable grounds to believe that alcohol or illicit drugs are present on Corporation premises. A contract worker who refuses to submit to an investigation requested by a VIA representative, will be removed from the premises.

CONSEQUENCES:

Failure of a Contract worker to abide by these provisions may result in permanent removal from VIA work. Failure of the Contractor or the Contractor’s representatives, to meet these expectations may be considered a breach of the contract, and may result in triggering penalty clauses under the contract, or suspension or termination of the contract.

KEY DEFINITIONS:

i. Contractor Refers to any Corporation or individual providing contracted services to VIA or on behalf of VIA and not on the Corporation payroll. This includes consultants and VIA representatives.

ii. Drug means any substance, including alcohol, 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 a worker’s ability to perform his or her job safely and productively.

Alcohol means the intoxicating agent in alcoholic beverage, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl.

Alcoholic beverage refers to beer, wine and distilled spirits.

Illicit drug means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as marijuana and cocaine).
**Medication** refers to a drug obtained legally, either over-the-counter or through a doctor’s prescription.

**Mood Altering Substance** refers to any other product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance at work (e.g. synthetic marijuana, cathinone derivatives commonly known as “bath salts”, doda or similar products).

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

iv. **Fitness for Work/Duty** in the context of this Policy means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of alcohol, illicit drugs or medications.

v. **Significant Incident** refers to any incident that results in, or may reasonably have resulted in, any of the following:

- a fatality;
- serious personal injury to a worker, a member of the public or any other individual;
- an environmental incident with significant implications;
- significant loss or damage to property, equipment or vehicles; or
- significant loss of Corporation or client revenues.

In addition to the incidents listed above, at their discretion, management may require a post-incident test after any other significant work incident, a CROR violation, or a near miss considered to have had significant potential for more serious consequences as part of a complete investigation.

vi. **VIA Business** refers to all business activities undertaken by contract workers in the course of performing duties, whether conducted on or off VIA premises.

vii. **VIA Premises** Includes but is not restricted to, all land, property, structures, installations (including worksites), facilities, vehicles and equipment owned, leased, operated or otherwise controlled by the Corporation.

viii. **VIA Representative** refers to the person accountable for a particular facility, department or area, including managers and others in supervisory positions who direct others.
APPENDIX
ALCOHOL AND DRUG TESTING PROCEDURES

Sample collection, testing and reporting of results must be conducted in accordance with standards established by the U.S. Department of Health and Human Services (DHHS) and accepted in Canada, in order to ensure the accuracy and integrity of results. Rigorous sample collection, storage and chain-of-custody procedures must be followed.

Standards for testing including the following:

- Testing will be conducted in those circumstances outlined under the VIA Alcohol and Drug Policy Expectations for Contractors to determine the presence of cannabinoids, amphetamine/ methamphetamine, cocaine, opiates, phencyclidine and alcohol. The testing program will cover alcohol and the specified drugs only; contractors who wish to test for other substances must do so under their own Policy.

- Alcohol tests must be administered using a calibrated breathalyzer with a printout of test results. All drug tests must be administered by urinalysis or oral fluid (saliva) analysis. Only in those situations when a breath analyzer is not readily available can alcohol testing be done with a saliva strip and urine collection for analysis in the laboratory.

- Collection of urine or oral fluid specimens and administration of alcohol tests must be performed by trained nurses or trained collection agents. In post incident and reasonable cause testing situations, samples will be collected as soon as possible after the triggering incident, but collection attempts will end eight (8) hours after the incident for an alcohol test, and thirty-two (32) hours after the incident for a drug test. Any reason for a delay beyond two hours must be documented and provided to the VIA representative.

- All individuals who are tested are required to sign a form to acknowledge the accuracy of the employee and employer information and authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form and the Breath Alcohol Testing Form for their records.

- Urine samples must be analyzed by a fully qualified laboratory accredited by the U.S. Department of Health and Human Services (DHHS) using a two-step process with initial screening by immunoassay and all confirmations being performed by gas chromatography/mass spectrometry (GC/MS). If a point of collection screening device is used, any non-negative result will be forwarded to a laboratory for confirmation analysis.

- Oral fluid samples for drug testing must be analyzed at the laboratory with all confirmations being performed by liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS).
• Confirmed positive test results must be reviewed by a qualified Medical Review Officer who is independent of the laboratory and who will provide the donor an opportunity to discuss the result in an effort to determine whether a positive test could have resulted from the legitimate use of medications or other medical explanations. The individual concerned must be given an opportunity to explain the finding to the MRO who will then determine whether the result will be reported to the Corporation as a negative or a verified positive or adulterated test.

• For the purpose of this Policy, a positive alcohol test is one in which the blood alcohol concentration is at or above .02% BAC.

• A positive urine drug test is one in which the amount of drug in the sample identified by the confirmation test is at or exceeds the cut-off levels noted below which have been established for workplace testing programs throughout North America. Should a contractor choose to use oral fluid testing in a reasonable cause or post incident situation, VIA will provide a chart of cut-off levels expected to be used for the program.

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<thead>
<tr>
<th>Drug</th>
<th>Initial Test Levels (ng/ml)*</th>
<th>Confirmation Test Levels (ng/ml)*</th>
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<tbody>
<tr>
<td>Marijuana</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>Cocaine</td>
<td>150</td>
<td>100</td>
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<tr>
<td>Opiates</td>
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<td></td>
<td>Morphine</td>
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<td>Codeine</td>
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<td></td>
<td>6-acetylmorphine</td>
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<td>Phencyclidine (PCP)</td>
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<tr>
<td>Amphetamines</td>
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* A ng/ml means nanograms per millilitre. A nanogram is one billionth of a gram. A millilitre is one thousandth of a litre.

• In the case of a verified positive test result of a urine test conducted in accordance with this Policy, the person who has been tested may request the MRO to direct the split sample to be tested by an accredited laboratory of that person’s choice within seventy-two (72) hours of receiving their results. Where split samples are not collected, the donor can request that their original sample be reanalyzed. In both cases, associated costs would apply.

• Any positive test result will be considered a violation of this Policy, whether or not the drugs or alcoholic beverage were actually consumed on Corporation business or premises. Failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to management or an attempt to tamper with a test sample are a violation of the Policy.
• All test results for individuals directed for testing by a VIA representative using the VIA testing system will be reported directly to the Corporation's Program Administrator or designate who will communicate the result to the contractor. Contractors using independent testing facilities will be expected to advise VIA site management whether any individual under their direction is in violation of this Policy, or any agreement of continued assignment.