

Alcohol, Drugs, other Mood-altering Substances and Medication

Policy Owner:

Chief Human
Resources Officer

Effective Date:

May 2024

1 OBJECTIVE

1. Introduction

At VIA Rail Canada Inc. (“**VIA Rail**” or the “**Corporation**”), we are committed to ensuring the health safety, and well-being, that of our colleagues and customers. In accordance with the present policy, VIA Rail, its Employees and Contractors hereby undertake to maintain a safe workplace, free from the negative effects of Alcohol, Drugs, other Mood-altering substances, and Medication. VIA Rail has adopted the present Alcohol, Drugs, other Mood-altering Substances and Medications Policy (the “**Policy**”) and its related implementation procedure (the “**Procedure**”) as part of a comprehensive workplace health policy which includes the Employee Assistance Program (EAP), Drug and Alcohol awareness and prevention programs, health promotion programs, external counselling, follow-up referral services, and monitoring and follow-up by Supervisors. Determined to adopt a culture of Zero Tolerance in the workplace,¹ VIA Rail has decided to establish guidelines that must be followed and the consequences resulting from any breach of the present Policy and Procedure.

2. Objective

The present Policy and Procedure sets out the expectations for Employees and Contractors, as defined in Appendix A of the Procedure, visitors and any other person or entity that is governed by VIA Rail’s policies regarding the culture of Zero Tolerance in the workplace, as well as guidelines regarding Alcohol, Drugs, other Mood-altering substances, and Medication consumption. Emphasis is placed on prevention, minimizing risks associated with VIA Rail operations, and early intervention, as required. The Policy and Procedure also aims to ensure that VIA Rail Employees are Fit for Duty and remain so for the entire duration of their shift or workday. In addition, they are intended to inform Employees of the consequences that will be imposed for any violations of the rules set forth this Policy and Procedure.


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

2 SCOPE

This Policy and Procedure apply to all VIA Rail Employees, Contractors,² its visitors and any other person or entity that is governed by VIA Rail’s policies. Certain positions are designated Positions related to Railway Safety. Individuals holding one of these positions are held to a higher standard with respect to compliance of the present Policy and Procedure and they will be subject to more severe consequences if they are found to have breached any of the requirements of the Policy or

¹ It is strictly forbidden to contravene the Policy and Procedure in any way whatsoever.

² Any company, contractor or person providing services to VIA Rail or on VIA Rail’s behalf, that does not appear in the Corporation’s books. This includes consultants for VIA Rail and its representatives.



of the Procedure, due to the direct impact of their role on railway safety.

The positions related to Safe Railway Operations, as appears in Appendix B of the Procedure, are as follows:

1. Safety Critical Positions:

- a. Locomotive Engineer;
 - i. In Charge Locomotive Engineer (ICLE),
 - ii. Locomotive Engineer (LE).
- b. Manager, Transport;
- c. Police Officer (point 4).

2. Safety Sensitive Positions:

- a. Locomotive Attendant (LA);
- b. Yard Controller;
- c. Yardmaster;
- d. Transportation Operations Planner (TOP);
- e. Corporate Security Personnel (point 4);
 - i. Operational Role.

3. High-Level Safety Positions:

- a. Maintenance personnel in Maintenance Centers and Line Points;
- b. Maintenance of Way and Building personnel in Maintenance Centers;
- c. Stores Attendant, Locomotive Cleaner and Forklift Operator;
- d. Any other Station and/or Employee Service Centre (ESC) employee required to operate a motorized vehicle.



4. VIA Rail Police and Corporate Security.

- a. VIA Rail Canada Police Officer;
 - i. Safety Critical.
- b. Corporate Security Personnel;
 - i. Operational Role - Safety Sensitive.

This Policy and Procedure complement, but do not modify any safety regulations required by law. the *General Safety Rule 1.1*, *Canadian Rail Operating Rules (CROR) Rule G*, the *Safety Rules for VIA Rail Employees*, any CROR rules or VIA Rail safety regulations, supersede the Policy and Procedure.

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

3 DEFINITIONS

Key definitions of this Policy can be found in Appendix A of the Procedure.

4 ROLES AND RESPONSIBILITIES

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

1) VIA Rail's Management Team is responsible for:

- clearly defining the Corporation's expectations and Employee obligations regarding both this Policy and Procedure;
- updating both this Policy and Procedure by making the necessary changes;
- administering both this Policy and Procedure, and resolving any questions related to their interpretation;
- assisting Supervisors and Employees in fulfilling their responsibilities in applying both the Policy and Procedure;
- coordinating the development and delivery of Employee education programs and Supervisor training programs concerning consumption and substance-use disorders, whether in connection with Alcohol, Drugs, other Mood-altering substances, or Medication;
- coordinating assessments by substance use professionals or qualified physicians, as needed;
- on-going management of the Alcohol, Drugs, other Mood-altering substances, and Medication 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 Medication;
- communicating with Employees and implementing both this Policy and Procedure;
- monitoring and evaluating work performance with the goal of quickly identifying and dealing with problems;
- ensuring that the Employees for whom they are responsible are Fit for Duty when performing their jobs;
- promptly investigating any possible violation of the Policy and Procedure;
- contacting VIA Rail's designated medical services when concerned about an Employee's Fitness for Duty or ability to safely perform their work, whether for a known or suspected health problem;
- requesting testing for Alcohol, Drugs, other Mood-altering substances, or Medication, particularly following an incident, or where there is Reasonable Grounds to do so under this Policy or Procedure;
- advising VIA Rail's Management Team if, during any discussion, including performance-related discussions, an Employee discloses that they have a substance-use disorder whether in connection with Alcohol or Drug use, other Mood-altering substances, or Medication;
- notifying the Human Resources Business Partner, in accordance with this Policy and Procedure, of the proven or suspected presence of a substance or paraphernalia that is prohibited on the Corporation's Premises;
- ensuring compliance with all the obligations contained in this Policy and Procedure, in accordance with the applicable collective agreements, as well as Federal Labour laws, Privacy and Human Rights legislation;
- providing support and guidance to Employees with a substance-use disorder whether in connection with Alcohol, Drugs, other Mood-altering substances, or Medication, and when necessary, discretely guiding these Employees towards the appropriate resources, such as the EAP;
- imposing any disciplinary or administrative measures to Employees in violation of the rules and standards set out in both the present Policy and Procedure.

3) Medical services who act as a delegate of the designated executive Employee and who are responsible for assessing Fitness for Duty.

4) Employees are responsible for:

- reading and understanding both this Policy and Procedure, including the responsibilities applicable to their position, and consult either their Supervisor or the VIA Rail Management Team if they have questions;



- complying with both this Policy and Procedure, as well as existing laws, policies and regulations relating to Alcohol, Drugs, other Mood-altering substances, and Medication, and reporting for work Fit for Duty and remaining so throughout their shift, in compliance with the requirements and the standards set out this Policy and Procedure;
- always respecting the Zero Tolerance culture in the workplace, in the performance of their duties;
- submitting to any testing requested by the Corporation in compliance with this Policy and Procedure;
- reporting substance consumption or substance-use disorders whether in connection with Alcohol, Drugs, other Mood-altering substances, or Medication, as described in this Policy and Procedure;
- encouraging co-workers who may have a proven problem or emerging substance-use disorder whether in connection with Alcohol, Drugs, other Mood-altering substances, or Medication, to seek help from the EAP, where assistance will be provided in line with the Corporation's EAP Policy (Employees using EAP services are not exempt from their obligations to meet performance expectations nor their obligation to report misuse in accordance with the present Policy);
- seeking assistance from their Supervisor or EAP services, if they themselves have a substance-use disorder, whether it's in connection with Alcohol, Drugs, other Mood-altering substances or Medication (where applicable, the Employee undertakes notably to undergo a medical assessment or to put into practice any recommendation made by a health care professional, to follow the prescribed treatment and to participate in the follow-up or monitoring programs recommended after the primary treatment is completed);
- complying with any modifications to work deemed necessary due to safety hazards (see the Procedure);
- cooperating with the investigation of any violation of the present Policy and Procedure, including any request to participate in the testing program, whether the request is made by a Supervisor or other designated manager.

5 POLICY STATEMENT AND REQUIREMENTS


1. Requirements

Employees are expected to report Fit for Duty, in other words, free of any negative effects caused by Alcohol, Drugs, other Mood-altering substances or Medication, and remain Fit for Duty throughout their workday or shift. It is strictly prohibited for Employees to carry out their work if they are not Fit for Duty.

The same requirements apply to Employees who are required to be on-call.

***i)* Alcohol**

The present Policy and Procedure prohibit the following behaviors, particularly in the performance of duties:

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- To possess, distribute, offer, or sell Alcoholic beverages³ without permission;
 - Perform work while not being Fit for Duty;
 - Working while still experiencing the effects of Alcohol;
 - Consuming any product containing Alcohol, whether during the workday or on shift, including while on break or during a meal, regardless of being inside or outside of VIA Rail's Premises;
 - Returning to VIA Rail Premises after having consumed Alcohol while present at a social event (regardless of whether or not the event was organized by VIA Rail);
 - Consuming Alcohol during a call and/or in a meeting;
 - Employees are not authorized to consume a product containing Alcohol at any time, while traveling on VIA Rail trains, apart from unionized Employees who are traveling for personal reasons;
 - Obtaining a test result that is indicative of intoxication in violation with the present Policy and Procedure;
 - Consuming any product containing Alcohol after an incident, before being tested or before being informed if a test may be required.

ii) Drugs and other Mood-altering Substances

The present Policy and Procedure prohibit the following behaviors, in the performance of duties:

- The use, possession, distribution, cultivation / manufacturing, offering, sale or purchase of Drugs or other Mood-altering substances (which also includes any related paraphernalia);
- Not being Fit for Duty due to the use of Drugs or other Mood-altering substances while at work;
- Working while still experiencing the effects of Drugs or other Mood-altering substances;
- Consuming Drugs or other Mood-altering substances, whether during the workday or on shift, while on break or during a meal, regardless of being inside or outside of VIA Rail's Premises;
- Returning to VIA Rail Premises after having consumed Drugs or other Mood-altering substances, while present at a social event (regardless of whether or not the event was organized by VIA Rail);
- Consuming Alcohol during a call and/or in a meeting;
- Obtaining a test result for Drugs or other Mood-altering substances, that is indicative of intoxication, in violation with the present Policy and Procedure. Depending on the Drug or Mood-altering substance in question, VIA Rail will rely on professionals to conduct the test, in accordance with the Procedure, to determine whether or not the test is indicative of intoxication;
- Taking Drugs or other Mood-altering substance after an incident before being tested or before being informed if a test may be required.

³ This standard does not apply to on-board sales and does not prevent retail outlets and licensed business establishments from carrying out their normal operations.



iii) Medication

Medication must be used responsibly, and the Corporation must be advised of any need to modify an Employee's usual tasks, when there are safety risks involved. Medication that carries a risk are those that can inhibit an Employee's ability to perform their job safely and productively and therefore, making the Employee not Fit for Duty.

VIA Rail expects its Employees to consult their physician, their pharmacist or other health professional about the effects of both over the counter and prescribed Medications, including their possible impacts on the job performance of the Employee. If prescribed or over-the counter Medication is likely to affect the Employee ability to be Fit for Duty, the Employee is expected to immediately notify their Supervisor in writing, indicating what Medication(s) is being taken and the actual or potential impact on their job performance. The Employee must also provide any additional details or relevant information concerning their Medication or available pharmaceutical-grade alternatives, at the request of their Supervisor.

The present Policy and Procedure prohibit the following behaviors, in the performance of duties:

- The unauthorized possession, distribution, offering or sale of Medication, including cannabis for medical purposes, or the intentional misuse of Medication (for example, having prescription Drugs, such as cannabis for medical purposes, failure to take a Medication as prescribed or recommended by a pharmacist or health professional as consulted; using another person's prescription or combining Medication and Alcohol when contraindicated);
- Not being Fit for Duty due to Medication use;
- Working while still experiencing the effects of a Medication which may negatively impact the overall safety of VIA Rail activities;
- Taking Medication which could compromise the overall safety of VIA Rail's activities or the safety of any Employee during their workday or shift, including while on break or during a meal, regardless of being inside or outside of VIA Rail's Premises;
- Taking, while on-call duty, Medication that could compromise the overall safety of VIA Rail's activities;
- Obtaining a test result for Medication that is indicative of intoxication, in violation with the present Policy and Procedure. Depending on the Medication in question, VIA Rail will rely on professionals to conduct the test, in accordance with the Procedure, to determine whether or not the test is indicative of intoxication. This does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the Medications are taken in such a way that has been authorized by VIA Rail's medical services.

In addition to the general requirements above regarding Medication, Employees holding Positions related to Railway Safety must report any work-related safety hazards to VIA Rail's designated medical provider (at 1-800-263-9340 or by email at viarail@workplacemedical.com). The medical provider will assess the situation to determine whether the Employee can safely perform their regular duties. Once it has been determined that continued use of Medication affects an Employee's ability to work safely, Employees must comply with all recommendations, including modified work, to eliminate any safety hazards.

2. Assistance Program

VIA Rail offers EAP services that provide confidential and professional assistance to its Employees. The Corporation encourages its Employees to take advantage of EAP services for assistance in case of problems, notably those associated with substance misuse, or substance-use disorders associated with Alcohol, Drugs, other Mood-altering substances, and Medication. This program enables Employees and their families to seek the appropriate assistance within a confidential setting.

3. Investigations

The Corporation will use various investigative procedures to ensure compliance with the Policy and Procedure when deemed necessary. The following are examples, some of which are more fully detailed in the Procedure:


- Assessments or testing, if the Corporation has Reasonable Grounds to believe that an Employee is not Fit for Duty;
- Testing in a Reasonable Grounds or post incident situation involving an Employee holding a Position related to Railway Safety;
- Testing as imposed as part of a written agreement governing the return-to-work conditions “**Return to Work Agreement,**” following a violation of the Policy and Procedure, or after having completed a treatment program;
- Testing, when a person wants to be assigned into a Position related to Railway Safety;
- Medical assessment of the Fitness for Duty of all individuals who either occupy or have been transferred into a Position related to Railway Safety;
- Conducting searches, when there are Reasonable Grounds to believe that a prohibited substance is on VIA Rail Premises;
- Conducting an audit of prescription Medication, including cannabis for medical purposes and requesting any additional information, if applicable;
- Inquiring into any impaired driving sanctions, charges, or convictions;
- Compliance monitoring and verification of contractual Employees.

4. Obligation to Report

All Employees and Contractors of the Corporation have a duty and an obligation to report any situation which, to their knowledge, could either violate or lead to a violation of this Policy and Procedure, and related procedures. Either a Supervisor or a member of VIA Rail’s Management Team must be immediately informed, should such a situation arise. By way of example, it is the Employee’s obligation to inform their Supervisor or a member of the VIA Rail’s Management Team as soon as they believe that an Employee or a visitor on VIA Rail’s Premises is not Fit for Duty, or that a transfer of work responsibilities, including the control (either complete or in part) of a Corporation facility, a piece of machinery, a motor vehicle or railway equipment, or the supervision of a worksite, may be unsafe, for any Reasonable Ground.

The obligation to report is necessary for accident prevention and to protect the health and safety of Employees, clients, and the general public. As such, this ought to be seen as a proactive measure designed to prevent accidents and maintain safety, and not as a form of punishment.





Employees who wish to report an incident may do so by using the confidential reporting mechanisms available on VIA Rail's intranet (Securitel).

5. Prohibitions for Positions Related to Railway Safety

i. Safety Critical Positions

Employees who hold a Safety Critical Position are prohibited from consuming any, Drugs, Mood-altering substances, or Medication that could affect their ability to be Fit for Duty within the next twenty-four (24) hours and this if they are scheduled for work or may be required to work within the next **twenty-four (24) hours**. In addition, these Employees must not work if their blood Alcohol level is higher than 0.02.

Before starting their workday or shift, Employees who hold a Safety Critical Position are required to inform their Supervisor if they have taken any Drug, Mood-altering substance, and/or Medication of any kind, during the above-mentioned 24-hour prohibited period and/or if they have or suspect that they may have a blood Alcohol level at or above 0.02.

This 24-hour prohibited period does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the Medications are taken in such a way that has been authorized by VIA Rail's medical services.

ii. Safety Sensitive Positions

Employees who hold a Safety Sensitive Position are prohibited from consuming any, Drugs, Mood-altering substances, or Medication that could affect their ability to be Fit for Duty within the next twelve (12) hours and this if they are scheduled for work or may be required to work within the next **twelve (12) hours**. In addition, these Employees must not work if their blood Alcohol level is higher than 0.02.

Before starting their workday or shift, Employees who hold a Safety Sensitive Position are required to inform their Supervisor if they have taken any Drugs, Mood-altering substance, and/or Medication of any kind, during the above-mentioned 12-hour prohibited period, and/or if they have or suspect that they may have a blood Alcohol level at or above 0.02.

This 12-hour prohibited period does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the Medications are taken in such a way that has been authorized by VIA Rail's medical services.

iii. High-Level Safety Positions

Employees who hold a High-Level Safety Position are prohibited from consuming any Drugs, Mood-altering substances, or Medications that could affect their ability to be Fit for Duty in the next eight (8) hours and this if they are scheduled for work or may be required to work within the next **eight (8) hours**. In addition, these Employees must not work if their blood Alcohol level is higher than 0.02.

Before starting their workday or shift, Employees who hold a High-Level Safety Position are required to inform their Supervisor if they have taken any Drugs, Mood-altering substances, and/or Medications of any kind, during the above-mentioned 8-hour prohibited period, and/or if they have or suspect that they may have a blood Alcohol level at or above 0.02.

This 8-hour prohibited period does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the Medications are taken in such a way that has been authorized by VIA Rail's medical services.

iv. VIA Rail Police and Corporate Security

a) **Police Officers:**

VIA Rail Police Officers who have a Safety Critical Position are prohibited from working while under the influence of Drugs, Mood-altering substances, or Medication that could affect their ability to be Fit for Duty within the next twenty-four (24) hours and this if they are scheduled for work or may be required to work within the next **twenty-four (24) hours**.. In addition, these Employees must not work if their blood Alcohol level is higher than 0.02.

Before starting their workday or shift, Employees holding a Safety Critical Position, are required to inform their Supervisor if they have taken any Drugs, Mood-altering Substance, and/or Medication of any kind, during the above-mentioned 24-hour prohibited period, and/or if they have or suspect that they may have a blood Alcohol level at or above 0.02.

This 24-hour prohibited period does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the Medications are taken in such a way that has been authorized in advance by VIA Rail's medical services.

b) **Corporate Security Personnel:**

Corporate Security personnel, when occupying an **operational role**, are considered to be holding a Safety Sensitive Position and are prohibited from working while under the influence of Drugs, Mood-altering substances, and/or Medications that could affect their ability to be Fit for Duty, in the next twelve (12) hours and this if they are scheduled for work or may be required to work within the next **twelve (12) hours** . In addition, these Employees must not work if their blood Alcohol level is higher than 0.02.

Before starting their workday or shift, Employees holding a Safety Sensitive Position, are required to inform their Supervisor if they have consumed Drugs, Mood-altering Substances, and/or Medications of any kind, during the 12-hour prohibited period, and/or if they have or suspect that they may have a blood Alcohol level at or above 0.02.

This 12-hour prohibited period does not apply to Medications that have already been declared by the Employee and evaluated by VIA Rail's medical services, insofar as the medications are taken in such a way that has been authorized in advance by VIA Rail's medical services.

When Corporate Security personnel occupies an **administrative role**, they will be subject to the same obligations as all other VIA Rail Employees.

v. Alcohol, Drugs, other Mood-altering Substances, or Medication Consumption

In addition to the above reporting obligation, VIA Rail Employees holding Positions related to Railway Safety must abide by the following reporting requirements. Failure to comply with these requirements is a serious offence that will lead to severe corrective actions, up to and including termination.

It is mandatory for Employees holding Positions related to Railway Safety to inform their Supervisor, without delay, if they:

- i. have consumed any kind or quantity of Alcohol, Drugs, other Mood-altering substances or Medication during the day or their shift;
- ii. believe they may have a substance-use disorder be it to Alcohol, Drugs, other Mood-altering substances, or Medication;
- iii. are still feeling the effects of Alcohol, Drugs, other Mood-altering substances, or Medication, at any time prior to starting their workday or shift.

The Supervisor involved, must take appropriate measures in the circumstances to ensure compliance with the present Policy and Procedure.



Employees holding Positions related to Railway Safety are also required to immediately inform either their personal physician or the VIA Rail designated medical services of any change, whether in frequency or amount of their Alcohol, Drugs, or other Mood-altering substance and Medication consumption.

6. Continued Employment

Should the Corporation determine that an Employee is able to continue to meet the requirements of their position under specific circumstances, the individual will be required to enter into a Return to Work Agreement governing their continued employment, which will set out conditions specific to the situation in compliance the requirements defined in the Procedure.

Employees may be monitored for compliance with this Policy and Procedure, which in particular will include random testing for Alcohol, Drugs, other Mood-altering substances or Medication as a condition of continued employment, during a given period of time. If an Employee is reinstated after dismissal, they must comply with the present Policy and Procedure at the time of reinstatement as well as any other conditions associated with their continued employment.

7. Non-Compliance

In all situations, an investigation will be conducted to verify whether or not a violation of the Policy and Procedure has occurred. An Employee's failure to comply with this Policy and Procedure will lead to severe corrective actions, up to and including termination. Recommended corrective actions may include warnings, proposals to seek professional help, Return to Work Agreements and even termination.

Whenever a violation of this Policy and Procedure is confirmed, the Employee may be referred either to a substance abuse professional or a qualified physician for an assessment to determine whether a structured treatment program may be required.

Coming Into Force

This Policy is effective as of October 17, 2018.

6 SUPPORTING DOCUMENTATION

6.1 Procedure

Alcohol, Drugs, other Mood-altering Substances and Medications Policy Implementation Procedure.

6.2 Resources

N/A

7 REFERENCES

N/A

8 REQUESTS FOR INFORMATION

Questions regarding the interpretation of this Policy must be addressed to the Chief Human Resources Officer, specifically to the attention of:



9 APPROVAL AND REVISION HISTORY

This Policy is to be reviewed by the Policy Owner every two years.

9.1 Approval

This Policy (version 1.3) was approved as of the date indicated below:

Ethics Committee

Title of Approving Authority

December 1, 2023

Date

9.2 Revision History

Version	Description of major change(s)	Effective date
1.2	<p>For those in safety-sensitive/safety-critical positions</p> <ul style="list-style-type: none"> • Increased prohibition period for the consumption or use of any Drug or Mood-altering substance to 24 hours prior to duty or expected duty; • Mandatory reporting to personal physician or designated medical provider of change in frequency or amount of Drugs, Mood-altering substances or Alcohol used or consumed. 	December 10, 2019
1.3	<ul style="list-style-type: none"> • Complete Standardization of the Policy. • Addition of the term “Mood-altering Substances” throughout the Policy. • Review of the Policy every 2 years. • Addition of the term “visitors”. • Changes to the term addiction and drug addiction for the medical term: “substance-use disorder” that is used in the Diagnostic and Statistical Manual of Mental Disorders (DSM5) • Changes to “physician specialized in addiction medicine” for “substance-abuse disorder and qualified physician”. • Review of the structure for Positions related to Railway Safety 	May, 2024

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| | <ul style="list-style-type: none">• Review of the prohibitions for Positions related to Railway Safety. | |
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