

October 17, 2022

TYPE: Information

NUMBER: LR-020-22

SUBJECT: Medical Appointments – Process and Claim Procedures (Update)

DETAILS

Attention – All Canadian (TCRC) T&E Employees

This bulletin **update (see highlighted text below)** to Medical Appointments and how to correctly enter a wage claim if payment applies based on the provisions of the Collective Agreement.

Collective Agreement Article 33.08 (*Medical Hold Turn*) and Article 38 (*Periodic Company-Required Medical*) outline medical appointment provisions. Both Articles are reproduced in the Appendix of this bulletin.

Periodic Company Required Medical Examinations (Article 38)

Article 38 applies only to Periodic Medical Exam Examinations that are Company-Required (see explanatory notes below).

Employees are to attend these periodic medical appointments on their off-duty time and are thereafter entitled to claim three (**3**) hours pay at the basic rate of their position (Article 38.01). Claim code “**ME**” must be used and you must include remarks that reflect the pertinent details.

If you cannot adjust your work schedule to attend your Periodic Company Required Medical Examination on your off-duty time, and would lose wages as a result, you are to inform your manager as soon as possible in order that appropriate action can be taken to permit your attendance.

This is your obligation per the Collective Agreement.

Subsequent to this and if and only if you have done all of the above and circumstances require you to miss work to attend your Periodic Company-Required Medical Examination, you may claim lost wages using claim code “**HC**”. You must include remarks indicating all pertinent details including the name of the Company Officer you spoke to (with date) prior to missing work to attend the medical examination.

Important Note: Employees are **not** eligible for payment including but not limited to the following circumstances:

- No pay entitlement where Medical Examinations that are not required by the Company under the Regulations
- No pay entitlement for cases involving employees who are off work due to an “on-duty” or “off-duty” injury and have not yet been cleared to return to work without restrictions
- No pay entitlement where the assessment and report is for the general assessment of vision and hearing where such tests have been part of the general periodic medical assessment. Additionally, payment for vision or hearing tests would not be applicable where such tests have been offered to employees at their

worksite by the Company and employees have not taken the opportunity to avail themselves of such assessments.

- No pay entitlement for Medical examination in connection with a Reinstatement Agreement
- No pay entitlement Medical examination in connection with a Relapse Prevention Agreement
- No pay entitlement for EFAP appointments
- No pay for unannounced substance testing as a consequence of a prior substance test failure

Medical Hold Turn Provision (Article 33.08)

If you must attend a medical appointment that is not a *Periodic Company-Required Medical Examination* **and** you cannot schedule it outside of your work hours, you may apply the provisions of Article 33.08 to have your turn held while you attend your medical appointment.

To do so, you must provide 14 days notice and proof of the appointment to your Superintendent and the Crew Management Centre unless the appointment is of emergent necessity.

There is no pay entitlement associated with the Article 33.08 *Medical Hold Turn* provision.

Important Reminder: If your circumstances do not entitle you to a monetary payment do not submit a wage claim.

All employees are reminded of their responsibility under the Honour System to ensure that their wage claims are submitted accurately.

You are your own timekeeper. You are responsible for your timeslips (even if submitted by a fellow employee).

You must make every effort to understand and apply your Collective Agreement, Method of Pay, Instructional Bulletins, and Local Rules correctly.

Labour Relations
T&E Payroll Audit
Canadian Pacific

Appendix

Collective Agreement Articles 33.08 & 38

Article 33.08 MEDICAL HOLD TURN

Note: From 2018 MOS.

Within 30 days of ratification, the parties will identify and agree upon three trial locations across Canada, one of which will include a major metropolitan area. Any issues arising during the trial period will be addressed locally and escalated to the General Manager and General Chairmen, if necessary.

Following the one-year trial period the Medical Hold provision will be implemented at all terminals with the following parameters:

- (1) Unless the appointment is of emergent necessity, the employee will be required to provide a minimum of 14 days' notice and proof of the appointment to the Superintendent and CMC. Application is limited to when such appointments cannot reasonably be scheduled during off-duty time.
- (2) Employees cannot use this Medical Hold provision between the hours of 1700 hours Friday until 1800 hours on Sunday.
- (3) During Medical Hold period employees will have their turn held.

ARTICLE 38 - PERIODIC COMPANY REQUIRED MEDICAL

38.01 An employee required to take a periodic medical examination during their off-duty hours shall be allowed payment of 3 hours' pay at the basic rate of their regular position.

38.02 Payment will be provided in the following circumstances:

Note: Formerly Appendix 34 MOS- 2007.

- (1) Employees currently working in a running trades position and have been instructed by the Chief Medical Officer (CMO) or his designate to attend a medical assessment with or without a submission of a medical report during their off-duty hours.
- (2) Payment would apply in circumstances for both general medical assessments and for the monitoring of specific conditions as required by the CMO or his designate under the regulations. For information, guidelines regarding general medical assessments are as follows: every five years until the age of forty and every three years thereafter until retirement or until no longer employed in a Safety Critical Position. Medical assessments for the monitoring of specific conditions are established on a case-by-case basis as deemed necessary by the CMO or his designate in applying the Railway Medical Guidelines. It should be noted that these medical assessments for the monitoring of specific conditions may be more frequent than general medical assessments.
- (3) Payment would also apply for separate hearing and vision examinations required by the CMO or his designate, subject to the exceptions outlined below.

38.03 Employees would NOT be eligible for payment under this article in the following circumstances: (1) Where the medical assessment is not required by the CMO or his designate under the Regulations.

- (2) Employees who are off work due to an "on-duty" or "off-duty" injury and have not yet been cleared to return to work without restrictions.
- (3) The assessment and report is for the general assessment of vision and hearing where such tests have been part of the general periodic medical assessment. Additionally, payment for vision or hearing tests would not be applicable where such tests have been offered to employees at their worksite by the Company and employees have not taken the opportunity to avail themselves of such assessments.

38.04 **PAYMENT FOR PERIODIC MEDICAL EXAMINATIONS - LOST WAGES**

The Company attempts to schedule medical examinations at locations and times that would permit employees to attend during their off- duty time; when off for miles, between trips, or on scheduled days off. In certain cases, however, it appears there is still an issue when the Company Medical Officer makes arrangements for the employee to attend a medical examination.

If unusual circumstances prevail whereby employees cannot adjust their work schedule to attend such medical examinations in their off-duty time, and would lose wages as a result, they should inform the Company in order that appropriate action can be taken to permit their attendance. This should be done as far as in advanced of the necessity for the medical examination.

In the above circumstance, if the employee is required to miss work to attend, the Company will pay lost wages. Employees who are required by the Chief Medical Officer to submit to a medical examination at other than their home terminal, expenses will be provided subject to prior approval of local managers.