



VIA Rail Canada Procedure 1.09 A

Implementation Procedure for the Alcohol, Drugs, Other Mood-Altering Substances and Medication Policy

Procedure Owner: Chief Human Resources Officer

Effective Date: May 2024

1 OBJECTIVE

The following Implementation Procedure (the “**Procedure**”) has been developed in order to clarify and implement VIA Rail Canada’s (“**VIA Rail**” or the “**Corporation**”) Alcohol, Drugs, Other Mood-Altering substances and Medication Policy (the “**Policy**”).

2 SCOPE

This Procedure sets out detailed standards associated with the possession and consumption of Alcohol, Drugs, other Mood-altering substances or Medication. This Procedure also provides guidance on assistance programs as well as the assessment procedures which aim to ensure that Employees with disabilities are provided with assistance and appropriate workplace accommodations, in accordance with the applicable Human Rights legislation.

For any questions about this Procedure, and / or its application, you may contact your Supervisor or Human Resources.

3 DISABILITY MANAGEMENT

- i. **Prevention:** The Policy and Procedure focus on both the importance of prevention and early detection for dealing with potentially problematic situations. The Corporation’s goal, through these documents, is to provide information on health and safety hazards, on recognizing related performance shortcomings and on the process which permits all of its Employees and Contractors to obtain assistance.
- ii. **Assistance:** VIA Rail encourages its Employees to take advantage of its Employee Assistance Program (EAP) and its medical services, as needed, as use suitable community services that offer assistance for substance-use disorder (such as Alcohol, Drugs, other Mood-altering substances or Medication), that could have an impact on safe work performance.
- iii. **Assessment and Reintegration:** The Corporation acknowledges that substance-use disorders related to with Alcohol, Drugs, other Mood-altering substances, or Medication, are medical conditions that can be treated for which early intervention can contribute to a lasting recovery. Anyone who suspects that they have a substance-use disorder or who has a consumption problem has the obligation to inform to the Corporation, seek help, and promptly follow the appropriate treatment, before workplace safety is compromised or violations of VIA Rail’s Policy and Procedure occur.
- iv. **Work Modification:** If a health professional, a professional specializing in substance-use disorders, a qualified physician or any other professional consultant deems that there may be a risk preventing an Employee from carrying out their usual work safely, a medical recommendation may be issued and the employee may be assigned to other duties, at the Corporation’s discretion.



- v. **Aftercare:** All Employees who complete primary treatment (an addiction treatment center or out-patient treatment for example) for a substance-use disorder related to Alcohol, Drugs, other Mood-altering substances, or Medication, will have to participate in return-to-work follow-up program, to promote a sustainable recovery. Employees will also be expected to sign a written Return to Work Agreement and the consequences for failing to meet these conditions. The Return to Work Agreement may also include random testing to confirm that the Employee is Fit for Duty, ensure workplace safety and allow for regular follow-ups with the necessary authorities. An Employee's failure to meet the conditions of the Return to Work Agreement, may warrant disciplinary measures which could lead to dismissal.
- vi. **Responsibilities:** Employees must understand that access to support services, or declaring a substance-use disorder does not eliminate the Employee's duty to maintain safe and acceptable performance levels. Discipline or testing, if warranted, cannot be avoided by merely making a request for assistance with a problem or disclosing that they are already participating in a treatment program.
- vii. **Medical Fitness for Duty Assessment for Positions related to Railway Safety:**
- a. **Evaluation Requirement:** Employees who work in Positions Related to Railway Safety are required to undergo medical assessments in the following situations:
- when assigned to such a position;
 - in accordance with medical recommendations if they have a medical condition that could affect the safety of operations.

As part of medical Fitness for Duty assessments, Employees will be evaluated for a consumption problem or substance-use disorders related to Alcohol, Drugs, other Mood-altering substances, or Medication, as well as other medical conditions that could have an impact on safety.

Assessments will be conducted according to recognized medical practices and will be managed by VIA Rail's designated medical services provider or any other Substance-use professional or qualified physician in the field. Any Employee diagnosed with a consumption problem, or a substance-use disorder related to Alcohol, Drugs, other Mood-altering substances, or Medication, will be removed from service and arrangements will be made for an appropriate treatment program as soon as possible.

- b. **Relapse Prevention:** All Employees having undergone treatment will be required to comply with a Return to Work Agreement to maintain Fitness for Duty for Positions related to Railway Safety. The Return to Work Agreement is confidential and is entered into between the Employee and VIA Rail's Health Safety and Wellness, who will evaluate Fitness for Duty and monitor compliance with the agreement. The Return to Work Agreement will set out the conditions governing a return to work and any consequences for non-compliance with these conditions. It may also include random testing to ensure that the Employee is Fit for Duty and equally to ensure continued workplace safety.



Where the monitoring process establishes that the Employee is not complying with their Return to Work Agreement, management will be informed that the Employee is not fit to occupy a Position related to Railway Safety due to non-compliance. In such circumstances, the Employee may be subject to disciplinary action which could include dismissal.

- viii. **Confidentiality:** Confidentiality will be maintained except where limited disclosure is deemed necessary due to related health and safety concerns (e.g., when there is a potential risk to self, others, or the Corporation). Only information strictly limited to the Employee's level of functionality (e.g., such as Fitness for Duty and any applicable restrictions) may be shared if required, for the purposes of determining Fitness for Duty, a work-related accommodation, and/or return-to-work arrangements.

4 PROCEDURES

I. PERFORMANCE MANAGEMENT

VIA Rail will continue to focus on the normal work performance follow-up process. Supervisors are to remind any individuals with performance shortcomings to seek assistance if a personal problem becomes significant to the point of affecting their job performance.

Employees seeking help with a substance-use disorder related to Alcohol, Drugs, other Mood-altering substances, or Medication by way of this process, will be referred to the appropriate services to undergo assessment by a substance abuse professional or a qualified physician and will be supported through a treatment and aftercare program that is consistent with the professional's recommendations, within the limits of the Corporation's benefit plan.

II. INVESTIGATIVE PROCEDURE - POLICY VIOLATION

- i. **Unfit for Duty Situations:** In any situation where VIA Rail has Reasonable Grounds to believe that an Employee is not Fit for Duty due to consumption or residual effects of consumption of Alcohol, Drugs, other Mood-altering substances, or Medication in the workplace, the Supervisor will escort that Employee to a safe and private area. The Employee will be interviewed about their Fitness for Duty and must be able to provide a reasonable explanation for their behavior or condition, and the Supervisor will take appropriate action in the situation. If the explanation provided is not considered satisfactory and / or the Employee is deemed not Fit for Duty, the Supervisor may then take one of the following actions:
- **Positions related to Railway Safety:** In the presence of Reasonable Grounds allowing to conclude that the consumption of Alcohol, Drugs, other Mood-altering substances, or Medication could be the cause of the situation, the Corporation could take the necessary steps to test for Reasonable Grounds (see the next section).
 - **Positions other than those related to Railway Safety:** In the presence of sufficient grounds allowing to conclude that Alcohol, Drugs, other Mood-altering substances or Medication could be at the root of the situation, the Corporation can relieve the Employee of their duties until an investigation has been concluded.



VIA Rail will escort the Employee to a rest area or a medical services facility, depending on the circumstances, and then either bring them directly home or transport them to another address where they can be entrusted into the care of another adult person.

ii. **Alcohol, Drugs, Mood-Altering Substances or Medication Testing**

Positions related to Railway Safety:

Employees who hold Positions related to Railway Safety may be tested in the following circumstances:

- a. Testing for Reasonable Grounds: Testing may be conducted whenever there is/are Reasonable Ground(s) to conclude that an Employee's actions, behavior, appearance or conduct at work or on the Corporation's Premises, are indicative of Alcohol, Drugs, other Mood-altering substances, or Medication consumption.

The decision to proceed with testing will be made by a Supervisor, after first having consulted with another member of VIA Rail's Management Team, when possible (either in person or by phone) insofar as it does not delay the process. The reason(s) supporting this decision must be documented as soon as practicable after action has been taken. The referral for testing will be based on specific, personal observations resulting from indicators such as:

- observed use or proven use of Alcohol, Drugs, other Mood-altering substances, or Medication consumption (e.g., smell of Alcohol or other physical signs, etc.);
- erratic or abnormal behavior or changes in an Employee's behavior;
- changes in an Employee physical appearance or their speech patterns;
- any other signs indicating that the consumption of Alcohol, Drugs, other Mood-altering substances, or Medication may be a factor, as appears in Appendix F.

Employees who are submitted to testing in these circumstances will be removed from duty until an investigation has been concluded. Depending on the test result(s), a medical Fitness Duty assessment may also be required.

- b. Post Incident Testing: Alcohol, Drugs, other Mood-altering substances, or Medication testing may be required after a collision or a significant or potentially significant accident or incident as part of a full investigation into the event. The decision to refer an Employee, or a group of Employees, for testing will be made by the Supervisor who was present during the incident, after first having consulted with another member of VIA Rail's Management Team, when possible (either in person or by phone) insofar as it does not delay the process.

A significant or potentially significant accident or incident can include one that causes or could have caused the following:

- an accidental death;
- injury to a worker, a member of the public or any other individual;
- an environmental incident with significant consequences;
- significant damage or loss of property, equipment, or vehicles.



In addition to the significant or potentially significant incidents listed above, VIA Rail's Management Team, may at its discretion and during the course of an investigation, request post-incident testing, following any other significant work-related incident, *Canadian Rail Operating Rules* (CROR) violations, or near misses that are considered to have had significant potential for more serious consequences.

Testing will also be required following less significant incidents if, as a result of the preliminary investigation, it is concluded that the consumption of Alcohol, Drugs, other Mood-altering substances, or Medication may have been a factor (e.g., in a Reasonable Grounds situation).

The following guidelines also apply:

- the decision to test must be made as soon as possible after the triggering event;
- arrangements for testing must be made as soon as possible, unless immediate medical attention is required;
- the reasons justifying the necessity for a test must be documented as part of the preliminary investigation as soon as practicable after the triggering event;
- a test will not be necessary if there is clear evidence that the acts or omissions of Employees could not have been a contributing factor (e.g., either a structural or mechanical failure, or environmental factors were in play);
- only those Employees for whom there is Reasonable Grounds to conclude that they were directly involved in the chain of acts or omissions leading up to an incident, will be referred for testing;
- when a delay is encountered, Employees waiting to be tested must refrain from consuming any Alcohol, Drugs, other Mood-altering substances, or Medication, until after testing has been completed, or before they have been advised that a test is not required.

Incident Reporting:

- Employees are required to report any incident to their immediate supervisor as soon as possible and are expected to fully participate in any subsequent investigation(s).
- Failure to report an incident is considered a violation of the Policy and Procedure.

Appendix D contains an overview of the testing procedures. Supervisors who have questions are to contact the Program Administrator.

- c. Pre-Employment Testing: Any candidate wishing to apply for positions that are:
- i) Safety Critical;
 - ii) Safety Sensitive; or
 - iii) VIA Rail Police and Corporate Security.

will be required to undergo a medical Fitness for Duty assessment and pass a Drug test, as a condition of employment. Failure to pass the pre-employment Drug test could disqualify a candidate for these positions.



Candidates applying for High-Level Safety positions will be required to undergo a pre-employment medical Fitness for Duty assessment.

Employees who are already in a High-Level Safety Position will not be required to undergo an additional pre-employment medical Fitness for Duty assessment if they apply to a different position within the same category (i.e., High-Level Safety). However, if they apply to a position in a different Position related to Railway Safety they will be required to undergo the medical and drug testing associated with that category.

iii. Alcohol, Drugs, Other Mood-Altering Substance or Medication Testing.

All Employees may be subject to testing in the following circumstances:

- a. Testing for Reasonable Grounds: Testing may be conducted whenever there is/are Reasonable Ground(s) to conclude that an Employee's actions, behavior, appearance or conduct at work or on the Corporation's Premises, are indicative of Alcohol, Drugs, other Mood-altering substances, or Medication consumption.

The decision to proceed with testing will be made by a Supervisor, after first having consulted with another member of VIA Rail's Management Team, when possible (either in person or by phone) insofar as it does not delay the process. The reason(s) supporting this decision must be documented as soon as practicable after action has been taken. The referral for testing will be based on specific, personal observations resulting from indicators such as:

- observed use or proven use of Alcohol, Drugs, other Mood-altering substances, or Medication consumption (e.g., smell of Alcohol or other physical signs, etc.);
- erratic or abnormal behavior or changes in an Employee's behavior;
- changes in an Employee physical appearance or their speech patterns;
- any other signs indicating that the consumption of Alcohol, Drugs, other Mood-altering substances, or Medication may be a factor, as appears in Appendix F.

Employees who are submitted to testing in these circumstances will be removed from duty until an investigation has been concluded. Depending on the test result(s), a medical Fitness Duty assessment may also be required.

- b. Return to Work - Post Violation: In situations involving a return to work following a violation of the Policy or Procedure, Employees will be required to pass a test and may also be subject to random testing if considered a condition of continued employment, provided for in their Return to Work Agreement with the Corporation.
- c. Return to Work - Post Treatment: Random testing may serve as a monitoring tool, on a case-by-case basis as part of a Return to Work Agreement, for Employees returning from primary treatment for a substance-use disorder related to an Alcohol, Drug or any other Mood-altering substance or Medication.

- iv. Failure to Comply with the Requirement to Undergo Testing**: Failure to report for testing, refusing to submit to testing, refusing to agree to the disclosure of a test result to the Program Administrator, a proven attempt to tamper with a test sample, or intentionally conceal an incident which might require testing, represent violations of the Policy and Procedure.



- v. **Possession of Alcohol or Drugs:** VIA Rail reserves the right to investigate any situation for which there are Reasonable Grounds to believe in the presence of Alcohol, Drugs, other Mood-altering substances, or Medication without a valid prescription are present on the Corporation's Premises, which represents a violation of the Policy and Procedure.

Supervisors are responsible for identifying situations that could warrant an investigation, based on a combination of factors which may include, among other things, behavior, odor, or the presence of Drug Paraphernalia. Supervisors will also be responsible for advising Employee Relations of the situation, who will make the final decision regarding the investigation and how it will be conducted, if applicable.

- vi. **Impaired Driving Charge / Suspension or Revocation of a Driver's License:** Any Employees who operate a Corporation-owned vehicle or who have to drive as part of their job at VIA Rail must hold a valid driver's license. Anyone subject to this requirement, must immediately report the loss of driving privileges to their Supervisor, regardless of the nature of the violation. Moreover, any Employee charged with Impaired Driving under the *Criminal Code* or who has had their license suspended or revoked under a provincial Highway Traffic act must immediately inform their Supervisor.

Impaired driving charges include, notably, exceeding the established legal blood alcohol limit, driving a motor vehicle while under the influence, refusing to submit to a breath alcohol test and refusing to provide a sample for testing purposes. Impaired driving charges or the suspension of driving privileges will automatically result in an investigation, and depending on the situation, appropriate measures will be taken which may include discipline (for example: examination by a substance abuse professional or qualified physician). Failure to report impaired driving charges or a suspension of driving privileges will generally be grounds for disciplinary action up to and including immediate dismissal without any prior notice.

III. SOCIAL EVENTS

In the case of any social corporate events organized by VIA Rail, Employees will be expected to take appropriate steps regarding the safety and well-being of the individuals present as well as the community. The consumption of Drugs including cannabis, or Mood-altering substances, is strictly prohibited. Responsible Alcohol consumption is allowed during corporate social events organized by VIA Rail and those that are held offsite. Employees must have obtained prior approval from a member of VIA Rail's executive team for offsite events, which will be conducted in accordance with the Corporation's guidelines.

Any Employee who chooses to consume Alcohol during a corporate social event is prohibited from, under any circumstance, returning to work with the intention of finishing their workday or scheduled shift.

Along the same lines, if Alcohol is made available to guests during work hours (e.g., at a restaurant meeting), Employees must abstain from the consumption of Alcohol if they intend to return to work afterwards.

IV. CONSEQUENCES OF A POLICY OR PROCEDURE VIOLATION

An Employee who violates any of the provisions of the Policy or Procedure, who does not meet the Corporation's satisfactory standards of work performance as a result of Alcohol, Drugs or any other Mood-altering substance or Medication consumption, will be subject to appropriate corrective action up to and including dismissal. In all situations, an investigation will be conducted and documented (in accordance with collective agreements, if applicable) to verify whether or not a violation of the Policy or Procedure has occurred, before corrective action is taken.



As such, the Supervisor has the authority, and may, at their discretion, relieve any Employee of their duties, if the Supervisor believes them to be involved in an incident that could lead to disciplinary or administrative action pending the results of the investigation. The corrective measures will always depend upon the nature of the offence and the circumstances surrounding it.

- i. **General Provisions:** Certain violations may be considered sufficiently serious that dismissal is warranted on a first occurrence. Examples: working while not being Fit for Duty, consuming Alcohol, Drugs, other Mood-altering substances, or Medication which could compromise the safety of VIA Rail's activities during the workday or while on shift, which includes during meals and work breaks, inside and outside of VIA Rail Premises, or selling or dealing in or being in possession of Drugs, Mood-altering substances, or Medication, including Alcohol.
- ii. **Positions related to Railway Safety:** The following are considered violations of the Policy and Procedure: failure to report any substance consumption or substance-use disorder related to Alcohol, Drugs, other Mood-altering substances, or Medication, whether the events occur on or off VIA Rail Premises; a positive substance test or a failure to submit to testing. These results will be taken into account during investigations.

A positive breath Alcohol test of 0.02 and/or consumption of Drugs, Mood-altering substances, and/or Medication during the prohibited period related to the position in question, will be considered a violation of the Policy and Procedure.

- iii. **VIA Rail's Policy:** Any failure by the Employee to declare a substance-use problem whether Alcohol, Drugs, other Mood-altering substances or Medication-related, regardless of whether it is on VIA Rail's premises or not, a positive result to a substance test and/or a positive breath alcohol test (where the result surpasses 0.02) will be considered as violations of the Policy and Procedure. These results will be taken into consideration during investigations.
- iv. **Consultation for evaluation purposes:** Following a proven violation of the Policy or Procedure, a recommendation can be made for an Employee to be assessed by a substance abuse professional or qualified physician to determine whether a structured treatment program may be needed.

Maintaining employment in Positions related to Railway Safety will be subject to the requirements of a medical Fitness for Duty assessment specific to that position. For all Employees, failure to meet the requirements for their Return to Work Agreement could be grounds for disciplinary measures up to and including termination.

- v. **Off Duty Activities:** VIA Rail will investigate any situation in which off-the-job activities involving the consumption of Alcohol, Drugs, other Mood-altering substances, or Medication, could either affect the workplace or the Corporation's image and reputation, and take appropriate action, according to the circumstances, which could lead to termination (e.g., impaired driving convictions, drug trafficking, bootlegging charges, etc.).



APPENDICES

Appendix A: Key Definitions

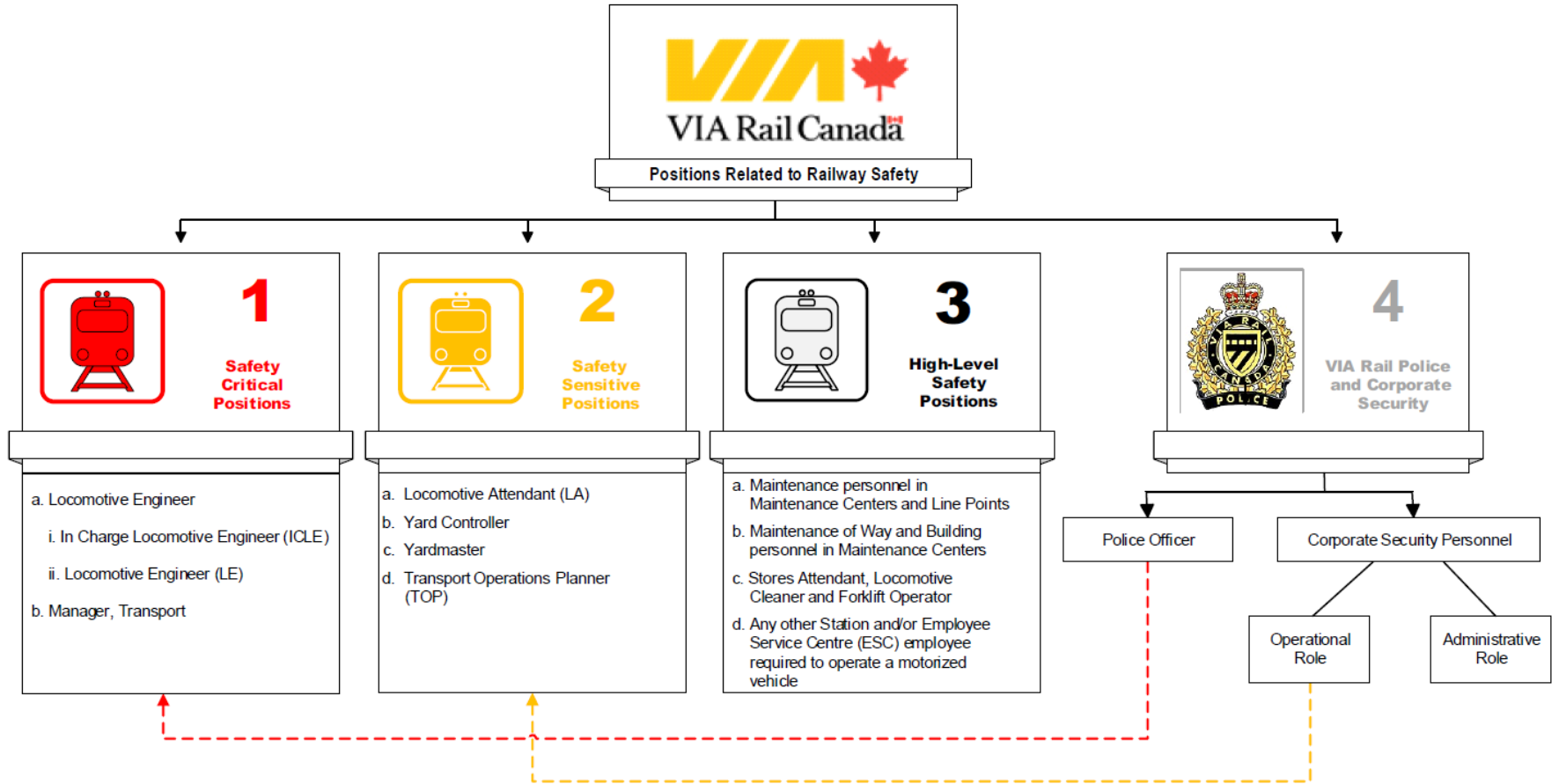
In the Policy and Procedure, unless otherwise stipulated, the following words and expressions mean:

Alcohol	Any drink containing any amount of Alcohol whatsoever. For example, this could be beer, wine, distilled spirits, and any intoxicating substances found in certain types of Medication or other products.
Contractor	Any company, contractor, or person providing services to VIA Rail or on behalf of VIA Rail, but whose name is not listed on the Corporation's payroll. This includes consultants and VIA Rail representatives.
Drug Paraphernalia	Anything associated with the use of Drugs, other Mood-altering substances, or Medication. It also includes any product or device that can be used in an attempt to tamper with or falsify a test sample.
Drugs	Drugs refers to any substance which may have the potential to change or adversely affect the way a person thinks, feels or acts. It includes, but is not limited to, Medications, cannabis/marijuana (whether for medical use or recreational use), legal, illegal or illicit drugs or any Mood-altering substance.
Employee	Any person employed by the Corporation whether on a full-time or part-time basis (executives, managers, supervisors, employees who are covered or not by a collective agreement, students and temporary or contractual employees).
Fit for Duty (Fitness for Duty)	The ability to perform any assigned task or a work-related task safely and properly, without any limitation and negative physiological or cognitive effects caused by the consumption or residual effects of Alcohol, Drugs, other Mood-altering substances, or Medication.
Medication	Refers to a Drug obtained legally, either over-the-counter or through a doctor's prescription.
Mood-altering substance	Any other product whether legally or illegally used that can cause cognitive and physical deficits, such as adversely affecting the way a person thinks, feels or acts that impacts or can impact work performance.



Positions related to Railway Safety	A list of these positions is included in the Policy and appended to Procedure at Annex B.
Premises of VIA Rail/ VIA Rail's Premises /Premises of the Corporation / Corporation's Premises	In particular, this includes all land, structures, facilities, premises, vehicles and rolling stock that VIA Rail owns, leases, operates or otherwise controls.
Reasonable Grounds	Includes notably, objective information established by observations of an Employee's conduct or other indicators such as, without limitation, physical appearance, attendance record, circumstances surrounding accidents or near misses in the workplace, presence of Alcohol, Drugs, Mood-altering substance, Medication and Drug paraphernalia in the vicinity of the Employee or an area where the Employee works.
Supervisor	Any management position responsible for any particular team or sector.
VIA Rail/ the Corporation's activities	Refers to all business activities, with commercial objectives in mind, performed by Employees in the course of the Corporation's business operations, whether or not they are carried out on VIA Rail Premises. They include all situations in which an Employee represents the Corporation.
Zero Tolerance	Formal prohibition to contravene the Policy and Procedure in any way whatsoever.

Appendix B: Positions Related to Railway Safety





Appendix C: Medication Guidelines

All Employees are expected to manage the secondary side effects or potential impairment of licit or illicit use of Medications. The following Drug categories have been associated with possibility of affecting Fitness for Duty. The list is not exhaustive; there are numerous other over the counter and prescription Drugs which, when taken, may adversely affect safety and cause impairment.

Employees in Positions related to Railway Safety are expected to report any concerns about the safe operation of vehicles or rolling stock to VIA Rail's designated medical services provider, who will assess the situation to determine whether an Employee can safely perform their regular duties. Employees must comply with the recommendations.

- a. **Antihistamines** – Often prescribed for hay fever and other allergies (e.g., Allegra, Dimetane). They are also found in many cold Medications. These Medications may cause drowsiness.
- b. **Motion Sickness Drugs** – are used to prevent motion sickness and nausea (e.g., Gravol, Antivert). Secondary side effects may include drowsiness.
- c. **Barbiturates, Sedatives, Sleeping Pills, Tranquilizers, Antidepressants** – are used to treat sleep disorders and depression (e.g., Ativan, Imovane, Paxil). Potential side effects may include mild sedation, hypnotic state, dizziness, or drowsiness.
- d. **Narcotics** – e.g., **Dilaudid, Codeine, OxyContin, Percocet**. Codeine is often found in combination Drugs such as 222s or 292s or Tylenol 1, 2, and 3. Possible secondary side effects include drowsiness, dizziness, and light-headedness.
- e. **Stimulants** – Medication used for central nervous system stimulation and for appetite suppression that can produce a sensation of well-being and which may have an adverse effect on judgment, Mood and behavior (e.g., Concerta, Adderal, other amphetamines or Medications sold as “diet pills”).
- f. **Anticonvulsants** – are used to control epileptic seizures and can cause drowsiness in some patients (e.g., Dilantin).
- g. **Muscle Relaxants** – Used to treat musculoskeletal pain. The most common side effects are sedation and drowsiness (e.g., Flexeril, Robaxisal). Cold Tablets and cough syrups – in particular, nighttime remedies that can cause drowsiness (e.g., Sinutab, Contac, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine).
- h. **Cannabis for medical purposes.**



Appendix D: Alcohol, Drugs, Other Mood-Altering Substance and Medication Testing Procedure

The Alcohol, Drugs, other Mood-altering substances, and Medication testing process is based on rigorous collection, analysis and reporting procedures designed to ensure the accuracy and integrity of the results. The different steps of the testing process appear below.

1. Testing will be conducted in the circumstances outlined in the Policy and Procedure to determine the presence of Drugs from six classifications: cannabinoids, amphetamines, cocaine, opioids, phencyclidine, and alcohol. The addition of any other Drugs to this list will be made by the Corporation on the basis of justifiable reasons and Employees will be notified accordingly. Testing for additional Drugs may also be required on an ad-hoc basis, as recommended by a treatment center or substance abuse professional following treatment.
2. The collection of specimens for Drug testing and the performance of Alcohol tests will be performed by persons who trained for this purpose. Employees who are tested must sign a form acknowledging the accuracy of the information for both the Employee and the collector, as well as the authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form (drug form) and the Alcohol Testing Form (alcohol form) for their records.
3. Alcohol tests will be administered using a calibrated breathalyzer. Alcohol testing may only be done by urine collection for confirmation analysis in the laboratory in cases where a breath analyzer is not readily available.
4. In post incident / accident situations or when testing for Reasonable Cause, Drug, other Mood-altering substances, or Medication testing will be performed by collecting a saliva or urine sample for analysis by a fully qualified and accredited laboratory. The process is carried out in accordance with current standards.
5. Testing of candidates for Positions related to Railway Safety: testing as a condition for a return to work either post violation or post treatment, and random testing of Employees under the Return to Work Agreement will be performed by collecting urine samples for Drug testing that will be analyzed by the laboratory in accordance with current standards.
6. Positive Drug test results confirmed by the Laboratory will be reviewed by a qualified independent physician who will discuss the results with the Employee to determine whether a legitimate reason could explain the results. The Employee will be given the opportunity to explain the findings to the reviewing physician who then determines whether the results will be reported to the Corporation's Program Administrator as a negative, a verified positive, a tampered or substituted specimen result.
7. In the case of a verified positive Drug test result, or if the results are falsified by a problem with the sample, the Employee may ask the reviewing physician to split the sample to be tested (or in the case of a single sample collection, retest the sample) within seventy-two (72) hours of receiving the results. If a second confirmed positive test is reported, the person who requested the second analysis is responsible for reimbursing the Corporation for the associated costs.
8. If the test is reported as diluted and negative, or cancelled because the specimen is invalid, the Employee will be required to provide an additional sample for testing as soon as possible.
9. All test results will be reported directly to the Corporation's Program Administrator or designate. In accordance with the Policy and Procedure, except in situations affecting the health and safety of workers and the public, test results will be retained by the Program Administrator and kept confidential, unless their disclosure is either required by law or authorized by order of a tribunal or court.



Appendix E: Guidelines for Business and Social Events

VIA Rail Social Events: The following guidelines must be followed at all social events organized by VIA Rail during which Alcohol is served. Such events must be held off site and must have received prior approval from a member of the executive team.

1. Professional, trained servers will work at each event and/or will supervise the use of untrained servers.
2. Each event will have a designated "chief host/hostess" who, with assistance from others will be responsible for:
 - obtaining the appropriate permits;
 - establishing the general atmosphere of the event;
 - acting as the sole contact with the servers during the event as concerns the opening and closing times, food, and beverage, etc.;
 - ensuring that the bars are supervised at all times;
 - ensuring Alcohol is not served to anyone who appears to be intoxicated;
 - taking the necessary steps to prevent abusive or unsafe behavior;
 - taking the necessary measures to prevent an apparently intoxicated attendee from driving after the function;
 - providing alternate transportation or accommodation where necessary; and
 - contacting the police if an incident occurs or an attendee disregards advice and attempts to drive while in an intoxicated state.
3. In all situations, events will be managed in a way that avoids potential accidents, which means recognizing and resolving potentially dangerous situations.
4. Responsible serving practices will be respected: serving food and non-Alcoholic drinks, including coffee and tea after the bar has closed, establishing a firm time to end the event, and stopping Alcohol service at least one hour prior to the end of the event.
5. Any inappropriate behavior or risk to the health and safety of attendees or the community will result in a review of these guidelines and the taking of concrete measures to prevent any recurring problems.

Business Events: Along the same lines, if Alcohol is made available to guests in the course of conducting business (e.g., at a client lunch or dinner, during a conference or seminar) Employees are expected to use good judgment and act in a responsible manner when acting as a host. Employees are to refrain from any consumption of Alcohol if they plan to return to work following the event.



Appendix F: Signs of Impairment

BEHAVIOUR

- | | | |
|---|---|---|
| <input type="checkbox"/> Agitation, hyperactivity, increased speech, hypersensitivity, inappropriate laughter | <input type="checkbox"/> Confusion | <input type="checkbox"/> Unusual lack of judgment |
| <input type="checkbox"/> Apathy, melancholy, lack of motivation | <input type="checkbox"/> Disorientation | <input type="checkbox"/> Hallucinations |
| <input type="checkbox"/> Suspicious demeanor | <input type="checkbox"/> Slurred speech | <input type="checkbox"/> Irritability, aggressivity, anxiety, high emotionality |
| <input type="checkbox"/> Sudden or gradual change in behaviour, mood swings | <input type="checkbox"/> Unusual difficulty staying concentrated on a task | <input type="checkbox"/> Tendency to self-isolate |
| <input type="checkbox"/> Unpredictable behaviour | <input type="checkbox"/> Incoherent speech | <input type="checkbox"/> Increased reaction time |
| | <input type="checkbox"/> Speech unusually slow, fast, or loud, gesticulates | <input type="checkbox"/> Persistent sniffing |

SPECIFY

PHYSICAL APPEARANCE

- | | | |
|---|---|--|
| <input type="checkbox"/> Neglected hygiene, poor appearance | <input type="checkbox"/> Breath that smells of alcohol or masked by mouthwash | <input type="checkbox"/> Smell of alcohol or drugs |
| <input type="checkbox"/> Dry mouth | <input type="checkbox"/> Injection marks | <input type="checkbox"/> Unusually red or pale skin |
| <input type="checkbox"/> Gait disturbances, impairment to balance and coordination | <input type="checkbox"/> Slow movements | <input type="checkbox"/> Excessive sweating |
| <input type="checkbox"/> Sleepiness, fatigue, sedation, sudden change of energy level | <input type="checkbox"/> Nausea, vomiting, digestive issues | <input type="checkbox"/> Tremors |
| | | <input type="checkbox"/> Red or pink eye, vacant stare, dilated or pinpoint pupils |

SPECIFY



5.1 Appendices

This Procedure contains the following appendices:

Appendix A: Key Definitions

Appendix B: Positions Related to Railway Safety

Appendix C: Medication Guidelines

Appendix D: Alcohol and Drug Testing Procedure

Appendix E: Guidelines for Business and Social Events

Appendix F: Signs of Impairment

5.2 Related procedures

N/A.

5.3 Resources

N/A

6 REFERENCES

N/A

7 REQUESTS FOR INFORMATION

Questions regarding the interpretation of this Procedure must be addressed to the Chief Human Resources Officer:

Mathieu Paquette
Chief Human Resources Officer
514-871-6692
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8 APPROVAL AND REVISION HISTORY

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

8.1 Approval

This Procedure was approved as of the date indicated below:

Ethics Committee

Title of Approving Authority

December 1, 2023

Date

8.2 Revision History

Version	Description of major change(s)	Effective Date
1.2	<ul style="list-style-type: none">• Complete standardisation of the Procedure.• Addition of the terms « Mood-altering substances » throughout the Procedure.• Definitions in appendix to the Procedure.• Diagram of Positions related to Railway Security in Appendix B.• Addition of Appendix F : Signs of Impairment (Behaviour and Physical Appearance).• Review Period for the Procedure every 2 years.• Review of the pre-employment testing for select positions relative to Railway Safety.• Positive Alcohol test results (results in excess of 0.02) (except Positions relative to Railway Safety (safety critical) for which tolerance zero applies) will be considered a violation of the Policy and Procedure.	May, 2024