



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.

History

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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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- 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.

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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:

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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.

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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)	

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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).

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- **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.

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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.

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- 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.

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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.

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*** 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).

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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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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).

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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.

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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.

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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.

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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

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