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CP Alcohol and Drug Policy and Procedures

Key Changes - 2019

Operating safely is a core foundation of CP. Our commitment is to protect our people, customers, communities in which we operate, the environment and our assets. We are also committed to a healthy and safe workplace. CP's revised Alcohol and Drug Policy and Procedures ("Policy and Procedures") support these commitments.

To perform at your best, you need the reassurance that you are working in a healthy and safe environment and have complete confidence in your colleagues' ability to perform.

A fundamental part of our commitment to health and safety in the Company's Alcohol and Drug Policy and Procedures, which we continue to update. These changes will come into effect September 1, 2019. The Policy and Procedures will cover all employees of CP and its subsidiaries in Canada.

The key changes include:

- The introduction of a qualification drug test for all candidates and trainees in a Safety Critical or Safety Sensitive Position, which is to be completed prior to final qualification. This is in addition to the drug test completed post offer.
- Notification of CP's intent to implement random testing at work locations with a demonstrated problem with alcohol and/or drug use.
- The introduction of 28-Day Cannabis Ban for employees in or subject to a Safety Critical or Safety Sensitive Positions, requiring that employees refrain from using or consuming cannabis from any source for at least 28 days before being on duty or subject to duty. This 28-Day Cannabis Ban is consistent with Transport Canada's policy for flight crews and flight controllers and well as policies established by the Department of National Defence and the RCMP.
- Extending Reasonable Suspicion and Post Incident testing to all employees (formerly limited to Safety Critical and Safety Sensitive Positions).
 - Will include testing for non-safety sensitive positions for Reasonable Suspicion Testing when there is a threat to the health and safety of employees (including the employee subject to the testing) or the public, or a threat to the environment.
 - Will include testing for non-safety sensitive positions for Post Incident Testing following a work related incident.
 - Will also include testing for non-safety sensitive positions in Reinstatement Agreements and Monitoring for Alcohol and/or Drug related Medical Condition(s).



- The laboratory-testing cut off levels for Cannabis/Marijuana in saliva samples will now be screened at 4ng/ml and confirmation testing for Tetrahydrocannabinol, THC (the psychoactive component of Marijuana/Cannabis) will be at 2ng/ml. Drug testing levels will be subject to ongoing review and adjustment to reflect minimum detection levels.
- Adjusted timelines for Reasonable Suspicion and Post Incident testing to reflect realities of CP's 24/7/365 business operations in multiple locations. Attempts to collect specimens for testing will be as soon as possible after the decision to test has been made. However, attempts to collect specimens will cease if an alcohol test is not administered within 8 hours or if a drug test is not administered within 32 hours following the triggering event.
- Updating the Alcohol and Drug Testing Acknowledgement Form to acknowledge and authorize release of alcohol and drug test results including drug type and levels to Company representatives for investigating policy violations and participating in legal proceedings or responding to notice of legal proceedings.



ALCOHOL AND DRUG POLICY (CANADA)

Issued by: Human Resources
Effective: January 1, 2012
Revised: September 1, 2019

Scope: Applicable to all Canadian employees of Canadian Pacific Railway Company (CP).

All contractors will be advised of CP's Alcohol and Drug Policy and Procedures. Specific requirements for contractors are set out in the Canadian Pacific Minimum Safety Requirements for Contractors Working on CP Property and Offices in Canada.

1.0 Objective

- 1.0 Operating safely is a core foundation of CP. Our commitment is to protect our people, customers, communities in which we operate, the environment and our assets. We are also committed to a healthy and safe workplace. CP's revised Alcohol and Drug Policy HR 203, Alcohol and Drug Procedure HR 203.1, and Alcohol and Drug Assistance Through Company Officer and Co-Worker Reporting Procedure HR 203.2 ("**Policy and Procedures**") support these commitments.
- 1.1 The Policy and Procedures are an important component of our overall safety program to minimize risk in all operations and to meet our statutory duty to protect the health and safety of our employees pursuant to Part II of the Canada Labour Code.
- 1.2 Employees also have a responsibility to maintain a safe workplace and minimize the risk of unsafe and/or unsatisfactory performance due to the use or adverse effects of alcohol, medications, cannabis/cannabidiol (CBD)/marijuana (whether for medical or recreational use), legal, illegal or illicit drugs or the use of any mood altering substance, referred to afterwards in this document and in the Procedures as "alcohol and/or drugs".
- 1.3 CP recognizes that substance use disorders are treatable illnesses and that early intervention and sustained accountability greatly improves the probability of a lasting recovery. Early identification of problems arising from the use of alcohol and/or drugs, before they progress to a substance use disorder, is in the best interest of all stakeholders.
- 1.4 CP provides assistance by way of assessment, facilitating treatment, aftercare support and resources for employees who have concerns or are experiencing problems or negative consequences related to their use of alcohol and/or drugs.



2.0 Policy Statement

The Policy and Procedures apply to all employees at all times while working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty). To minimise the risk of unsafe or unsatisfactory performance due to alcohol and/or drugs employees are expected to meet the following standards:

- 2.1 Employees must report for work in a condition that enables them to safely and effectively perform their duties.
- 2.2 Employees must report fit for work and remain fit for work. All employees must remain free from the adverse effects of alcohol and/or drugs including acute, chronic, hangover and after-effects of such use.
- 2.3 Employees are prohibited from being in control of a CP vehicle, railway equipment or moving equipment, (whether on or off duty), or any vehicle on CP property or roads, while under the adverse effects of alcohol and/or drugs.
- 2.4 Employees are also subject to the provisions of the Canada Labour Code, the Railway Safety Act, the Canadian Rail Operating Rules, General Operating Instructions, the Criminal Code of Canada and all other applicable laws.
- 2.5 Employees must comply with and meet the alcohol and drug standards as outlined in the Policy and Procedures.
- 2.6 Employees will also be subject to workplace alcohol and/or drug testing as outlined in the Procedure HR 203.1.

Employees are required to advise CP of any use of alcohol and/or drugs that may affect their ability to work safely prior to commencing work (including medical cannabis or any cannabis product (including CBD) and all other prescribed drugs). CP may request information from an employee's health care provider regarding the employee's use of alcohol and/or drugs. Employees are required to comply with all reasonable requests made by CP in order to assess their fitness to safely and effectively perform their duties.
- 2.7 All Employees are accountable for their actions and are expected to comply with the Policy and Procedures, including those who may have an alcohol and/or drug use problem.



Policy # HR203 Alcohol and Drug Policy (Canada)

Employees who have an alcohol and/or drug use problem or an emerging problem are required to seek advice, to follow appropriate treatment and to disclose appropriately within CP their issues including any restrictions and/or limitations. This ensures that appropriate restrictions and limitations can be implemented before a workplace incident occurs, before safe job performance is impacted or before violations of this Policy and Procedures occur.

- 2.8 Employees who voluntarily request assistance with an alcohol and/or drug use problem will not be disciplined or dismissed for requesting assistance. However, this voluntary request and disclosure must be made before a workplace incident occurs, an investigation is initiated, a violation of the Policy and Procedures occurs, and before unsafe or unsatisfactory performance is identified. Subsequent disclosure or requests for assistance after an event (as detailed above) will not prevent an employee from being subject to an investigation(s) and discipline up to and including dismissal.

CP Company Officers and Co-workers, under Procedure HR 203.2 are responsible for reporting employees who appear to be unsafe or have unsatisfactory work performance due to the possible use of alcohol and/or drugs.

3.0 Consequences

- 3.1 CP recognizes that the use of alcohol and/or drugs can adversely affect judgment, work performance, the work environment and the safety of employees and the public, including members of the communities in which we operate. Failure to comply with the Policy and Procedures can also place the integrity and safety of CP facilities and operations at risk.
- 3.2 CP reserves the right to temporarily remove an employee from service, or to reassign or suspend an employee, pending the completion of an assessment of the employee's fitness to work, an assessment of a potential alcohol and/or drug issue, or completion of an investigation into a possible violation of this Policy and Procedures.
- 3.3 Investigation and testing procedures as defined in the Procedures may be used in support of this Policy in appropriate circumstances.
- 3.4 Disciplinary action up to and including dismissal will be taken where CP has determined that violations of the Policy and Procedures have occurred.



4.0 Additional Information

- 4.1 For interpretation or additional information on the Policy and Procedures please contact Human Resources.
- 4.2 The Policy and Procedures are subject to ongoing review and may be modified from time to time by CP at its discretion.

5.0 Related Procedures

HR 203.1	Alcohol and Drug Procedures (Canada)
HR 203.2	Alcohol and Drug Assistance through Company Officer and Co-Worker Reporting Procedure (Canada)



**Procedure # HR 203.1
Alcohol and Drug Procedures (Canada)**

Procedure Title:	Alcohol and Drug Procedures (Canada)		
Procedure Number	HR 203.1	Effective Date:	January 1, 2012
		Revised:	October 17, 2018 September 1, 2019

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1.1	OHS 5100	Director, OHS	June 5, 2013
1.2	OHS 5100	Manager, Occupational Health Programs	August 8, 2013
1.3	HR 203.1	Director, Global Health Services	September 20, 2018
1.4	HR 203.1	Alcohol and Drug Program Administrator	May 13, 2019
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Alcohol and Drug Procedures (Canada)**

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1. Purpose

This Procedure supports the Alcohol and Drug Policy HR 203, (the Policy). It outlines Company standards and expectations related to the use or adverse effects of alcohol, medications, cannabis/marijuana (whether for medical or recreational use), legal, illegal or illicit drugs or any mood altering substance referred to afterwards in this document as “alcohol and/or drugs”.

It outlines the procedures that will be followed to investigate possible violations of the standards. It also provides guidance on assessment procedures and assistance programs to ensure employees requiring assistance are supported in accordance with applicable human rights legislation.

Alcohol and drug testing requirements applicable to all Safety Critical Positions and Safety Sensitive Positions are found in Section 5 - Alcohol and Drug Testing Procedures for Safety Critical Positions and Safety Sensitive Positions.

This Procedure and the related Policy are subject to ongoing review and evaluation. They will be modified and updated as deemed necessary by the Company to respond to current circumstances and to the evolving needs of the organization. In the event that a situation arises that is not covered, please contact your Human Resources Business Partner.

2. Scope

This Procedure applies to all Canadian employees of Canadian Pacific Railway Company (CP or the Company).

3. Alcohol and Drug Procedures

3.1 Standards

All employees must report fit for work and remain fit for work and in a condition that enables them to safely and effectively perform their duties. This requires that all employees remain free from the adverse effects of alcohol and/or drugs including acute, chronic, hangover and after-effects of such use.

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1.0	OHS 5100	Director, OHS	November 17, 2011
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3.1.1 Alcohol

The following are prohibited at all times while an employee is working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty):

- The use, possession, distribution, offering or sale of beverage alcohol;
- Reporting for work or remaining at work under the effects of alcohol from any source, including acute, chronic, hangover or after-effects of such use;
- Consumption of any product containing alcohol (including beverage alcohol) during meals and breaks.

3.1.2 Medications

The following are prohibited at all times while an employee is working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty):

- Reporting for work or remaining at work while unfit due to the use of a medication;
- Misuse of medications (e.g. not using the medication as it has been prescribed or directed by a pharmacist, physician, using someone else's medication, combining medications and alcohol use);
- The possession of prescribed medications without a legally, medically obtained prescription (illegal drug);
- The distribution, offering or sale of prescription medications (trafficking).

The possession of prescribed medications without a legally, medically obtained prescription and trafficking may also violate the Criminal Code of Canada, and result in criminal prosecution.

Employees are required to use all medications responsibly whether they are prescribed or obtained over-the-counter. Medications of concern are those that inhibit or may inhibit an employee's ability to perform their job safely and productively.

Employees who need to use a medication are required to:

- Investigate through their treating physician, pharmacist or CP Health Services whether their medication can negatively affect safe work performance. This includes the requirement to explain to their treating physician, pharmacist or CP Health Services their job functions;

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Procedure # HR 203.1 Alcohol and Drug Procedures (Canada)

- Advise their Supervisor of any work limitations and/or restrictions related to the use of medication(s) by submitting a Functional Abilities Form;
- Wherever possible use a safe alternative form of treatment or medication in accordance with current clinical practice guidelines.

If work limitations and/or restrictions are advanced, the employee's Supervisor may consult with CP Health Services and/or the Disability Management Specialist and request assistance regarding appropriate work accommodation. At the discretion of the Company and in accordance with the Accommodation Policy and the Disability Management Policy and Procedure, the employee may be assigned to alternate duties, if available, and/or placed on medical leave as appropriate.

CP reserves the right to confirm with the employee's treating physician and/or health care provider the effects of the medication and/or the extent and duration of any recommended work limitations and/or restrictions in accordance with the Disability Management Policy & Procedure and/or the Fitness to Work Medical Policy and Procedure. In all cases, the Company will comply with medical confidentiality and/or privacy laws.

Guidelines on medications are included with this Procedure at Appendix 1.

3.1.3 Cannabis

For purposes of this Procedure, all references to cannabis includes cannabidiol (CBD).

Recreational Cannabis

The following are prohibited at all times while an employee is working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty):

- The use, possession, distribution, offering or sale of recreational cannabis;
- Reporting for work or remaining at work under the effects of cannabis from any source, including acute, chronic, hangover or after-effects of such use;
- Consumption or use of any product containing cannabis (including but not limited to smoking, vaporizing, ingestible oils, food products, tinctures, capsules, topicals etc.) including during meals and breaks.

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Medical Cannabis

The following are prohibited at all times while an employee is working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty):

- The use or possession of medical cannabis, without a Company approved accommodation supported by current medical clinical practice guidelines;
- Reporting for work or remaining at work under the effects of medical cannabis, including acute, chronic, hangover or after-effects of such use;
- The intentional misuse of medical cannabis (e.g. not using it as it has been authorized or as directed by the prescribing or authorizing physician, using someone else's authorization, combining medical cannabis with alcohol, or combining medical cannabis with other medications, unless otherwise directed);
- The distribution, offering or sale of medical cannabis (trafficking).

Employees who choose to access cannabis for medical purposes are required to disclose this proposed use through the Disability Management Policy #4100 and Procedure #5100 and receive written authorization prior to using cannabis at a time or manner that could affect their fitness to work. Employees who fail to properly disclose their use of medical cannabis will be subject to an investigation, and to discipline up to and including dismissal.

CP reserves the right to confirm the nature and validity of the medical cannabis use and authorization or prescription or recommendation for cannabis use for therapeutic or medical purposes. This will include confirmation of the medical authorization and dosage, any impact on fitness to work, and the nature and duration of any work modifications, limitations and/or restrictions in accordance with the Disability Management Policy and Procedure and/or the Fitness to Work Medical Policy and Procedure.

28-Day Cannabis Ban

Employees in or subject to a Safety Critical Position or Safety Sensitive Position are further prohibited from using or consuming cannabis from any source for a minimum 28 days before being on duty or subject to duty. This 28-Day Cannabis Ban is in addition to and does not in any way limit the prohibitions set out in the above or other employee obligations set out in the Policy or Procedure. For clarity, an employee is still required to report to work and remain at work free from the effects of cannabis regardless of the last date of use or consumption. For

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Procedure # HR 203.1 Alcohol and Drug Procedures (Canada)

example, chronic use of cannabis may create adverse effects that impair an employee's fitness for work beyond the 28-day period.

3.1.4 Illegal or Illicit Drugs and Mood Altering Substances

The following are prohibited at all times while an employee is working, on duty, subject to duty, on Company premises and worksites, on Company business and when operating Company vehicles and moving equipment (whether on or off duty):

- The use, possession, cultivation, manufacture, distribution, offering or sale of illegal or illicit drugs, mood altering substances, and drug paraphernalia;
- Reporting to work or remaining at work while under the effects of illegal or illicit drugs and mood altering substances, including acute, chronic, hangover or after-effects of such use.

3.1.5 Canadian Rail Operating Rules (CROR) - Rule G

Employees who are qualified in the CROR are governed by those rules including Rule G. The requirements of the Policy and Procedures align with and supplement the requirements of Rule G, which include:

- The use of intoxicants or narcotics by employees subject to duty, or their possession or use while on duty is prohibited.
- The use of mood altering agents by employees subject to duty, or their possession or use while on duty, is prohibited except as prescribed by a doctor.
- The use of drugs, mood altering agents or medications, including those prescribed by a doctor, which, in any way, will adversely affect their ability to work safely, by employees subject to duty, or on duty, is prohibited.
- Employees must know and understand the possible effects of drugs, medication or mood altering agents, including those prescribed by a doctor, which, in any way, will adversely affect their ability to work safely.

3.1.6 Criminal Code of Canada

The Criminal Code makes it an offence to operate railway equipment in a manner, which is dangerous to the public, and to operate or assist in the operation of railway equipment while impaired by alcohol and/or drugs. A police officer or other peace officer may require a person to provide a blood, urine or breath sample as part of an investigation into possible impairment from

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Procedure # HR 203.1 Alcohol and Drug Procedures (Canada)

alcohol and/or drug use, including cannabis. Employees must comply immediately with all such requirements.

3.1.7 Canada Labour Code Part II

Under the Canada Labour Code, CP has a duty to protect the health and safety of every person employed by CP. In addition, employees have a duty to report to the employer any circumstance in a workplace that is likely to be a hazard to their own health or safety, or to the health or safety of other employees or other persons granted access to the work place by the employer.

3.1.8 Emergency Response or Unexpected Call-in

Employees who are not on scheduled call and who are requested to perform emergency or unscheduled services while under the effects of alcohol and/or drugs must decline the request and ask that the work be delegated to another employee. The inability of an employee to accept a work assignment in response to these requests will not result in corrective or disciplinary action.

3.1.9 Site Access

The Company's operations are such that employees are at times assigned to work on job sites that are owned and operated by other companies. These companies may have policies on alcohol and/or drugs that must be adhered to while working on their site or performing work for them. This may include policies regarding alcohol and/or drug testing. Employees are required to be aware of and follow the policies of the site they are working at, as well as this Policy and Procedures, and failure to do so may result in disciplinary action, up to and including dismissal. If an employee is unclear about the alcohol and/or drug policy of a work site, they should contact their Manager.

3.2 Prevention and Assistance

3.2.1 Prevention

Substance use disorders related to alcohol and/or drugs can affect the health, safety, performance and conduct of employees on the job, and can impose hardship on an employee and their family. Early identification of issues or problems before they progress to a substance use disorder is in the best interests of all stakeholders.

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3.2.2 Disclosure and Requests for Assistance

The Company recognizes that substance use disorders are medical conditions and that early intervention and ongoing monitoring and accountability greatly improves the effectiveness and success of treatment.

Employees who suspect they have a substance use disorder, an emerging issue or problem related to alcohol and/or drugs, or restrictions and/or limitations related to alcohol and/or drugs, are required to report, seek assistance, and to access and follow appropriate treatment promptly *before* a workplace incident occurs, an investigation is initiated, a violation of the Policy or Procedures occurs, or before unsafe or unsatisfactory job performance is identified. Subsequent disclosure or requests for assistance after an event (as detailed above) will not prevent an employee from being subject to an investigation and discipline up to and including dismissal, and failure to disclose may result in disciplinary action up to and including dismissal.

Employees are encouraged to access assistance through the Company's Employee and Family Assistance Program (EFAP), CP Health Services, their treating physician, or appropriate community services for help with any issue or problem that may affect their safe work performance. EFAP is a valuable resource in assisting employees who suspect they may have a substance use disorder or an emerging issue or problem related to the use of alcohol and/or drugs.

3.2.3 Alcohol and Drug Assistance through Company Officer and Co-Worker Reporting

Where employees are eligible under the Alcohol and Drug Assistance through the Company Officer and Co-worker Reporting Procedure (HR 203.2), they will not be considered in violation of the Alcohol and Drug Policy but will be subject to the terms of the Alcohol and Drug Assistance through Company Officer and Co-Worker Reporting Procedure.

3.2.4 Assessment and Rehabilitation

All employees are accountable for their actions including employees who may have a substance use disorder or an emerging issue or problem related to the use of alcohol and/or drugs.

Employees who come forward and request assistance from their Supervisor, CP Health Services, EFAP or any member of management for a substance use disorder or for a related problem or issue, may be referred to a Substance Abuse Professional (SAP) and/or an Addictions Medicine Physician (AMP).

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Employees will be supported through a treatment and aftercare program consistent with the SAP/AMP recommendations and within any applicable benefit coverage. Compliance with recommended treatment, aftercare or monitoring programs will be required before and after returning to work.

3.2.5 Performance Management

The normal process of job performance monitoring will continue to be emphasized. Through this process, individuals with apparent performance problems will be reminded that they should access assistance should a personal problem be affecting their job performance.

3.2.6 Responsibilities

Employees should understand that accessing assistance or declaring a problem does not eliminate the requirement to maintain safe and acceptable job performance levels and compliance with the fitness for work expectations set out under the Policy and Procedures. Should discipline and/or alcohol and/or drug testing be warranted, then it will not be avoided by a request for assistance with a problem or by disclosure that the employee is already involved in a treatment program.

3.2.7 Restrictions and/or Limitations

Where a medical professional, SAP/AMP, Health Care Provider or counselling professional advises that substance use or the effects of substance use may create a safety risk, the employee may be precluded from the workplace, or work restrictions and/or limitations may be obtained and the employee may be assigned to alternate duties if available and applicable.

3.2.8 Aftercare and Monitoring Programs

Employees who complete treatment for a substance use disorder will be required to participate in an aftercare or monitoring program before and after returning to work. As part of a broader program of monitoring, rehabilitation and support they will be expected to enter into a written agreement, which will outline the conditions governing their return to work, including any requirements for alcohol and/or drug testing and the consequences for failing to meet those conditions.

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3.2.9 Confidentiality

Confidentiality will be maintained to the greatest extent possible except where limited disclosure is necessary for related health and safety concerns, e.g. there is deemed to be a potential for risk to the employee, other employees, or to the Company, the public and/or the communities we operate in. That is, only the information strictly limited to the level of functionality (e.g. fitness for work and any restrictions and/or limitations that may apply) may be shared as required for purposes of determining fitness for work, appropriate work accommodation and/or return to work initiatives.

3.2.10 Medical Assessments of Fitness for Duty

Employees who work in or transfer into Safety Critical Positions or Safety Sensitive Positions are required to undergo medical assessments before placement. The primary intent of these medical assessments is to evaluate the impact, if any, of an individual's medical condition(s) on their fitness for work. These medical assessments may include substance testing and/or assessment to assist in the identification of substance use disorders or related issues or problems.

If an employee is in a Safety Critical Position or in a Safety Sensitive Position and is diagnosed as having a substance use disorder, ongoing monitoring, including biological testing, may be required to assist in determining their ongoing fitness for duty for their position.

3.3 Investigations

3.3.1 Employees - Unfit for Work and Post Incident Situations

If an employee determined by a supervisor to be unsafe or unfit for work or otherwise in violation of the Policy and Procedures, the employee will be escorted to a safe and private place, interviewed and given an opportunity to explain their behaviour or condition.

If the supervisor determines that the employee is fit for duty after the interview, the employee may return to work.

If there is a medical problem unrelated to a Policy or Procedure, violation arrangements will be made to escort the employee to the nearest medical facility for assessment.

However, if medical assessment is not required and the supervisor still has concerns about the employees' fitness to work, the supervisor should consult with an Experienced Company Operative Officer i.e. Senior Vice President (SVP), Assistant Vice President (AVP), General

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Procedure # HR 203.1 Alcohol and Drug Procedures (Canada)

Manager (GM), Superintendent, Director or Chief Engineer. The supervisor and ECOO will decide whether to:

- Arrange for “Reasonable Suspicion” or “Post Incident” testing pursuant to Section 4 if there are grounds to believe alcohol and/or drugs are impacting an employee’s fitness for work or following a significant work related incident; or
- Initiate an investigation which may include the temporary removal from service or reassignment for the employee pending a medical fitness for work assessment and/or completion of an investigation into a possible violation of this Policy and Procedure.

The decision to allow the employee to remain in service or return to service must be made by management based on the individual circumstances, the job function performed, the safety of the work environment, any alcohol and drug testing results, any investigation requirements and any appropriate conditions governing the return of the employee.

If an employee is removed from service they will be provided with transportation to their local place of residence or into the care of another adult person.

3.3.2 Contractors - Unfit for Work and Post Incident Situations

If there are grounds to believe that a contract worker is unfit for work, the worker will be removed from CP property in a safe manner and provided with transportation to their local place of residence or into the care of another adult person. If there is a problem that requires immediate medical attention arrangements should be made to escort them to the nearest medical facility for assessment.

The primary contractor is required to ensure an appropriate investigation, follow up and a fitness for duty assessment is conducted to ensure the contract worker is fit to return to work prior to any to return to CP property or work. CP reserves the right not to allow a contract worker back on CP property or to do CP work at its discretion.

In the event a contract worker is involved in a significant CP work related incident, the worker may be subject to Post Incident Testing under the CP’s testing program. They may also be removed from Company premises pending the results of an investigation. A fitness for work medical assessment may be required through the Primary Contractor before the contract worker can return to CP premises or work. The Company reserves the right not to allow a contract worker back on CP property or to do CP work at its discretion.

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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All contractors are advised of CP's Alcohol and Drug Policy and Procedures. Specific requirements for contractors are set out in the Canadian Pacific Minimum Safety Requirements for Contractors Working on CP Property and Offices in Canada.

3.3.3 Possession of Alcohol and/or Drugs

CP reserves the right to investigate any situation when there are reasonable grounds to believe that prohibited substances or products are present on Company premises in violation of the Policy and Procedure. Supervisors are responsible for identifying situations where an investigation is justified based on a combination of indicators, which could include behavior, odour, or presence of paraphernalia. Supervisors are responsible for consulting with Employee Relations who will advise whether and how to initiate an investigation and any search.

3.3.4 Impaired Driving Charge or Suspension

All employees must immediately inform their Supervisor upon being charged with an alcohol and/or drug-related driving offence under the Criminal Code, or upon receiving an administrative license suspension or restriction under the provincial Highway Traffic Act when operating a Company vehicle or equipment or driving on behalf of CP. In these situations, the employee will be prohibited from operating licensed CP vehicles and railway equipment, including locomotives.

Examples of alcohol and/or drug-related driving offences would include, but not be restricted to testing over the legal Blood Alcohol Content (BAC) in that jurisdiction, driving while impaired, or refusal to blow into a breath analyzer or provide a sample for testing. Receipt of a charge or suspension will result in an investigation, and action will be taken, including any discipline appropriate to the situation.

Failure to report a charge or suspension as required will lead to discipline up to and including dismissal.

3.3.5 Off Duty Activities

CP will investigate any situation where off duty activities involving alcohol and/or drugs (e.g. impaired driving convictions, conviction for trafficking, bootlegging) may have implications for the workplace and/or CP's reputation and will take appropriate action.

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3.4 Consequences of a Violation

3.4.1 General Provisions

Violations of the provisions of the Policy and Procedure will result in an investigation and discipline up to and including dismissal. In all situations, there will be a documented investigation to verify that a violation has occurred before disciplinary action is taken. Pending the results of the investigation management has the authority and discretion to administratively hold out of service any individual who is believed to be involved in conduct that may lead to discipline.

3.4.2 Referral for Assessment

All employees must be accountable for their actions, even employees who may have an alcohol and/or drug issue. After any confirmed Policy and Procedure violation, the employee may be referred for assessment to determine whether there is a need for a structured treatment program and/or a medical fitness for duty assessment.

3.4.3 Conditions of Continued Employment

If CP determines that the employee's employment will be continued after a confirmed Policy and Procedure violation individuals will be required to enter into an agreement governing their continued employment which may include:

- temporary removal from their position;
- a medical fitness for duty assessment;
- adherence to any recommended education, treatment and/or aftercare programs;
- compliance with the Alcohol and Drug Policy and Procedures and satisfactory performance on return to duty;
- no further Policy and Procedure violations;
- passing a return to duty alcohol and/or drug test;
- alcohol and/or drug testing as a condition of continued employment as set out in the agreement;
- consequences for failure to meet the requirements of the agreement;
- any other appropriate conditions.

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4. Drug Testing Procedures for All Employees

4.1 Standards and Consequences

All employees are required to comply with the standards set out in Section 3, Alcohol and Drug Procedures, which includes remaining free from the adverse effects of alcohol and/or drugs including acute, chronic, hangover and after-effects of such use. For those holding Safety Critical Positions or Safety Sensitive Positions, this also includes the minimum 28-day Cannabis Ban. Failure to comply with these standards will constitute a violation of the Policy and Procedure.

The following will also constitute violations of the Policy and Procedure:

- a positive drug test as determined through the Company testing program, (a drug level equal to or in excess of the Company drug concentration test levels* where a Medical Review Officer has verified the results as a positive test);
- an alcohol test result of 0.02 BAC or higher as determined through the Company testing program;
- a failure/refusal to test as determined through the Company testing program.

* Details on the Company drug concentration test levels can be found in Appendix 2. These testing levels are intended to reflect minimum drug detection levels based on currently available technology and are subject to ongoing review and modification by the Company at its discretion.

For clarity, while drug and alcohol testing is an indication of an employee's violation of the Policy and Procedure, employees remain bound by the broader obligation to report for work and remain at work free from the effects of drugs and/or alcohol from any source, including acute, chronic, hangover or after-effects of such use. This includes the minimum 28-day Cannabis Ban for employees in Safety Critical Positions or Safety Sensitive Positions.

Company Safety Critical Aviation Positions are also subject to any Department of Transportation, Federal Aviation Administration, and Canadian Aviation regulatory requirements related to alcohol and/or drugs.

4.2 Reasonable Suspicion (Signs and Symptoms) Testing

If there are grounds to suspect that an employee is unfit to be at work, the employee will be escorted by a Supervisor to a safe and private place, interviewed, and given an opportunity to

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explain why they appear to be in a condition unfit for work. Unionized employees will be entitled to Union representation provided this does not cause undue delay.

If there is a problem that requires immediate medical attention arrangements should be made to escort the employee to the nearest medical facility for assessment.

If immediate medical attention is not required, during the interview the employee should be able to provide a reasonable explanation for their behavior or condition. If a Supervisor still has concerns about the employee, the Supervisor should consult with another member or the management team (on site if possible) and an Experienced Company Operating Officer (ECOO) i.e. Senior Vice President (SVP), Assistant Vice President (AVP), General Manager (GM), Superintendent, Director or Chief Engineer.

The Supervisor and ECOO will determine whether to proceed with Reasonable Suspicion alcohol and drug testing:

- For Safety Sensitive Positions and Safety Critical Positions, Reasonable Suspicion alcohol and drug testing will be required if the supervisor has reasonable grounds to believe that the actions, appearance or conduct of an employee while on or subject to duty are indicative of possible use of alcohol and/or drugs.
- For all other positions, Reasonable Suspicion alcohol and drug testing will be required if the supervisor has reasonable grounds to believe that the actions, appearance or conduct of an employee while on or subject to duty are indicative of possible use of alcohol and/or drugs, and there is a threat to the health and safety of employees (including the employee subject to the testing) or the public, or a threat to the environment.

The basis for this decision will be documented. The referral for a test will be based on specific, personal observations and indicators including but not limited to:

- observed use or evidence of use of a substance (e.g. smell/odour);
- erratic or atypical behaviour or changes in behaviour of the employee;
- changes in the physical appearance or speech patterns of the employee, for example dilated pupils or other physical signs of alcohol and/or drug use;
- an event or chain of events suggesting reckless, irrational, and/or dangerous behaviour;
- agitation, sleeping or drowsiness at the workplace, or evidence of impaired judgment or thought processes;

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- any other observations that suggest the employee may be unfit to be working on Company premises due to the use of alcohol and/or drugs.

The responsible Supervisor will consult with an ECOO on any decision to remove an employee from service after the Reasonable Suspicion testing has been administered based on the signs and symptoms and any initial urine Point of Collection Testing (POCT) and Breath Alcohol Testing results.

Considerations for removal from service may include:

- an employee requiring medical attention;
- a positive Breath Alcohol Test result (0.02 BAC or higher);
- a non negative urine Point of Collection Test result;
- the severity of the signs and symptoms;
- the employee refusing to participate in an alcohol and/or drug test;
- there is evidence of tampering with the alcohol and/or drug test samples or process.

On receipt of any confirmed positive Reasonable Suspicion alcohol and/or drug test results from the Company Program Administrator the Supervisor will immediately, administratively remove the employee from service if not already held from service. The Supervisor will then initiate an investigation of a violation of the Policy and Procedure including drug and alcohol testing results. This may include a medical fitness to work assessment.

If an employee is removed from service, they will be provided with transportation to their local place of residence or into the care of another adult person.

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4.3 Post Incident Testing

Post Incident alcohol and drug testing may be required after a significant work related incident, a safety related incident or a near miss as part of an investigation.

Employees are expected to participate fully in an investigation. Failure to report an incident is a violation of the Canadian Internal Control Plan for Incident Reporting.

A significant work related incident, safety related incident or near miss might involve any one of the following:

- a fatality;
- any number of serious injuries or multiple injuries to Company personnel or the public requiring medical attention away from the scene or lost time injuries to Company personnel; or an incident or near miss that creates this risk;
- significant loss or damage to Company, public or private property, equipment or vehicles or an incident or near miss that creates this risk;
- an incident with serious damage or implications to the environment, or an incident or near miss that creates this risk.

The decision to refer an individual for testing will be made by the Supervisor investigating the incident after consultation with and agreement of an Experienced Company Operating Officer (ECOO), i.e. Senior Vice President (SVP), Assistant Vice President, (AVP), General Manager (GM), Superintendent, Director or Chief Engineer. Unionized employees will be entitled to union representation provided this does not cause undue delay.

Post Incident testing is not justified if it is clear that the act or omission of the individual(s) could not have been a contributing factor to the incident e.g. structural, environmental or mechanical failure or the individual clearly did not contribute to the situation.

The Supervisor will initiate any Post Incident investigation within reasonable time frames and arrangements for testing will be made as soon as possible unless this is impossible because medical attention is required first. In this situation, employees to be tested must not use alcohol or any other substance or product that would impact results until after the test has been completed, or they are advised that a test is not required. The only exceptions, if required, are previously prescribed medications, or medication administered by treating health care professionals in the treatment of any medical conditions or injuries resulting from the incident.

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The responsible Supervisor will consult with an ECOO on any decision to remove an employee from service after the Post Incident test has been administered based on the seriousness of the incident and any initial urine Point of Collection Testing (POCT) and Breath alcohol testing results. Considerations for removal from service may include:

- an employee requiring medical attention;
- a positive Breath Alcohol Test result (0.02 BAC or higher);
- a non negative urine Point of Collection Test result;
- the seriousness of the triggering incident;
- the employee requires Critical Incident Support (CIS);
- the employee refusing to participate in an alcohol and/or drug test;
- there is evidence of tampering with the alcohol and/or drug test samples or process.

On receipt of any confirmed positive Post Incident alcohol and/or drug test results from the Company Program Administrator the Supervisor will immediately, administratively remove the employee from service if not already held from service. The Supervisor will then initiate an investigation of a violation of the Policy and Procedure including drug and alcohol testing results. This may include a medical fitness to work assessment.

4.4 Alcohol and Drug Testing as part of Employment Contracts and/or Reinstatement Agreements

To ensure compliance with the Policy and Procedure and as a condition of employment or as a condition of return to work as directed by Labour Relations or Human Resources an employee may be required to participate in alcohol and/or drug testing.

4.5 Monitoring for Alcohol and/or Drugs Related to a Medical Condition

Employees with medical conditions that could affect their fitness to work may require medical monitoring in order to assess their ongoing fitness to work. This medical monitoring may include biological monitoring for alcohol and/or drugs.

Employees with substance use disorders may be required to comply with the terms of a Structured Relapse Prevention Program as part of a broader program of monitoring, rehabilitation and support.

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4.6 Refusal to Participate in an Alcohol and/or Drug Test – “Refusal to Test”

Refusing to participate in an alcohol and/or drug test is a violation of the Policy and Procedure. “Refusal to Test” violations include, but are not limited to, the following:

- failure of an employee to report directly for a test;
- refusal to submit to a test;
- failure to provide a valid specimen;
- an attempt to tamper with a test sample;
- refusal to agree to disclosure of a test result in accordance with this Procedure;
- attempting to avoid a test by failing to report involvement in an incident which may require testing or by avoiding management following involvement in an incident;
- failing to advise when released from hospital if testing is delayed for medical reasons;
- failing or refusing to attend a medical assessment as required under the Policy and Procedure;
- any attempt to disrupt the testing process as described in the Policy and Procedure.

Employees cannot be forced to submit to an alcohol and/or drug test as it requires informed consent. However, refusal to submit to an alcohol and/or drug test is considered a violation of the Policy and Procedure. If an employee refuses to submit to an alcohol and/or drug test, management must document the events surrounding the Policy and Procedure violations. This documentation should include documentation about the triggering incident, identification of any witnesses, and observations about the employee’s condition at the time or around the time of the triggering incident. Refusal to test may be taken as a negative inference by the Company in its subsequent investigation.

Further details on the Alcohol and Drug Testing Process, testing methodology and drug concentration level can be found in Appendix 2.

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5. Drug Testing Procedures for Safety Critical Positions and Safety Sensitive Positions

5.1 Pre-Employment and Qualification Testing

Safety Critical Position or Safety Sensitive Position candidates are required to pass a drug test as a pre-employment qualification for the position. This requirement will be set out in a conditional offer of employment. Safety Critical Position or Safety Sensitive Position candidates are also required to pass a drug test during the training process before receiving final qualification for the position.

Candidates with a positive drug test will be advised that they did not meet the qualifications required for the position. Drug test results or other reasons that disqualify a candidate from occupying a Safety Critical Position or Safety Sensitive Position will be handled on a confidential basis in accordance with established procedures.

Candidates who are current employees applying for a Safety Critical Position or Safety Sensitive Position that test positive on a test may be removed from service, subject to an investigation, a medical fitness for duty assessment and discipline up to and including dismissal.

5.2 Random Testing

To protect the safe operation of its business, the Company may, from time to time, implement random testing at specific workplaces with a demonstrated problem with alcohol and/or drug use.

6. Definitions

6.1 Alcohol refers to the intoxicating chemical agent (ethyl alcohol or ethanol) which is found in beer, wine, distilled spirits, and other alcoholic beverages. Alcohol can also be found in other products including but not limited to medicines, mouthwashes, and cleaning products.

6.2 Blood Alcohol Concentration (BAC) is the relative proportion of ethyl alcohol in the blood. It is usually expressed as a percent of alcohol present in a unit volume of blood, for example as the number of milligrams of alcohol per decilitre of blood (mg/dL). Under the Company testing program, a breath sample is collected and analyzed on a calibrated breath analyzer which accurately calculates the level of alcohol in the blood.

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- 6.3 Breath Alcohol Test** is a standardized test on a calibrated breath analyzer to identify the presence of alcohol in the body.
- 6.4 Company** refers to Canadian Pacific Railway Company (CP) and its wholly owned subsidiaries in Canada.
- 6.5 Company Business** refers to all activities undertaken by employees on behalf of the Company or when representing the Company whether conducted on or off Company premises.
- 6.6 Company Premises** includes, but is not necessarily restricted to, all land, property, structures, installations, facilities, rest/bunk houses vehicles (including executive/perquisite vehicles on Company business) and equipment owned, leased, operated or otherwise controlled by the Company.
- 6.7 Company Worksite** includes any off-site work location to which employees have been assigned.
- 6.8 Contractor** refers to any company or individual providing contracted services to the Company or on behalf of the Company and may include corporations, unincorporated organizations, individuals, partnerships, joint ventures, associations, firms, trusts or other entities.
- 6.9 Drug** refers to 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 the use of which has the potential to change or adversely affect the way a person thinks, feels or acts.
- **Medication** refers to any chemical agent or any product containing a chemical agent that is used to treat a medical condition and that has been prescribed or authorized by a Physician or can be purchased over-the-counter.
 - **Illicit Drug** means any drug which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law.
 - **Illegal Drug** means any drug which is legally obtainable but has not been legally obtained.
 - **Mood Altering Substance** refers to any other legal, illicit or illegal product the use of which has the potential to change or adversely affect the way a person thinks, feels or

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acts.

- 6.10 Drug or Alcohol Paraphernalia** includes any property which is associated with the use of alcohol or any drug, substance, chemical or agent. This would also include any product or device that may be used to attempt to tamper with an alcohol and/or drug test sample.
- 6.11 Drug Test** is a standardized test of urine, hair and/or oral fluid (saliva) to identify the presence of drugs.
- 6.12 Employee** includes all regular full time, part time, temporary, casual and seasonal employees on the Company payroll including those seconded to work for CP.
- 6.13 Fit for Work/Fit for Duty** in the context of the Alcohol and Drug Policy and Procedure means being able to safely and acceptably perform assigned duties without any limitations and/or restrictions due to the use, or adverse effects of alcohol and/or drugs. Adverse effects may include acute, chronic, hangover and after-effects.
- 6.14 “Medical” Marijuana** – The Cannabis Act provides a legal framework for individuals to access Cannabis for medical purposes.
- 6.15 Point of Collection Test (POCT)** is a urine drug test that is administered by a trained Collector. It provides an immediate negative or non-negative result which can be provided to the Supervisor. All POCT test samples are sent to the laboratory for further confirmatory analysis. A non-negative POCT test result does not imply the test is positive as there may be several reasons for a POCT to be non-negative which requires the sample to be sent for further analysis e.g. legitimately prescribed medication(s), false positive, or abnormal urine characteristics.
- 6.16 Program Administrator** is the office responsible for ongoing management of the alcohol and drug testing program. Human Resources is the Program Administrator at CP.
- 6.17 Railway Equipment** means:
- A machine that is constructed for movement exclusively on lines of railway, whether or not the machine is capable of independent motions, or
 - A vehicle that is constructed for movement both on and off lines of railway while the adaptations of that vehicle for movement on lines of railway are in use.

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6.18 Safety Critical Positions are railway positions directly engaged in the operation of trains, including rail traffic control as designated by the Transport Canada Safety Critical Position Rule. These positions have a direct role in railway operations where performance affected by alcohol and/or drugs could result in a significant incident affecting the health and safety of employees, customers, customer's employees, the public, property or the environment.

All persons who may perform any of these functions are deemed to hold Safety Critical Positions. All employees, including Managers and Supervisors, who may be required to perform these duties from time to time, or to temporarily relieve in a Safety Critical Position are included in this category. Safety Critical Positions are listed in Appendix A of the Fitness to Work Medical Procedures and are reviewed periodically to reflect any changes in job function.

Safety Critical (Aviation) Positions are directly engaged in the operation of Company planes including flight standards and maintenance activities. These positions have a direct role in aviation operations where impaired performance could result in a significant incident affecting the health and safety of employees, customers, customer's employees, the public, property or the environment. Safety Critical Aviation Positions are listed at Appendix B of the Fitness to Work Medical Procedures and are reviewed periodically to reflect any changes in job function. All persons (unionized and non-unionized) who may perform any of these functions are deemed to hold Safety Critical Aviation Positions.

6.19 Safety Sensitive Positions are railway positions where performance affected by alcohol and/or drugs may put public safety at occasional risk as well as put at risk the safety of employees, customers, customer's employees, property or the environment. All persons who may perform any of these functions are deemed to hold Safety Sensitive Positions. All employees, including Managers and Supervisors, who may be required to perform these duties from time to time, or to temporarily relieve in a Safety Sensitive Position are included in this category. Safety Sensitive Positions are listed in Appendix C of the Fitness to Work Medical Procedures and are reviewed periodically to reflect any changes in job function.

6.20 Substance Abuse Professional (SAP) is a professional with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. The professional will assess if the individual has an alcohol and/or drug dependency, make recommendations regarding education and treatment, and recommend a return-to-duty monitoring program including biological monitoring testing. This may include an assessment by an Addictions Medicine Physician in accordance with the Railway Medical

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Rules.

- 6.21 Supervisor** refers to an employee accountable for a particular area or shift, including managers, and others in supervisory positions who are directly responsible for the performance of others. Under the Policy and Procedures, Supervisors are responsible to initiate an investigation and make a decision on whether testing is required in Reasonable Suspicion or Post Incident situations.
- 6.22 Unfit for work** means a person cannot perform to an acceptable standard and/or may be a threat to themselves or others. Alcohol and/or drug use can be the cause of someone being unfit for work, but not necessarily the only cause.
- 6.23 28-Day Cannabis Ban** refers to the prohibition for Safety Critical Positions or Safety Sensitive Positions on the use or consumption of cannabis from any source for a minimum of 28 days before being on duty or subject to duty.

7. Roles and Responsibilities

7.1 Employees

Employees are expected to perform their job in a safe manner and in all ways consistent with established Company practices. In addition, it is expected that employees will:

- read and understand the Policy and Procedures and their responsibilities under it;
- report fit for work and remain fit for work;
- be fully in compliance with the Policy and Procedures if called in when scheduled on call;
- disclose any restrictions and/or limitations and take appropriate action if medication use presents a safety risk;
- prior to compromising workplace safety, disclose, seek advice and follow appropriate treatment if they have a current or emerging alcohol and/or drug problem and follow recommended monitoring programs after attending treatment;
- co-operate with any medical assessment or recommendations made by a health care professional and/or CP Health Services including following monitoring or aftercare programs required after primary treatment for substance use disorders;
- co-operate with any work modification related to safety concerns;

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- intervene as appropriate to encourage a co-worker to access assistance before an alcohol and/or drug problem impacts safe performance of their work;
- in the interest of safety, advise their supervisor if they believe another employee, contract worker or visitor is on a job site in an unfit condition;
- abide by any additional fitness for duty policy provisions including those that govern alcohol and/or drug use in other operating jurisdictions; and
- co-operate with an investigation into a violation of the Policy and Procedures.

7.2 Supervisors

Supervisors will be responsible for the following:

- ongoing performance management of the employees to ensure safe operations;
- guiding employees who seek assistance for personal problems, including alcohol and/or drug related issues or problems, to appropriate resources (e.g. EFAP, CP Health Services or other internal resources) while maintaining confidentiality;
- advising Human Resources if, in the course of any performance-related discussions, an employee advises or reports that they have a problem or issue with alcohol and/or drugs;
- taking immediate steps to investigate any possible violation of the standards set out under the Policy and Procedures;
- identifying situations where a search for alcohol and/or drugs on company premises is justified and will be responsible for contacting Employer Relations before initiating any such action;
- making testing decisions and referrals for an alcohol and drug test in a Reasonable Suspicion or Post Incident situation when required to do so under the Policy and Procedure and documenting and informing the Program Administrator when a referral is made;
- monitoring and ensuring compliance of contract workers.

History

Version	Description	Author	Date
1.0	OHS 5100	Director, OHS	November 17, 2011
1.1	OHS 5100	Director, OHS	June 5, 2013
1.2	OHS 5100	Manager, Occupational Health Programs	August 8, 2013
1.3	HR 203.1	Director, Global Health Services	September 20, 2018
1.4	HR 203.1	Alcohol and Drug Program Administrator	May 13, 2019
1.5	HR 203.1	Alcohol and Drug Program Administrator	September 1, 2019



7.3 Human Resources

Human Resources will be responsible for:

- assisting in any investigation or meeting, as required and in the determination and administration of any disciplinary action;
- performing the Program Administrator role for CP's Alcohol and Drug Testing program;
- consistent administration of the Policy and Procedures;
- resolution of any questions of interpretation;
- supporting supervisors in meeting their responsibilities;
- coordinating development and delivery of education and training programs;
- supporting the administration of the Company's Fitness to Work Medical Policy and Procedures;
- coordinating the on-going review and revision of the Policy and Procedures as required.

7.4 Labour Relations

Labour Relations is responsible for assisting in any investigation or meeting, as required and in the determination and administration of any disciplinary action related to unionized employees.

7.5 Health Services

CP Health Services (HS) is responsible for assessing medical fitness for duty as required in accordance with the Company's Fitness to Work Medical Policy and Procedures and the Railway Safety Critical Position Rule and Medical Rules. In situations where an employee is unsafe for regular duty, or requires an absence or modified work for medical reasons, HS in conjunction with the Disability Management Specialists, where applicable will advise the Supervisor:

- of the need for leave or modified work including the nature of the restrictions and/or limitations;
- when an employee is likely to be returning to work; and
- will confirm when an employee is fit to return to full duty.

In addition to the above HS is responsible for:

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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- providing medical fitness for work assessments for Safety Critical Positions and Safety Sensitive Positions;
- monitoring compliance with medically indicated relapse prevention agreements implemented for employees in Safety Critical Positions and Safety Sensitive Positions who are diagnosed as having Substance Use Disorders;
- determining the medical assessment requirements for fitness for duty assessments and administering the testing component of employment contracts established as terms of reinstatement or continuing employment;
- assessing fitness for duty of employees who contact HS because of concerns over the use of medication(s) or medical cannabis;
- assessing fitness for duty of employees in cases where supervisors have documented reasons for believing that a health condition of an employee in a Safety Critical Position or Safety Sensitive Position may be adversely affecting the safety of operations;
- providing advice on any concerns related to the potential adverse effects of substance use and to determine medical fitness to work as required;
- making arrangements for Substance Abuse Professional or Addictions Medicine Physician assessments as required;
- assisting in the administration and communication of the Policy and Procedures.

8. Additional Information

For interpretation or additional information on the Policy and Procedure, please contact Human Resources.

History

Version	Description	Author	Date
1.0	OHS 5100	Director, OHS	November 17, 2011
1.1	OHS 5100	Director, OHS	June 5, 2013
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9. Related Policy and Documentation

Governing Policy:	Alcohol and Drug Policy (Canada)	HR 203
Related Procedures:	Alcohol and Drug Assistance through Company Officer and Co-Worker Reporting (HR 203.2) Fitness to Work Medical Policy and Procedures (HS # 4000 and HS # 5000) Disability Management Policy and Procedure (DM # 4000 and DM # 5000) Protection of Personal Information Policy (#1804) Workplace Accommodation Policy (#1501)	

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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Appendix 1 - Guidelines on Medications

Employees are required to responsibly use prescribed and over-the-counter medications, including using a safe alternative whenever available. They should inform their supervisor if they believe their medication use will inhibit their ability to safely perform normal duties and request modified or alternate duties. If employees are not certain about the impacts of their medication use they must seek guidance from their treating/prescribing physician, dispensing pharmacist or CP Health Services.

The following drug categories are provided as a guideline to employees in assessing their own situation. The list is not exhaustive, nor are the listed side effects; there are numerous other over-the-counter and prescription drugs which when taken may impact negatively on performance.

For these reasons, employees are required to consult with their treating/prescribing physician or another health care professional to determine if the use of the medication will have any potential negative impact on job performance by explaining their job requirements, and to take appropriate steps to manage any associated risk.

- **Antihistamines** – are widely prescribed for hay fever and other allergies (e.g., Allegra, Dimetane). They are also found in many cold medications. These medications may cause drowsiness.
- **Motion Sickness Drugs** – are used to prevent motion sickness and nausea (e.g., Gravol, Antivert). Side effects may include drowsiness.
- **Barbiturates, Sedatives, Hypnotics, Tranquilizers, and 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.
- **Narcotics** – (e. g. Demerol, Codeine, OxyContin, Percocet). Codeine is often found in combination drugs such as 222's or 292's or Tylenol 1,2,3,4's. Drowsiness, dizziness, and light-headedness are common side effects.
- **Stimulants** – Medication used for central nervous system stimulation and for appetite suppression can produce sensations of well-being which may have an adverse effect on judgment, mood and behaviour (e.g., amphetamines or medications sold as “diet pills”).
- **Anticonvulsants** – are used to control epileptic seizures and can cause drowsiness in some patients (e.g., Dilantin).

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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Procedure # HR 203.1
Alcohol and Drug Procedures (Canada)

- **Muscle Relaxants** – are used to treat musculoskeletal pain. Most common side effects are sedation and drowsiness (e.g., Flexeril, Robaxisal).
- **Cold Tablets/Cough Mixtures** – in particular, night time remedies can cause drowsiness (e.g., Sinutab, Contac, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine).
- **Smoking Cessation Medication** – (e.g. Zyban and Champix) can cause drowsiness, dizziness and other adverse effects. Use of this medication may require an initial period of monitoring to judge any potential adverse side effects and should be done under medical supervision.
- **Medical Cannabis/Marijuana** is categorized as a controlled substance; Health Canada confirms it is not an approved drug or medicine, and does not endorse its use. However, the Cannabis Act allows physicians to authorize use of marijuana for treatment purposes. Its use can present serious negative impacts on performance at work, including impaired judgment and concentration, impaired physical and cognitive function, drowsiness or impaired alertness, paranoia, and development of tolerance and/or addiction in relation to chronic use.

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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Appendix 2 - Alcohol and Drug Testing Process

The alcohol and drug testing process is based on rigorous collection, analysis and reporting procedures designed to ensure the accuracy and integrity of the results. Steps in the testing process are highlighted below. Note that this is a summary of the process for general information purposes.

- Testing will be conducted in those circumstances outlined under the Company Policy and Procedure to determine the presence of alcohol and/or drugs e.g. marijuana, amphetamines, cocaine, opioids, phencyclidine. If the Company concludes there is justification to include additional drugs in this list, employees will be advised of the change. Testing for additional drugs may also be required on an individualized basis on the advice of medical or substance abuse professionals in a post-treatment situation.
- Collection of specimens for drug testing and administration of alcohol tests will be performed by trained collection agents. Arrangements for testing can be made 24 hours a day, 7 days per week, through CP's contracted service provider, at 1-800-463-4310.
- Alcohol tests will be administered by a calibrated evidential breathalyzer with a printout of test results. Drug tests will be administered by urinalysis for Pre-Employment and Qualification testing, urinalysis and hair for testing relating to Monitoring for a Medical Condition, and by urinalysis and oral fluid (saliva) in Reasonable Suspicion testing, Post Incident testing and Random testing.
- For Reasonable Suspicion and Post Incident testing, specimens for testing will be collected as soon as possible after the decision to test is made. However if an alcohol test is not administered within 8 hours following the triggering event, or if a drug test is not administered within 32 hours following the triggering event, attempts to collect specimens will cease.
- All individuals who are tested are required to sign a form to acknowledge the accuracy of the donor and collection information and authenticity of the specimen(s). They will be given a copy of the Drug Testing Custody and Control Form and the Alcohol Testing Form for their records.
- Urine specimens for drug testing will be analyzed by a fully qualified and accredited laboratory using a two-step process with initial screening by immunoassay and any required confirmation test being performed by gas chromatography/mass spectrometry (GC/MS). Oral fluid (saliva) specimens for drug testing will be analyzed at the laboratory using a similar process.

History

Version	Description	Author	Date
1.0	OHS 5100	Director, OHS	November 17, 2011
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**Procedure # HR 203.1
Alcohol and Drug Procedures (Canada)**

- Laboratory confirmed positive drug test results will be reviewed by a qualified Medical Review Officer (MRO). This is an independent physician who will endeavour to discuss the result with the individual in an effort to determine whether a positive laboratory test could have a legitimate medical explanation. The individual concerned will be given an opportunity to explain the finding to the MRO who will then determine whether the result will be reported to the Company Program Administrator as a negative, negative with safety advisory, or a verified positive, or a tampered or substituted specimen result.
- In the case of a verified positive drug test result, or a tampered or substituted finding, the employee may ask the MRO to require the urine split sample to be tested within seventy-two (72) hours of receiving their results. If a second confirmed positive test is reported, the person who requested the second analysis is responsible for reimbursing the Company for the associated costs.
- If the MRO reports a test result to the Company Program Administrator as negative because the specimen is dilute or cancelled because the specimen is invalid, the employee may be required to provide an additional specimen for testing as soon as possible.
- BAC results will be released by the Collector to the Supervisor as either negative OR positive. Actual quantitative BAC levels may be released to other stakeholders within the Company in accordance with consent forms and Policy #1804 Protection of Personal Information, or as otherwise permitted or required by law.
- Urine POCT results will be released by the Collector to the Supervisor as either negative or non-negative. Confirmatory urine and oral fluid test results will be released to the Supervisor via the Company Program Administrator as positive or negative. Actual quantitative levels or drug type may be released to other relevant stakeholders within the Company in accordance with consent and Policy #1804 Protection of Personal Information, or as otherwise permitted or required by law.
- All confirmed test results, including drug type and quantitative levels, will be reported directly to and maintained by the Company's Program Administrator or designate. Subject to consent and Policy #1804 Protection of Personal Information, or in situations affecting the health and safety of workers and the public, or as permitted or required by law, the Company's Program Administrator or designate will keep confirmed test results, including drug type and quantitative levels, confidential.

History

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1.0	OHS 5100	Director, OHS	November 17, 2011
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Procedure # HR 203.1
Alcohol and Drug Procedures (Canada)

CP Workplace Testing Program - Drug Concentration Limits

URINE		
Drugs or classes of drugs	*Screening concentration equal to or in excess of ng/ml	**Confirmation concentration equal to or in excess of ng/ml
Marijuana Metabolite (THC)	50	15
Cocaine Metabolite	150	100
Opioids:		
• Codeine/Morphine	2000	2000
• Hydrocodone/Hydromorphone	300	100
• Oxycodone/Oxymorphone	100	100
6-Acetylmorphine (Heroin)	10	10
Phencyclidine (PCP)	25	25
Amphetamines		
• Amphetamine	500	250
• Methamphetamine	500	250
• Ecstasy (MDMA, MDA, MDEA)	500	250
ORAL FLUID (SALIVA)		
Drugs or classes of drugs	*Screening concentration equal to or in excess of ng/ml	**Confirmation concentration equal to or in excess of ng/ml
Marijuana (THC)	4	2
Cocaine Metabolite	20	8
Opioids:		
• Codeine/Morphine	40	40
• Hydrocodone/Hydromorphone	40	40
• Oxycodone	40	40
6-Acetylmorphine (Heroin)	-	4
Phencyclidine (PCP)	10	10
Amphetamines		
• Amphetamine	50	50
• Methamphetamine	50	50
• Ecstasy (MDMA, MDA, MDEA)	50	50

This chart is subject to ongoing review and may be modified from time to time by CP at its discretion to reflect minimum drug detection levels.

History

Version	Description	Author	Date
1.0	OHS 5100	Director, OHS	November 17, 2011
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Procedure # HR 203.1
Alcohol and Drug Procedures (Canada)

*** Screening**

All drug tests, whether urine, oral fluid or hair tests are first tested at the laboratory with a screening test called immunoassay testing. This test is quick, inexpensive, and it is a qualitative test, meaning that it is either negative or positive. This screening test screens for multiple different substances and metabolites (break down products) in that class of drugs and does not specify which one may be present. If the screening test is negative, no other test is conducted at the laboratory. The test is simply negative. If the screening test is positive, the test is sent for more detailed, specific, quantitative testing using mass spectrometry confirmation testing (either gas or liquid – also referred to as GC/MS or LC/MS testing).

**** Confirmation**

Confirmation testing is precise and determines which specific substance is there (or not) and at what concentration (above a set cut-off level). This type of testing takes longer and is a more detailed and expensive test. If this confirmation test is positive, it confirms the presence of a specific substance and the quantity (usually measured in ng/mL for urine and oral fluid testing).

History

Version	Description	Author	Date
1.0	OHS 5100	Director, OHS	November 17, 2011
1.1	OHS 5100	Director, OHS	June 5, 2013
1.2	OHS 5100	Manager, Occupational Health Programs	August 8, 2013
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Procedure Title:	Alcohol and Drug Assistance through Company Officer and Co-Worker Reporting Procedure (Canada)		
Procedure Number:	HR 203.2	Effective Date:	July 1, 2017

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History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018



1.0 Purpose

CP is committed to the safety, health and well-being of all employees, other individuals in our workplace, the environment and the public. We recognize that alcohol and drug use or the after affects pose a significant threat to these goals. We have established programs that balance our respect for individuals with the need to maintain an alcohol and drug-free work environment.

2.0 Scope

This procedure applies to all employees (Canada).

3.0 Procedures and Requirements

3.1 Employee Eligibility

An employee is eligible under this Procedure if the employee meets all of the following conditions:

- a. the employee is a CP employee in Canada;
- b. the employee has not previously invoked this Procedure;
- c. the employee has not previously been determined to have violated CP's Alcohol and Drug Policy (HR 203) or Procedure (HR 203.1);
- d. the employee is not and has not been under contract with the Company or arbitral directives to address alcohol and/or drug issues, including without limitation, fitness to work medical monitoring under CP's Fitness to Work Medical Policy and Procedures or Labour Relations directed substance testing;
- e. the employee has not committed another alleged offense for which an investigation will be conducted in conjunction with the alleged violation of CP's Alcohol and Drug Policy (HR 203) or Procedure (HR 203.1); and
- f. the incident is reported by either:
 - i) A fellow Co-Worker while the employee is subject to duty or while on duty; or
 - ii) A Company Officer before the start of the employee's work shift, if the employee has not reported for duty (for the purposes of this Procedure, CP Police are considered to be Company Officers, not fellow Co-Workers).

2

History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018



3.2 Co-Worker/Company Officer Reporting

If a fellow Co-Worker or Company Officer reports an employee (the “Employee”) under this Procedure, the fellow Co-Worker or Company Officer shall immediately report the Employee to his or her Supervisor and an experienced Company Operating Officer (“ECOO”) (i.e. Superintendent/Division Engineer, or above, who is trained in recognizing the signs and symptoms of impairment).

3.3 Procedure Following Co-Worker/Company Officer Reporting

Upon receiving a Co-Worker/Company Officer Report under Section 3.2, above, the ECOO shall:

- a. Immediately meet with the Employee to:
 - i. Advise of the Co-Worker/Company Officer Report,
 - ii. Allow the Employee, if unionized, to contact an accredited Representative of the applicable Union as long as there is no undue delay in doing so; and
 - iii. Request whether the Employee challenges the Co-Worker/Company Officer Report and, if so, Section 3.5, below, will apply.
- b. Immediately relieve the Employee from all work duties, if such has not already occurred;
- c. Request whether the Employee wishes to invoke this Procedure by acknowledging in writing that the Employee:
 - i. Is eligible to invoke this Procedure;
 - ii. Is invoking this Procedure; and
 - iii. Agrees to the terms and conditions of this Procedure.
- d. Remove the Employee from the workplace at the first available location and arrange for the safe transportation to their local place of residence or the care of another adult person. If there are indications of a medical issue that requires immediate care or attention, arrangements will be made to transport the Employee to the nearest appropriate medical facility; and
- e. Report the incident to the relevant Occupational Health Nurse in Health Services (“HS”) and advise HS whether the Employee is invoking this Procedure.

History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018



3.4 Procedure if Employee is eligible and has invoked

If an ECOO has received a Co-Worker/Company Officer Report under Section 3.2, above, and the Employee is eligible under Section 3.1, above, and the Employee has invoked this Procedure under section 3.3.c, above, the following is applicable:

- a. The ECOO shall make a Co-Worker/Company Officer Report referral to HS.
- b. On receipt of the referral, HS will initiate the appropriate medical fitness for duty assessment, which may include an assessment by a Substance Abuse Professional (SAP) and/or Addictions Medicine Physician.
- c. If the medical assessment determines that the Employee has a Substance Use Disorder, or any other medical condition that may impact railway safety, agreement and compliance with HS requirements arising from the medical assessment shall be required to maintain an employment relationship with the Company.
- d. If the medical assessment does not determine that the Employee has a Substance Use Disorder, the CP Vice President responsible for the Employee and the Employee and/or, if the Employee is unionized, an accredited Representative of the applicable Union, shall discuss mutually agreeable terms with respect to the conditions upon which the Employee's employment will continue, which may include the following terms but not limited to:
 - i. Minimum of a 20 day suspension without pay of the Employee;
 - ii. The Employee shall be required to participate in a counseling and education session regarding alcohol and drug misuse and safety;
 - iii. If the Employee commits another violation of CP's Alcohol and Drug Policy (HR 203) and Procedure (HR 203.1), the Employee will be subject to discipline up to and including dismissal.
- e. Prior to any return to work the Employee will be required to pass a return to work substance test.
- f. If the Employee does not comply with all medical assessments, treatment and monitoring as indicated by the medical assessment process, the Employee will be disqualified for eligibility under this Procedure and an investigation will be commenced.

History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018



3.5 Procedure if the Employee is not eligible

If an ECOO has received a Co-Worker/Company Officer Report under Section 3.2, above, and the Employee is not eligible under Section 3.1, above, or the Employee wishes to challenge the Co-Worker/Company Officer Report under Section 3.3.a, above, or the Employee does not invoke this Policy under Section 3.3.c, above, the following is applicable:

- a. The ECOO shall subject the Employee to the Unfit for Work Situations and/or Reasonable Suspicion (Signs and Symptoms) Testing provisions of the Alcohol and Drug Policy (HR 203) and Procedure (HR203.1) if applicable;
- b. The Company shall formally investigate the incident; and
- c. This Procedure shall have no further application.

3.6 Confidentiality

The identity of an employee who makes a Co-Worker Report of another employee under this Procedure will be kept as confidential as practical under the circumstances.

All medical information related to this Procedure will be collected, stored, maintained, used and disclosed in the appropriate confidential manner in accordance with applicable legal requirements, accepted medical practices and the Company's Confidentiality of Medical and Occupational Health Information Procedure #1804.

3.7 Prevention and Assistance

Prevention and early identification of potential alcohol and drug problems is important in reducing the progression to substance abuse or dependence. The abuse of, and dependence on, alcohol or drugs are concerns to management, unions and employees to the extent that it affects the health, safety, performance, and conduct of employees on the job, and imposes hardship on the employee and their family.

Employees are encouraged to access assistance through the Company's Employee and Family Assistance Program (EFAP), Health Services, their personal physician, or appropriate community services for help with any problem that may be affecting safe work performance, including one related to alcohol and drug issues.

EFAP is a valuable resource in assisting employees who may have abuse or dependency issues related to alcohol or drugs. EFAP can also provide education services to assist in the prevention of potential problems and can be contacted 24/7/365 at 1 800 735-0286 or www.workhealthlife.com.

History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018



Employees should understand that accessing assistance or declaring a problem does not eliminate the requirement for maintenance of safe and acceptable job performance levels. Should discipline and/or alcohol and drug testing be warranted, then it will not be avoided by a request for assistance with a problem or by disclosure that the employee is already involved in a treatment program.

4.0 Responsibilities

- a. Managers are responsible for understanding this Policy and fostering employee participation with this Policy when potential unsafe or unsatisfactory work performance due to legal, illegal or illicit drugs, medications, alcohol or any mood altering substance that can impact performance is identified.
- b. Co-Workers and Company Officers are responsible for reporting employees who appear to be jeopardizing workplace safety due to unsafe or unsatisfactory work performance due to legal, illegal or illicit drugs, medications, alcohol or any mood altering substance that can impact performance.

5.0 Additional Information

For interpretation or additional information on this procedure, please contact the Human Resources Department.

6.0 Related Policy and Procedures

Governing Policy:	Alcohol and Drug Policy (Canada)	HR 203
Related Procedures:	Alcohol and Drug Procedures (Canada)	HR 203.1

History

Version	Description	Author	Date
1.0	OHS 4101	Manager Employee Relations	July 1, 2017
1.1	HR 203.2	Director Global Health Services	September 20, 2018

