

**Section:** CHAPTER 1 - POLICIES  
**Topic:** 1.10 – ALCOHOL, DRUGS AND MEDICATIONS

At VIA Rail Canada Inc. (hereinafter referred to as “VIA Rail” or “the Corporation”), we are committed to ensuring the safety, health and physical well-being of ourselves, our colleagues and our customers. As part of this commitment, VIA Rail and its Employees hereby accept the responsibility to maintain a safe workplace, free from the negative effects of Alcohol, Drugs, other Mood-altering substances and Medications. As a consequence thereof, VIA Rail adopted the present Policy and its related procedures as part of a comprehensive workplace health policy which includes Employee Assistance Programs (EAP), Drug and Alcohol education and prevention programs, health promotion programs, off-site counselling and referral services and supervisor monitoring. Through the present Policy and its related procedures, VIA Rail aims to adopt a Zero Tolerance culture within the workplace and wishes to establish the guidelines and consequences of any contraventions of the present Policy and its related procedures.

VIA Rail recognizes that the use of Drugs and other Mood-altering substances impacting Fitness for Duty as well as the inappropriate use of Alcohol or Medications can have serious adverse effects on a person’s health, job performance and workplace safety. Promoting health and safety is paramount to VIA Rail, its Employees and its customers. VIA Rail ensures its interest in safety in ways that are fair to all its Employees. Therefore, VIA Rail’s requirements aim to ensure job safety and performance.

### **Definitions**

Key definitions of this Policy are found in Appendix I of the related procedures.

### **Objective**

This Policy and its related procedures set out expectations sought from Employees to comply with the Zero Tolerance policy, as well as guidelines for the effective management of Alcohol, Drugs and other Mood-altering substances and Medications, with a priority on prevention, minimizing risk associated within our operations, and supporting early intervention as required. It also aims to ensure that all VIA Rail Employees report for work Fit for Duty and remain Fit for Duty while at work. In addition, it is intended to inform Employees of the penalties that may be imposed for any contraventions of the requirements set out in this Policy and its related procedures.

The Policy and its related procedures are subject to ongoing review and evaluation, and modifications will be made as deemed necessary to respond to evolving circumstances and the needs of the Corporation.

### **Scope and Application**

This Policy and its related procedures apply to all VIA Rail Employees. Certain positions have been designated Safety-sensitive/critical positions due to the higher level of risk

associated with such positions. Individuals holding a position defined as Safety-sensitive/critical are held to a higher standard regarding the compliance with this Policy and its related procedures and are subject to greater consequences due to the direct impact that these positions have on safety.

This Policy and related procedures complement, but do not modify any legislated safety rules, nor the General Safety Rule 1.1, Canadian Rail Operating Rules (C.R.O.R.) Rule G, nor the Safety Rules for VIA Rail Employees (nor any successor legislation, successor C.R.O.R. Operating Rules or successor VIA Rail Safety Rules).

All contractors will be advised of, and will be expected to fully comply with, the requirements of VIA Rail's Policy and related procedures, and will be expected to ensure that these requirements are met by their Employees, sub-contractors and agents when performing work for VIA Rail.

### **Role and Responsibilities**

Some groups have specific roles in order to facilitate the implementation of this Policy. They are described below.

#### **1) The VIA Rail Management Team is responsible for:**

- clearly defining the expectations of the Corporation and the obligations of Employees regarding this Policy and its related procedures;
- updating this Policy and its related procedures by making the necessary changes;
- administering this Policy and its related procedures and resolving any questions of interpretation thereof;
- assisting Supervisors and Employees in fulfilling their responsibilities under the Policy and its related procedures;
- coordinating the development and delivery of Employee education and Supervisor training programs regarding the use and addiction of Alcohol, Drugs, other Mood-altering substances and Medications, and the detection of such problems;
- coordinating assessments by substance abuse professionals or physicians specialized in addiction medicine, as needed;
- on-going management of the Alcohol, Drugs, other Mood-altering substances and Medications testing program.

#### **2) Supervisors are responsible for:**

- creating and maintaining a Zero Tolerance work environment free from the negative effects of Alcohol, Drugs, other Mood-altering substances and Medications;
- communicating to Employees and implementing this Policy and its related procedures;

- monitoring and evaluating work performance with the additional purpose of early identification and handling of any problem;
  - ensuring that all Employees under their responsibility are Fit for Duty in the performance of their duties;
  - promptly investigating any possible contravention under the Policy and its related procedures;
  - contacting VIA Rail's designated medical services if there are concerns about the ability of an Employee in a Safety-sensitive/critical position to work safely due to a known or suspected health problem;
  - coordinating the appropriate testing for Alcohol, Drugs, other Mood-altering substances or Medications that are not properly used when necessary post-incident, or where there is reasonable cause to do so under this Policy or related procedures;
  - advising the VIA Rail Management Team if, during any discussion, including performance-related discussions, an Employee claims to have a problem with Alcohol or Drug use, other Mood-altering substances, or Medications;
  - notifying the Senior Advisor, Attendance Management in accordance with the procedure set out in the Policy and its related procedures, of any concerns that any Banned Substance or Device is found, or suspected to be found within the Corporation's Premises;
  - ensuring that all obligations under this Policy and its related procedures are fulfilled by respecting collective agreements, as well as Federal Labour, Privacy and Human Rights legislation;
  - providing support and guidance to Employees with a substance abuse problem or addiction to Alcohol, Drugs, other Mood-altering substances or Medications. When necessary, guiding these Employees to the appropriate resources, including the EAP while maintaining confidentiality;
  - imposing any disciplinary or administrative action on an Employee in contravention of the rules and standards set out in the Policy and its related procedures.
- 3) Medical services** acting as a delegate of VIA Rail's Executive Medical Officer are responsible for assessing Fitness for Duty.

**4) Employees are responsible for:**

- reading and understanding this Policy and its related procedures, including the responsibilities applicable to their job position, and seeking advice from their Supervisor or the VIA Rail Management Team if they have questions;
- complying with this Policy and its related procedures, as well as existing laws, policies and regulations relating to Alcohol, Drugs, other Mood-altering substances and Medications;

- reporting for work Fit for Duty and remaining Fit for Duty while at work, in compliance with the requirements and standards set out this Policy and its related procedures;
- respecting the principle of Zero Tolerance at all times when performing their work duties;
- submitting to any testing required by the Corporation in compliance with the requirements and standards set out this Policy and its related procedures;
- respecting the obligation to report use or dependence on Alcohol, Drugs, other Mood-altering substances or Medications described in this Policy and its related procedures;
- encouraging co-workers who may have current or emerging problems with Alcohol, Drug, other Mood-altering substance or Medications to contact the Employee Assistance Program (EAP), where assistance will be provided in line with the Corporation's EAP Policy. Using the services provided by the EAP does not eliminate the requirement to meet performance expectations;
- seeking advice from their Supervisor or the EAP if they themselves have a problem with Alcohol, Drugs, other Mood-altering substances or Medications. As an example, if applicable, the Employee agrees to cooperate with any medical assessment or recommendations made by a health care professional, including following monitoring or aftercare programs required after primary treatment for substance use disorders;
- cooperating with any work modifications related to safety concerns as more fully described in the Policy and its related procedures;
- cooperating with an investigation related to any contravention of this Policy and its related procedures, including any request from a Supervisor or other designated person to participate in the Testing Program.

## **Requirements**

Employees are expected to report Fit for Duty and remain Fit for Duty throughout their work day or shift, free of any negative impact due to the consumption of Alcohol, Drugs, other Mood-altering substances or Medications. It is strictly forbidden for Employees to carry out their work if they are not Fit for Duty.

### **1) Alcohol**

Behaviours by Employees prohibited by this Policy and its related procedures in the performance of their duties include, but is not limited to:

- the unauthorized possession, distribution, offering or sale of Alcoholic beverages<sup>1</sup>;
- performing their work while they are not Fit for Duty;
- carrying out work while still experiencing the residual effects of Alcohol use;
- the consumption of any product containing Alcohol during their work day or work shift, including during meals and breaks inside or outside the VIA Rail Premises;
- returning to the VIA Rail Premises after having consumed Alcohol regardless if the Employee attended a social event (whether or not organized by VIA Rail);
- consuming any product containing Alcohol while on call;
- for the Executive staff, consuming any product containing Alcohol while travelling on VIA Rail trains, including any personal trip;
- testing positive on an Alcohol test,
- consuming any product containing Alcohol after an incident before being tested or informed that a test is not required.

## **2) Drugs and other Mood-altering substance**

Behaviours by Employees prohibited by this Policy and its related procedures in the performance of their duties include, but is not limited to:

- the use, possession, distribution, cultivation / manufacture, offering, sale or purchase of Drugs or other Mood-altering substances or Devices;
- not qualifying as being Fit for Duty due to the use of any Drugs or other Mood-altering substances while at work;
- carrying out work while still experiencing the residual effects of Drugs or other Mood-altering substances;
- the consumption of any Drugs or other Mood-altering substances during their work day or shift, including during meals and breaks inside or outside the VIA Rail Premises;
- returning to the VIA Rail Premises after having consumed Drugs or other Mood-altering substances, regardless if the Employee attended a social event (whether or not organized by VIA Rail);
- consuming Drugs or other Mood-altering substances while on call;

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<sup>1</sup> This standard does not limit on-board sales, retail outlets and licensed business establishments from carrying out their normal operations.

- testing positive for Drugs or other Mood-altering substances
- consuming any Drug or other Mood-altering substance after an incident before being tested or informed that a test is not required.

### **3) Medications**

Medications should be used responsibly, and the Corporation must be advised of any need for need to reassign an Employee's usual tasks when there are safety concerns. Medications of concern are defined as those that inhibit or may inhibit an Employee's ability to perform their job safely and productively.

VIA Rail expects its Employees to consult their physician, pharmacist or other specialized health professional about the effects of any Medications obtained either over-the-counter or by a doctor's prescription. In the event that a prescribed or over-the-counter Medication may potentially have a negative impact on job performance, the Employee is expected to immediately notify in writing his Supervisor of the Medication taken and actual or potential impact in the job performance. The Employee also undertakes to provide any additional details or information relevant to the subject Medications or any alternatives thereof, upon the request of his or her Supervisor.

Behaviours by Employees prohibited by this Policy and its related procedures in the performance of their duties include, but is not limited to:

- the unauthorized possession, distribution, offering or sale of Medications including medicinal cannabis and its intentional misuse (for example, having prescription Drugs including medicinal cannabis without having obtained a medical prescription; or failure to take a Medication as prescribed or recommended by the pharmacist or health professional consulted; the use of a prescription belonging to someone else or combining Drugs and Alcohol when contraindicated etc.);
- performing their work while they are not Fit for Duty;
- carrying out work while still experiencing the residual effects of any Medication which may impact negatively the overall safety of VIA Rail activities;
- the consumption of any Medication which may impact negatively the overall safety of VIA Rail's Business activities or the safety of any VIA Rail Employee during their work day or shift, including during meals and breaks inside and outside VIA Rail Premises;
- consuming any Medication which may impact negatively on the overall safety of VIA Rail's Business activities while on call;
- testing positive for Drugs.

### **Assistance Program**

VIA Rail makes available to its Employees an EAP that provides confidential and professional assistance to Employees. VIA Rail encourages its Employees to contact the EAP for assistance with any personal problems, including one associated with Alcohol,

Drugs, other Mood-altering substances and Medications. This program enables Employees and their families to seek the appropriate assistance that will allow them to address their personal problems within a confidential setting.

## **Investigations**

The Corporation will utilize a range of investigative procedures to ensure compliance with the Policy and its related procedures when deemed necessary. The following are a few examples of which types of investigations may be carried out, some of which are more fully described in the related procedures:

- Assessments or tests if the Corporation has reasonable cause to believe that any Employee appears unFit for duty;
- Testing following a reasonable cause or post incident situation for Employees holding Safety-sensitive/critical positions;
- Tests as part of an agreement governing the return to work of Employees following a contravention of this Policy and its related procedures or following a treatment;
- Tests, when a person wishes to be transferred or assigned to a Safety-sensitive/critical position;
- Medical assessment of Fitness for Duty for individuals who work in or are transferred into a Safety-sensitive/critical position;
- Searches when there are grounds to believe a banned substance is on the Premises of VIA Rail;
- Audit of prescriptions prescribing Medications including medicinal cannabis and obtaining additional information, when necessary;
- Inquiries of impaired driving charges/sanctions;
- Monitoring and ensuring compliance by contract workers.

## **Obligation to Report**

All Employees and Contractors of the Corporation have a duty and obligation to report any situation which may be in contravention of this Policy and its related procedures which he or she may be aware of, and which may result in a contravention of this Policy and its related procedures. He or she must immediately inform his or her Supervisor or any member of VIA Rail's Management Team of any perceived contravention. By way of example, it is the Employee's obligation to inform his or her Supervisor or a member of the VIA Rail's Management Team as soon as he or she believes that an Employee or a visitor on VIA Rail's Premises is not Fit for Duty or that a transfer of work responsibilities, including control of a Corporation facility (or part thereof), piece of machinery, motor vehicle or railway equipment, or supervision of a worksite, to a co-worker whom the Employee reasonably suspects may be unsafe.

The obligation to report is necessary in order to prevent accidents and to protect the health and safety of the Employees and clients as well as to the general public. Hence, the purpose of this obligation must be perceived positively as having the objective of prevention of accidents and adherence of safety rather than punishment.

Employees who wish to report an incident may also do so by using confidential reporting mechanisms available with Securitel or Clearview reporting set out in VIA Rail's intranet.

### **Obligation to Report for Employees Holding a Safety-Sensitive/Critical position**

#### **1) Alcohol, Drug and any Other Mood-altering substance or Medications Consumption**

In addition to the above regarding the VIA Rail Employees' obligation to report, Employees holding a Safety-sensitive/critical position must also abide to the reporting requirements described hereafter. The non-compliance with these requirements by any Employee holding a Safety-sensitive/critical position is a serious offence and will result in severe corrective action, up to and including termination.

It is mandatory for all Employees holding Safety-sensitive/critical positions to inform their Supervisor, before the beginning of their working day or shift of any and all consumption of Alcohol, Drug, any other Mood-altering substance or Medication:

- i. eight (8) hours before the beginning of their working day or shift;
- ii. at any time before the beginning of their working day or shift in the event that he or she feels any residual effects.

It is mandatory for all Employees holding Safety-sensitive/critical positions to inform their Supervisor, without delay, if they:

- i. consumed any kind or quantity of Alcohol, Drug, any other Mood-altering substance or Medication during their day at work or shift;
- ii. suspect to have developed dependency to Alcohol, Drugs, other Mood-altering substances or Medications;
- iii. consume, occasionally or regularly, outside of VIA Rail Premises any kind or quantity of Alcohol, Drugs, any other Mood-altering substances or Medications.

The Supervisor to whom such disclosures are reported must take appropriate measures in the circumstances to assure that the present Policy and related procedures are followed.

#### **2) Consumption of Medications**

In addition to the requirements regarding Medications described in the aforementioned section, the Employees holding Safety-sensitive/critical positions must additionally report any concerns about work-related safety issues to VIA Rail's designated medical provider (at 1 800 499-1394). The Medical provider will assess the situation to determine whether the Employee can safely perform regular duties. When it is determined that continued use

of the Medications will affect the individual's ability to operate safely, Employees are required to respect any recommendations including modified work, if needed, in order to eliminate any safety concern.

### **Continued Employment with conditions**

Should the Corporation determine that an Employee's job requirements will be continued in a specific circumstance, the individual will be required to enter into an agreement governing their continued employment which will set out conditions appropriate to the situation and that he or she must respect, the whole as defined in section VI of the related procedures.

Employees may be monitored for compliance with this Policy and its related procedures, including unannounced testing for Alcohol, Drugs, or any other Mood-altering substances or Medications as a condition of continued employment during a certain period. If an Employee is reinstated after dismissal, they must likewise comply with the present Policy and its related procedures at the time of reinstatement as well as any conditions associated with their continued employment.

### **Non-Compliance**

In all situations, an investigation will be conducted to verify that a contravention of the Policy and its related procedures has occurred or not. Non-compliance with this Policy and its related procedures by an Employee will result in the appropriate corrective action, up to and including termination. For example, recommendations may include but not limited to, such measures as warnings, proposals to seek professional help, and dismissal.

After any confirmed contravention of this Policy and its related procedures, the Employee may be referred to a substance abuse professional or a physician specialized in addiction medicine for an assessment to determine whether there is a need for a structured treatment program or not.

### **Coming Into Force**

This Policy is effective on October 17, 2018.