

Program for the Safe Usage of Electronic Devices



IN BRIEF:

- This program applies to: all employees, contract employees, subcontractors, contractors, suppliers and others performing duties governed by Operating Rules
- This program is under the authority of: The Chief Transportation and Safety Officer
- Summary: The use of personal entertainment devices while on duty is prohibited with limited exceptions. The use of communication devices are only permitted in the circumstances set out herein.
- In place since:
- Revised on: *N/A*

1. COMMITMENT

VIA Rail Canada Inc. (VIA Rail), undertakes to demonstrate diligence in its operations to mitigate the potential risks that may arise from improper use of electronic entertainment and communication devices and to contribute to the sound management of its operations as a Crown corporation, and to maintain the confidence of its customers, the Government of Canada and the Canadian population.

2. GOAL AND OBJECTIVES

The goal of this program is to reduce the risk of injury to employees, our passengers and the public that may result from inappropriate use of electronic entertainment and communication devices while performing duties governed by Operating Rules.

VIA Rail hereby sets out to meet the following objectives:

- The use of personal entertainment devices while on duty or on VIA property is prohibited except when used in an office or other similar location approved by a manager or other person in charge.
- The use of communication devices are only permitted in the circumstances set out hereafter.

3. COMPLIANCE

Any person who fails to comply with this program may be subject to investigation and discipline, up to and including dismissal.

For purposes of investigating incidents, accidents or Rule violations, employees may be asked to provide records showing the date and times of use of personal communication devices in their possession. Failure to provide the requested records will result in the Company drawing an adverse inference. The Company will assume that the employee was using the personal communication device in violation of this Program and/or applicable operating rules.

For purposes of these investigations, employees who use or carry personal electronic devices during work hours, on Company property and/or in Company vehicles, even when otherwise permitted by this policy, do so with the understanding that they have a reduced expectation of privacy.

4. DEFINITIONS

- Company means VIA Rail Canada Inc.
- Company vehicle means any owned, leased, rented or private vehicle licensed to operate on public roads when used for company business by any VIA Rail employee, contractor or 3rd party authorized to be on VIA Rail property.
- Communication device means any electronic device capable of communicating remotely, through oral communications, text messaging, electronic mail, or electronic transmission of any media. This includes but is not limited to cell phones, walkie-talkies, 2-way radios, PDAs, GPS navigation units, Palm Pilots, Blackberrys, tablets, I-Pads, portable computers and similar devices.
- On track equipment means any locomotive (with or without cars), occupied rail car or track unit.
- Person all employees, contract employees, subcontractors, contractors, suppliers and others performing duties governed by Operating Rules.
- Personal entertainment device means any personal radio, TV, DVD player, CD player, game player, computer, I-Pod, MP3 player, tablet, I-pad or similar electronic video or audio entertainment device which may distract a person from safely performing their work.
- Physical work for purposes of this program, means controlling or assisting with the movement of on or off track equipment; maintenance or inspection of on or off track equipment, interior or exterior; maintenance or inspection of track, signals, or structures; operating power tools or welders; working foul of track; or other similar work where a distraction can put a person or the public at risk, and includes directing or supervising the safe conduct of such work.

5. SCOPE/APPLICATION

This program applies to all employees, contract employees, subcontractors, contractors, suppliers and others performing duties governed by Operating Rules.

This program is a supplement to VIA Rail's Code of Conduct, as well as its other policies and directives which describe the behaviour and conduct expected of its employees. VIA Rail's employees must carry out the tasks and responsibilities related to their occupation with professionalism, honesty and integrity.

Use of Personal Entertainment Devices

Use of Personal Entertainment Devices while on duty or on VIA Rail property is prohibited, except when used in an office, or other similar locations approved by a supervisor or by the person in charge, or when such device is installed in a company vehicle.

Use of Communication Devices

When operating a company vehicle - Hand Held Communication Devices

Hand held communication devices are prohibited from use while operating a company vehicle while it is in motion on any type of road. Further, they cannot be used in any manner that is a violation of any applicable laws or regulations.

Hands Free Communication Devices

Hands free communication devices are permitted for limited use while operating a company vehicle if:

- It is solely for company business; and
- It is safe to do so; and
- The vehicle being operated is NOT on a public roadway in a province, state or other jurisdiction where such use is in violation of any law or regulation.

Note: Vehicle mounted railway radios and GPS units are considered hands free communication devices.

When operating any movement, on track equipment, mobile equipment or engaged in physical work

- a) The use of personal communication devices are prohibited at all times in accordance with the Canadian Rail Operating Rules (CROR) and applicable Special Instructions.
- b) Performing physical work
 - i) The use of company-owned communication devices when performing physical work is prohibited except when:
 - All physical work activities are stopped; and
 - The employee is not foul of any track; and
 - The employee confirms with all involved employees that such use will not interfere with any safety related duty.

Note: *Company-owned communication devices* do not include devices used for, and directly relating to, safe railway operations (e.g. railway radios)

- ii) The use of personal communication devices is prohibited at all times, except:
 - during a recognized break or meal period in a location that is safe to do so

Note: When not in use, personal communication devices must be turned off with any ear pieces removed and stored out of sight and not on the person.

Exceptions

The use of any *communication device* may be used:

- At any time to transmit an emergency situation or to advise others of an unsafe condition;
- By emergency response personnel when safe to do so and under permission of the site supervisor, following a job briefing;
- By passengers in a vehicle when they are not assisting the operator and the operator agrees it is safe to do so;
- In an office, or similar location approved by your supervisor or the person in charge.

6. RESPONSIBILITIES

The following roles and responsibilities relating to this program are outlined below:

Employees are responsible for:

- Complying with the program and all rules associated with the use of electronic devices;
- Ensuring that all reasonable efforts are taken to work safely;
- Ensuring that at least one person within a work crew has a functional railway provided communication device available for use in an emergency;
- Cautioning other employees observed to be in violation of this program and/or associated operating rules;
- Promptly reporting any observed violations to their supervisor or Rail Traffic Controller;
- Stopping the affected movement or work until the violation is corrected, when it is safe to do so; and
- Reporting incidents and near misses where use of an entertainment or communication device may be a contributing factor.

Supervisors are responsible for:

- Complying with and administering this program;
- Ensuring this program is communicated and complied with in their respective areas of responsibility;
- Ensuring authorized and unauthorized use of electronic devices is discussed in safety meetings and during job briefings;

Senior Management is responsible for:

- Ensuring the program on use of personal electronic devices is communicated and adhered to, within their respective areas;
- Periodically reviewing program effectiveness.

Local Health and Safety Workplace Committees are responsible for:

- Reviewing related incident hazard reports involving injury;
- Recommending appropriate corrective actions to management;
- Ensuring approved corrective actions are implemented and effective;
- Monitoring local performance through peer observations.

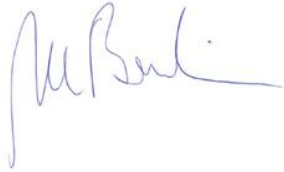
7. REFERENCES/CONTACTS

Questions regarding the interpretation of this program must be addressed to your supervisor.

For concerns with regard to confidentiality, you may contact VIA's Ombudsman and Compliance Officer via a means of external communication.

8. APPROVAL

Approved by:



January 1st, 2015.

Marc Beaulieu – Chief Transportation
and Safety Officer

Date

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Questions and Answers

Q1. Are there restrictions on my use of these devices if I am a passenger in a company vehicle?

A1. They may be used provided you are not assisting the operator and he/she agrees it is safe to do so.

Q2. Can I use my personal cell phone if I am a locomotive engineer on a train?

A2. No. You are prohibited from using a personal cell phone while on a train except under the very limited circumstances identified in the Canadian Railway Operating Rules

Q3. Can I use my personal cell phone if I am deadheading on a train?

A3. Yes, provided you are not disturbing the passengers and follow on board instructions.

Q4. Are railway radios or company owned hand-held devices considered communication devices?

A4. The policy does not apply to railway radios or company owned hand-held devices used for company business.

Q5. My duties involve providing look out or flagging protection. Am I affected by this policy?

A5. In order to perform these tasks, you would be qualified in the operating rules and engaged in physical work as defined by this policy so you are therefore bound by the requirements contained in the Canadian Railway Operating Rules.

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Q6. Can I use my personal cell phone to take calls related to company business or I am I restricted to use of only company-owned devices?

A6. There is no distinction made on how a cell phone is used, only whether it is personal or company-owned. Any use must be in accordance with the requirements contained in the Canadian Operating Rules and Special Instructions.

Q7. I am a locomotive engineer who spends considerable time away from my family. Can I leave my personal cellular telephone on to receive incoming calls while on duty?

A7. No, in accordance with the Canadian Operating Rules restrictions, personal cellular phones and other electronic devices must be turned off with any ear pieces removed, stored out of sight in a location not on your person. In the event of an emergency, your family can ensure you are notified through the RTC through use of the 24 hour phone number for the Crew Management Centre.

Q8. May an employee in the field use an I-Pod or other device to listen to music while waiting for a work assignment or waiting for a train meet?

A8. No, the use of personal entertainment devices is prohibited in those circumstances.

Q9. Can I listen to an iPod, MP3 player or radio, or watch a DVD player while I am on lunch break?

A9. If the lunch break is taken in a designated lunch room area where no work is being performed then it should be considered similar to an office environment, and these devices can be used with the supervisor's approval.

Q10. May Safety Advisors, H&S Safety Reps. or managers use iPods, laptops or Blackberry devices for presenting safety related information?

A10. Yes, as long as they comply with all related provisions of this policy.

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Q.11. Can a supervisor or manager call an engineer's or track unit operator's personal cellular telephone while in motion to check if the cellular telephone is off for a proficiency test?

A.11. No, it is not permissible for a supervisor or manager to call the personal cellular telephone of the person controlling the movement or track unit while it is in motion for a proficiency test.

Q. 12 Can I use my personal communication device while on duty and waiting to perform work?

A. 12. If the requirements of Article 2 (a) and (b) are properly met, your personal communication device may be used for minimal voice communication. For locomotive engineers this may only take place pre-departure or post arrival and outside the locomotive. It is prohibited at all times enroute. All employees are reminded that when not in use, personal communication devices must be turned off with any ear pieces removed and stored out of sight and not on the person.

Q.13 If I am not working as a locomotive engineer, how can my family contact me in the event of an emergency?

A.13 Each work location will have a number to call in the event of an emergency. There will be a person responsible to receive the call and contact the employee immediately. The emergency number will be distributed to employees and posted in each work location.

Q.14 If I am requested to provide my phone records, what will be the period that will I have to submit?

A.14 You will be required to submit the phone records for your complete tour of duty.