

Prevention
our safe choice

Policy to Prevent Workplace Alcohol and Drug Problems (January 28, 1997)

Policy and Guidelines

POLICY

1. Introduction

Canadian National (CN) is committed to the health and safety of its employees, the public and the environment in its pursuit to become the safest railway in North America. As part of this commitment, CN, its employees and unions, have a responsibility to maintain a safe workplace, free from the negative effects of alcohol and other drugs.

Management, unions and employees are concerned with alcohol and other drug use to the extent that it can affect the health, safety, performance and conduct of employees on the job, and impose hardship on the employer, employee, co-workers and family. Therefore, CN has introduced this policy as one more component of its overall safety program to minimize risk in all operations.

2. Policy

2.1 Scope

This policy applies to all employees of CN and its subsidiaries who are based in Canada. Those employees in risk-sensitive and specified management positions will be held to a higher standard and will be subject to more serious consequences due to the direct impact that these positions have on safety, or the financial health and reputation of the Company.

In addition, Canadian-based employees who operate into the United States are subject to the rules and regulations governing cross-border operations. U.S.-based employees of CN's subsidiaries are subject to the rules and regulations of that jurisdiction. Because company concern for safety extends to the operations of contractors and tenants, they will be expected to adhere to these standards, in whole or in part, as a condition of contract or lease.

2.2 Policy Statement

All employees are required to report and remain fit for duty, free of the negative effects of alcohol and other drugs. It is prohibited to be on duty or to be in control of a CN vehicle or equipment while under the influence of alcohol or other drugs, including the after-effects of such use. Specifically, the use, possession, presence in the body, distribution or sale of illegal drugs while on duty (including during breaks), on or off company premises, on company business, or on company premises including vehicles and equipment, is prohibited. Possession, distribution or sale of beverage alcohol, and the consumption of any form of alcohol, is prohibited while on duty (including during breaks), on or off company premises, on company business, or on company premises including vehicles and equipment.

Employees are expected to use over-the-counter or prescription medications responsibly. Any employee in a risk-sensitive or specified management position, or who is in the control of a CN vehicle or equipment is responsible for investigating whether the medication will affect safe operations, reporting any concerns to CN's designated medical provider, and abiding by their recommendations to ensure safety.

2.3 Prevention and Assistance

Personal problems affecting an employee's performance, health or safety can often be overcome with proper education, help, counselling or treatment. CN wants to assist any employee who may have a problem related to alcohol or any other drug, and who is willing to address the problem prior to work performance impact or otherwise being in violation of this policy. Seeking assistance is the preferred method of dealing with these problems. In such instances, the employee's employment or advancement opportunities will not be affected, provided approved rehabilitation is undertaken resulting in satisfactory control of the problem.

Employees should encourage co-workers who may have a current or emerging alcohol or other drug problem to contact the Employee and Family Assistance Program (EFAP). Assistance will be provided in accordance with CN's EFAP policy. Use of the services provided by the EFAP does not eliminate the requirement to meet performance expectations. In addition to the educational program outlined in the EFAP policy, CN will provide educational and awareness programs for employees concerning this policy and its implementation.

2.4 Available Means to Assess and Monitor Policy Compliance

2.4.1 Supervisory Management of Performance: Supervisors will be trained as to their responsibilities in administering this policy.

2.4.2 Medical Assessment: As a component of regular medical assessments.

2.4.3 Testing: Alcohol and/or drug testing will be conducted as follows:

All employees are subject to testing under the following circumstances:

Follow-up: As a requirement for continuing employment as part of a relapse prevention program after treatment for an alcohol or drug problem, including where the Rule G By-Pass Agreement is applicable.

Reinstatement: As a requirement for continuing employment as part of a monitoring program after a policy violation.

Reasonable Cause: Where reasonable cause exists to suspect alcohol or drug use or possession in violation of this policy, including after an accident or incident.

Risk-Sensitive/Specified Management Positions: In addition to the above, all individuals seeking assignment to a risk-sensitive or specified management position must pass a drug test as a final condition of offer. (Note: This requirement does not apply to incumbents in a risk-sensitive or specified management position.) In any case where an individual is to transfer into one of these positions, pre-assignment testing will not be required if a negative test result has occurred within the preceding twelve month period. However, incumbents may be required to pass a drug test as a prior condition of return to duty after a leave of six months or more.

2.4.4 Searches: CN reserves the right to conduct unannounced searches for alcohol or drugs where there are reasonable grounds to believe they are present on premises, vehicles and equipment owned, leased, or otherwise controlled by CN.

2.4.5 Impaired Driving Charge or Conviction: Any employee who requires a valid driver's license in the performance of their duties and where driving privileges are lost or suspended due to an impaired driving charge or conviction while not on duty, nor in a CN vehicle, nor on CN premises, must immediately report such loss to their supervisor.

2.5 Other Issues

To demonstrate CN's commitment to a safe, healthy workplace free of the negative effects of alcohol or other drug use, CN will support and provide guidance for responsible hosting practices, including designated driver programs.

This policy supplements but does not modify the General Safety Rule 1.1, Canadian Rail Operating Rules (C.R.O.R.) Rule G and the Union/Management Agreement on The Control of Drug and/or Alcohol Abuse. This policy replaces the Drug-Free Workplace Policy.

3. Violations

Violations of this policy by any employee in a risk-sensitive or specified management position will result in dismissal. Violation by an employee in any other position will result in corrective action up to and including dismissal. Violation by contractors or tenants will be considered a breach of their contract or lease. Refusal to complete the testing process set out under this policy is considered a policy violation.

4. Authority

The Senior Vice-President, Operations and the Vice-President, Human Resources, in consultation with other Vice-Presidents and Divisional Heads, are jointly responsible for the development and implementation of the information, education, testing and follow-up required under this policy.

5. Supporting Guidelines

Detailed Guidelines supporting this policy describe implementation, testing procedures, consequences of policy violation, reinstatement requirements, procedures for EFAP referral, designated risk-sensitive and specified management positions, and other associated issues.

GUIDELINES

The following guidelines have been developed for the purpose of clarifying and implementing Canadian National's (CN) Policy to Prevent Workplace Alcohol and Drug Problems in the support of a safe worksite at CN. In the event that a situation arises which has not been foreseen please contact your Supervisor or Human Resources representative.

POLICY STANDARDS

To minimize the risk of unsafe and unsatisfactory performance due to the use of alcohol or other drugs, all employees are required to report and remain fit for duty, and adhere to the following standards:

- i) **Illegal Drugs:** The use, possession, presence in the body, distribution or sale of illegal drugs is prohibited while on duty (including during breaks), on company business, or on company premises, including vehicles and equipment.
- ii) **Alcohol:** Possession, distribution or sale of beverage alcohol, and the use of any form of alcohol, is prohibited while on duty (including during breaks on or off CN property), on company business, or on company premises, including vehicles and equipment. Limited exceptions to this restriction will be allowed with prior approval of a Vice-President. This does not limit retail outlets and licensed business establishments from carrying out their normal operations.

Presence in the body of alcohol above the established cut-off level, when on duty or on company business or premises, is also prohibited for all employees. In any situation where an employee is to be tested with reasonable cause including after an accident or incident, they are prohibited from using alcohol within eight hours of the accident or incident, or until tested or advised a test will not be necessary.

- iii) **Medications:** All employees are required to use medications, both prescribed and over-the-counter, responsibly. The possession of prescribed medications without a legally obtained prescription, and the distribution, offering or sale of prescription medications is prohibited. The intentional misuse of medications (e.g. using the medication not as it has been prescribed, using someone else's prescription medication, combining medication and/or alcohol use against direction) is prohibited while on duty (including during breaks), on company business, or on company premises, including vehicles and equipment. Medications of concern are those that inhibit or may inhibit an employee's ability to perform their job safely and productively. (See Appendix – Medication Guidelines).

All employees are expected to manage potential impairment during working hours due to the legitimate use of medications by contacting their personal physician, pharmacist or designated medical provider, to determine if the medication or combination of medications can have a negative impact on performance, and to take appropriate steps to manage any associated risk.

All employees holding a risk-sensitive or specified management position, and employees in the control of a CN vehicle or equipment, are expected to investigate whether the medication will affect safe operations and report any concerns to CN's designated medical provider (Medisys). A Medisys physician will assess the situation to determine whether the employee can safely perform regular duties. Where it is determined that continued use of the medication will affect the individual's ability to operate safely, employees are required to adhere to any recommendations including modified work if required and available in order to eliminate safety risks.

- iv) **Employees On-Call:** It is the employee's responsibility to remain fit for duty when on call. For the purposes of this policy, unionized employees receiving compensation for being on call are considered on duty.

If an employee holding a risk-sensitive position is not on call and unexpected circumstances arise (e.g. an emergency situation) when he/she is requested to perform unscheduled services while under the influence of alcohol, drugs, or medications, it is the responsibility of that employee to refuse the request and ask that the call to work be delegated to another employee. The inability of an employee in this situation to accept a work assignment will not result in corrective action.

- v) **Implications for General Safety Rule 1.1, C.R.O.R. Rule G and Rule G By-Pass Agreement:** Nothing in this policy reduces the requirements of General Safety Rule 1.1 or C.R.O.R. Rule G, including the subject to duty provisions. Similarly, this policy does not alter the Union/Management Agreement on the Control of Drug and/or Alcohol Abuse in any way (The "Rule G By-Pass Agreement").

DEFINITIONS

For the purposes of this policy, the following definitions will apply.

- i) C.M.O. - means Chief Medical Officer.
- ii) Company - Canadian National and CN each refer to Canadian National Railway Company and its wholly-owned subsidiaries.
- iii) Company Business - refers to all business activities in pursuit of the corporate objectives undertaken by employees or contractors in the course of the company's operations, whether conducted on or off company premises. It includes all situations when an employee is representing the company, or when a contractor or contractor's employees is providing services to the company.
- iv) Company Premises - includes but is not restricted to, all land, property, structures, installations, facilities, vehicles and equipment owned, leased, operated or otherwise controlled by the company.

- v) Contractor - refers to any company or individual providing contracted services to CN or on behalf of CN and not on the company payroll.
- vi) Drug - is any substance (alcohol, illegal drugs, over-the-counter or prescribed medications) the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of this policy, drugs of concern are those that may inhibit an employee's ability to perform their job safely and meet performance expectations.

An illegal drug is any drug or substance which is not legally obtainable and of which the use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as marijuana and cocaine).

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Beverage alcohol refers to wine, beer, distilled spirits and similar products.

- vii) Employee - means the company's regular, part-time, and seasonal employees on the CN payroll, including students and temporary employees.
- viii) Fitness for Work/Duty - means being able to safely perform assigned duties at a level which meets performance expectations without any limitations due to the use or after-effects of alcohol, illegal drugs or medications.
- ix) M.R.O. - means Medical Review Officer.
- x) On Duty - For employees covered by the Rule G By-Pass Agreement, the definition of 'on duty' will be as per that agreement. Other employees will be considered on-duty when they have reported for duty and are being compensated. Any employee being compensated for being on call will be considered to be on duty.
- xi) Risk-Sensitive Positions - Risk-sensitive positions are those which the company determines have a key and direct role in an operation 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. This includes all employees who are required to rotate through or regularly relieve in risk-sensitive positions. Supervisors and managers who directly supervise the working level positions, or who may perform the same duties or exercise the same responsibilities as risk-sensitive positions are deemed to hold risk-sensitive positions.
- xii) Specified Management Positions - are those which the company determines have significant ongoing responsibilities for decisions or actions likely to affect the safe operations, finances or reputation of the company, but do not have the same direct impact on immediate physical loss as the risk-sensitive positions.
- xiii) Supervisor - means the individual in authority over a particular area or shift, including team leaders, managers and others in positions of authority.
- xiv) Tenant - refers to any company or person, including their employees and subcontractors, doing business or working on CN property under a lease, license, or contract agreement.

RISK-SENSITIVE POSITIONS

CN reserves the right to revise the list of risk-sensitive positions from time to time as required.

Risk-Sensitive Positions - Risk-sensitive positions are those which the company determines have a key and direct role in an operation 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. This includes all employees who are required to rotate through or regularly relieve in risk-sensitive positions. Supervisors and managers who directly supervise the working level positions, or who may perform the same duties or exercise the same responsibilities are risk-sensitive positions.

Definitions:

1. Key and Direct Role:

The primary job function of the position, including non-routine or emergency duties, involves responsibility for actions or decisions which could directly cause or contribute to:

- a potentially significant incident; or
- an improper/inadequate response to a potentially significant incident if not performed properly.

2. Significant Incident:

This refers to incidents involving one or more of the following:

- a fatality or fatalities;
- life-threatening injury or injuries; and/or

- significant customer, company or other property damage; and/or
- significant environmental damage.

The following and comparable occupations are deemed to be risk-sensitive positions under this policy.

1. Transportation Department

- Locomotive Engineers (Enginemens)
- Engine Hostlers
- Conductors
- Asst. Conductors (Brakemen)
- Yard Conductors (Yard Foremen)
- Yard Helpers
- Yard Operations Employees
- Train Movement Directors
- Rail Traffic Controllers (Dispatchers)
- Traffic Co-ordinators
- (Yardmasters)
- Asst. Traffic Co-ordinators (Asst. Yardmasters)
- Car Retarder Operators
- Switchtenders
- Tower Attendants (Towermen)
- Crew Bus Drivers
- Yard Checkers (if with vehicle)
- Messengers (if with vehicle)
- Operations Trainees
 - Chief Rail Traffic Controllers
 - Asst. Chief Rail Traffic Controllers
- Operations Co-ordinators
 - General Yard Co-ordinators
 - Asst. General Yard Co-ords.
- Superintendents
- Terminal Superintendents
 - Asst. Superintendents (Mgrs. Train)
- Svce./Mgrs. Trains & Engine Serv.
 - District Operations Co-ords.
- Managers Corridor Operations
- System Operations Officers (SOCO)
- Director Transportation Services
- Dist. Superintendents

2. Mechanical Department

- Car Mechanics
- Heavy Duty Mechanics
- Electricians
- Hostlers
- Hostlers Helpers
- L.M.U. (Labourers Moving Units)
- L.M.U. Helpers
- Locomotive Attendants
- Classified Labourers
- Lead Hand Labourers
 - Engine Attendants (Engine Watchmen)
 - Supervisors (Mechanical)
- Special Commodity Officers
- Dist. Superintendents (Mechanical)

3. Engineering Department

- All employees covered by the following Collective Agreements between the Company and:

Brotherhood of Maintenance of Way Employees covering:

- Work Equipment Department (Agreement 10.3)
- Track Department (Agreement 10.8)
- Bridge and Structures Department (Agreement 10.9)

International Brotherhood of Electrical Workers (Agreement 11.1)

(Except employees of the Electronic Repair Centre in Winnipeg)

National Automobile, Aerospace, Transportation and General Workers Union of Canada (Agreements 5.1, 5.4, and 12.35)

(Except clerical employees working in an office environment such as, but not limited to: Sr. Clerk Administration, Sr. Clerk Engineering, Administration Clerk, Clerk Steno, File Clerk. Also excluding Cook and Cookee not working on Engineering gangs)

- Non-unionized and management employees fulfilling the duties of the following job families:

- | | | |
|---|--|--------|
| • District Engineers/Officers/Mgrs. | Rail Maintenance Officers/
Supts./Supvrs. | |
| • Asst. Dist. Engineers/Officers/
Managers | Asst. Rail Maintenance
Supts./Supvrs. | |
| • Track Supervisors | Work Equipment
Supts./Supervisors | Mgrs./ |

- Asst. Track Supervisors Asst. Work Equipment Mgrs./ Supts./Supervisors
- Production Engineers/Officers/ Mgrs./Supts./Supervisors Senior Geotechnical Engineers
- Construction Engineers/ Supervisors Geotechnical Engineers
- Supervisors Engineering Yard Environmental Engineers
- First Aid Attendants Technical Services Engineers
- Supervisor Safety & First Aid Engineering Technicians
- B&S Engineers/Officers/Managers S&C Engineers/Managers/ Officers/Supervisors
- B&S Supervisors/Foremen Asst. S&C Supervisors
- Asst. B&S Supervisors/Foremen
- B&S Inspectors

4. Intermodal Department

- Heavy Equipment Operators Composite Employees
- Equipment Operators Helpers
- Intermodal Mechanics Lead Hand Operations
- Heavy Duty Mechanics Operations Officers/ Supervisors
- Lead Hand Mechanics Terminal Co-Ords. Mgrs. Terminal Equipment

Note: The following positions are also deemed risk-sensitive when performing duties on or about moving equipment:

- Intermodal Clerk Lead Hand Clerk

5. Supply Management Department

- Material Attendants Tractor-Trailer Operators
- Stores Attendants (Class III or IV) Shipper/Receivers
- Store Clerks Crane Operators
- Sr. Admin. Clerks (where required to operate lifting equipment) Chauffeurs
- Asst. Buyers (where required to operate lifting equipment) Supply Management Supvrs./General Supvrs.

6. Other Departments

- District Safety Officers Dangerous Goods Mgrs.
- Directors Safety & Loss Control Asst. District Managers
- Managers Safety & Loss Control District Managers

7. CANAC

Employees who could be called on to perform comparable duties to those considered as risk-sensitive in sections 1 to 6 of this list.

SPECIFIED MANAGEMENT POSITIONS

Specified Management Positions are those which the company determines have significant ongoing responsibilities for decisions or actions likely to affect the safe operations, finances or reputation of the company, but do not have the same direct impact on immediate physical loss as the risk-sensitive positions.

1. President & Chief Executive Officer - CNRC
2. President & Chief Executive Officer - CN Investment
3. President & Chief Executive Officer - CANAC
4. Senior Vice-President & Chief Financial Officer
5. Senior Vice-President - Operations
6. Senior Vice-President - Marketing
7. Senior Vice-President - CN East
8. Senior Vice-President - CN West
9. Chief Legal Officer & Corporate Secretary

10. Vice-President & Chief Information Officer
11. Vice-President - Atlantic
12. Vice-President - Corporate Development & Special Projects
13. Vice-President - Government Affairs
14. Vice-President - Grain & C.S.F.
15. Vice-President - Human Resources and Quality
16. Vice-President - Intermodal & Automotive
17. Vice-President - Investor Relations
18. Vice-President - Market Planning
19. Vice-President - Merchandise
20. Vice-President - Public Affairs & Advertising
21. Vice-President - Strategic and Financial Planning
22. Treasurer & Principal Tax Counsel
23. Chief of Internal Audit
24. Corporate Comptroller

ROLES AND RESPONSIBILITIES

Every employee and contractor has a responsibility to ensure that CN remains a safe and healthy workplace free of the effects of alcohol and drugs. There are certain groups that have specific roles relative to the implementation of this policy. These are described below.

The Employee

Every employee has the right to expect a safe and healthy workplace. Therefore, every employee is required to report and remain fit for duty free of the negative effects of alcohol and drug use, and to comply with the standards set out under this policy. Employees are required to:

- a. read and understand the policy and their responsibilities under it;
- b. cooperate with any medical work modification recommended by a health care professional;
- c. manage potential impairment during working hours due to the legitimate use of medications by contacting their personal physician or pharmacist to determine if they can have a negative impact on performance; those in risk-sensitive and specified management positions must investigate and report any concerns to Medisys, who will assess the situation and advise the company of any requirement for modified work or temporary reassignment;
- d. seek advice and follow appropriate treatment promptly if they suspect they have a substance dependency or emerging problem;
- e. follow any recommended monitoring or aftercare program after primary treatment for alcohol or other drug problems as required under this policy;
- f. report any loss of driving privileges to their supervisor if driving is required in the performance of their duties, and in addition, report any charges for an impaired driving offense which occurs at any time in a company vehicle;
- g. not transfer any work responsibilities, including control of a company facility (or part thereof), piece of machinery, motor vehicle or railway equipment, or supervision of a worksite, to a co-worker whom the employee reasonably suspects may be unsafe due to the negative effects of drugs or alcohol, and promptly report their concerns to their supervisor; and
- h. abide by any additional fitness for duty policy provisions, including those governing alcohol and drug use in other operating jurisdictions;
- i. cooperate with any investigation into a policy violation, including the testing program.

In addition to the above, when at work employees are encouraged to look out for other employees, contractors, or visitors in terms of safety and must take appropriate action to ensure that they do not remain in an unsafe condition on CN property, by ensuring an appropriate person is advised in accordance with the circumstances. Any employee who has knowledge or suspicion of any breach of this policy is required to take the appropriate action to address the situation. Failure to do so may result in corrective action up to dismissal.

The Supervisor & Manager of People At All Levels

Supervisors are entitled to receive a full training program in the application of this policy and:

- a. will monitor and measure the performance of those that report to them against established performance standards;
- b. will be responsible for the early identification and handling of all performance problems, including those which may be caused by alcohol or other drug use; if an individual's work performance has deteriorated to

- an unacceptable level, or their actions or condition can jeopardize their safety or that of others, then supervisors are ultimately responsible for taking appropriate action;
- c. will confront employees about performance problems and assess their ability to perform the job. Where they have objective grounds to believe performance problems may be health-related, they may request the employee to contact the Employee and Family Assistance Program (EFAP) for confidential assistance, or Medisys for a medical assessment. If an employee refuses the referral, the performance management process will continue and health reasons cannot be cited by the employee as a contributing cause to the problem;
 - d. will refer an employee for an alcohol and drug test in a reasonable cause situation, as and when required to do so under this policy; (the decision to refer will normally be made in conjunction with a second person – a more senior manager, another supervisor, CN police, etc.);
 - e. will monitor contractors and their employees to ensure compliance with this policy and take action as specified herein;
 - f. will identify situations where an unannounced search for alcohol or drugs on company premises is justified, and will be responsible for contacting CN Police before initiating any such action; and
 - g. will play a key role in the communication, implementation and monitoring of this policy.

Any supervisor who has knowledge or suspicion of any breach of this policy is required to take the appropriate action to address the situation. Failure to do so may result in corrective action up to dismissal.

Medisys

Medisys is the company contracted by CN to provide occupational health services. Medisys's staff are charged with determining fitness for duty in consultation with the company's Chief Medical Officer. In situations where an employee is unsafe for regular duty, or requires a leave of absence for medical reasons, Medisys will advise the supervisor:

- of the need for a leave or modified work,
- when the employee is likely to be returning to work, and
- will confirm when the employee is fit to return to full duty.

In addition to the above, Medisys:

- a. is involved in the development of rehabilitation programs, including any contracts pertaining to continuing employment, and for the fitness assessments required under the program or contract;
- b. is responsible for contacting an employee's supervisor on a regular basis to receive reports of performance, attendance, etc. if the employee is following a Continuing Employment Contract or is following a rehabilitation program;
- c. will respond to any contact from employees taking medications who have been advised by their physician or pharmacist that there may be safety implications, assess the situation, and advise the company of any requirement for modified work or temporary reassignment; and
- d. will manage the alcohol and drug testing program as agent for the sample collection and lab analysis components as described in this policy, and are the primary contact point to arrange for sample collection (except in the case of a potential Criminal Code offence when CN police should be contacted first).

CHC - The EFAP Specialists

CHC is the professional counselling resource contracted by CN. Their counsellors are located from coast to coast and are available through their intake number 24 hours a day, seven days a week. While they are not directly involved with the policy, they are available to assist employees and their families who may be experiencing alcohol or drug problems.

Employees and their immediate families may contact CHC at any time for free, confidential assistance with personal problems such as but not limited to: family concerns, work concerns, substance abuse, financial issues, eldercare, etc. Medisys may also refer employees to CHC to provide further assessment or to manage a rehabilitation program when appropriate.

CHC staff at the 1-800 numbers are also available to coach supervisors and co-workers in how to deal with concerns regarding co-workers and employees.

CN Chief Medical Officer (CMO)

The CMO sets medical standards for positions and monitors and ensures the standards are met. The CMO also manages the Medisys contract.

The EFAP Managers

The Employee and Family Assistance Program managers are responsible for ensuring awareness of and access to assessment, counselling, financial support for alcohol and drug treatment and encouragement in rehabilitation which are all components of the EFAP program. Support for training and awareness for employees and supervisors on the

management of alcohol and drug problems is a major responsibility in supporting this policy. Liaison with and support to EFAP committees is another important role of the EFAP managers.

The EFAP Committees

The EFAP Committees are made up of concerned CN employees at locations across the system. They are expected to be familiar with this policy and to undertake the following:

- to support and motivate individuals seeking help for personal problems;
- to act as advocates and promoters of the EFAP locally;
- to act as a resource to employees, union leaders and supervisors, providing information on the EFAP process; and
- to provide input to the reinstatement process and support co-workers in reintegrating into the workplace and remaining healthy.

In addition, the Committees act as communicators raising local concerns with the regional EFAP managers, to be addressed at their levels or those of the Senior Advisory Committee on the Control of Alcohol and Drugs.

The S&H Committees

CN's Safety & Health Committees are expected to promote the importance of ensuring a healthy and safe workplace, free from the negative effects of alcohol and other drugs.

They must ensure that any concerns regarding the policy and its effect on employee health and safety are discussed and addressed in accordance with CN's Safety & Health Committee guidelines.

CN Police

When a supervisor has reasonable grounds to believe that an employee in the care and control of a CN vehicle or equipment may be under the influence of alcohol or drugs, he/she must request that CN Police attend at the scene to take appropriate action (1-800-465-9239).

Where such employee is in the care or control of a motor vehicle or railway equipment, and CN Police are not able to respond within a reasonable time, CN Police will be responsible for contacting the local law enforcement agency.

CN Police will also be involved in any situation where a supervisor believes there are grounds to conduct a search for the presence of alcohol or drugs in violation of this policy or the law (refer to searches in these guidelines).

CN Police may also be available to assist supervisors in any situation under this policy.

CONSEQUENCES OF A POLICY VIOLATION

- i) **General Provisions:** If an employee violates the provisions of this policy or does not meet the company's satisfactory standards of work performance as a result of alcohol or other drug use, appropriate corrective action will be taken.

In all situations, an investigation will be conducted and documented (in accordance with collective agreements, if applicable) to verify that a policy violation has occurred before corrective action is taken. Therefore, the supervisor has the authority and discretion to remove from assignment any employee whom the supervisor believes to be involved in an incident that could lead to disciplinary action pending the results of the investigation.

- ii) **Policy Violations:**

- a. ***Violations:*** The appropriate corrective action in all cases depends on the nature of the violation and the circumstances surrounding the situation. The severity of the violation will warrant entering the corrective action process at different levels.

Some violations are considered sufficiently serious that dismissal is warranted on a first occurrence. Examples include, but are not limited to, trafficking in or possession of illegal drugs or consumption of beverage alcohol or illegal drugs on company premises, while on company business or when driving a company vehicle or equipment.

Any confirmed violation of this policy by individuals holding risk-sensitive or specified management positions will result in dismissal from employment. Any confirmed violation of this policy by other

employees, unless there are grounds for dismissal as noted above, will result in progressive corrective action, with increasing severity depending on the seriousness of the violation.

- b. Positive Test Results:** For individuals in risk-sensitive or specified management positions a verified positive test result, or refusal to complete the testing process set out under this policy, will result in immediate dismissal whether or not the alcohol or drugs were actually consumed on company business or premises, or when on duty.

For all other employees, a verified positive test result will lead to corrective action up to and including dismissal.

Depending on the circumstances, employees (including those covered by the By-Pass Agreement) may be permitted to continue their employment with the company. Such employees will be advised of the conditions governing their continued employment which will include at a minimum, the following:

- assessment by a substance abuse professional;
- completion of any recommended treatment program;
- a negative result on their return-to-duty alcohol and drug test;
- unannounced testing for a minimum period of two years and up to five years;
- adherence to any rehabilitation conditions or requirements;
- no further positive test results and/or policy violations during the monitoring period; and
- maintenance of job performance according to expectations.

Where in the opinion of a qualified substance abuse professional there is a risk that an employee could not do their job safely, the individual may be assigned to alternate duties if available and appropriate.

- c. Failure to Submit to a Test:** For all employees, failure to report for a test within the designated time frame, refusal to submit to a test, or any attempt to tamper with a test sample is considered a policy violation.

Failure to submit to a test demand made by a peace officer may result in criminal prosecution.

- iii) Off-Duty Activities:** In addition to the above, CN will investigate any situation where off-the-job actions involving alcohol or drugs (e.g. impaired driving convictions, conviction for trafficking, bootlegging, etc.) may have implications for the workplace and will take appropriate action under the circumstances.

ALCOHOL AND DRUG TESTING

The following section details under what circumstances testing should be conducted and provides a general overview of the testing process. Further details on the administrative procedures to be followed, in each instance where testing is required, are found in the Policy Handbook.

Should any supervisor or other company officer have a question with regard to testing or any other aspect of the policy, they should contact their Supervisor or Human Resources representative.

Alcohol and drug testing will be conducted in the following circumstances:

	Risk Sensitive	Specified Management	Other
Pre-employment (drug only)	Yes	Yes	No
Pre-assignment to RSP/SMP	No	No	Yes
Reasonable Cause	Yes	Yes	Yes
Return after violation	N/A	N/A	Yes
Return after treatment	Yes	Yes	Yes
Return after leave of absence or reinstatement	Yes	Yes	No

Employees operating into the United States are subject to testing after specific categories of accidents, and will be provided with procedures that they are expected to follow in the event they are involved in an incident when in the United States.

For Canadian-based employees, for the purposes of this policy, a verified positive test result in the United States will be equivalent to a positive test result in Canada.

1. PRE-EMPLOYMENT/ASSIGNMENT TESTING

Circumstances: Individuals seeking assignment to a risk-sensitive or specified management position, either as current employees or new hires, must pass a drug test as a final condition of offer. (Note: This requirement does not apply to incumbents in a risk-sensitive or specified management position.) In cases where individuals regularly transfer into one of these positions, pre-assignment testing will not be required more than once in a twelve-month period.

What Substances: Drugs only.

Procedure: After all other requirements for hiring or assignment have been met, including successfully completing a pre-employment/assignment medical, the applicant will be referred for a drug test which must be passed as a final condition of offer. The applicant will be advised in advance of the requirement to pass a test. Those that test positive or refuse to participate, will not be eligible for employment in that position. Current employees applying for a transfer who test positive will be referred to the EFAP program for assessment to determine if they have a problem. Should it be determined that they have a dependency problem, they will be requested to follow a recommended treatment program. They may reapply for a risk-sensitive or specified management position after one year, provided they are otherwise in compliance with this policy.

2. REASONABLE CAUSE

Circumstances: Testing will take place when the company determines there is reasonable cause to suspect alcohol or other drug use or possession in violation of this policy.

What Substances: Alcohol and drugs.

Procedures: The decision to test shall be made by a supervisor in conjunction with a second person (e.g. another supervisor or other individual) wherever practicable. The decision will be based on specific, personal observations such as, but not limited to:

- observed use or evidence of use of a substance (e.g. smell of alcohol);
- erratic or atypical behaviour of the employee;
- changes in the physical appearance of the employee;
- changes in behaviour of the employee; and/or
- changes in the speech patterns of the employee.

Supervisors will receive training on reasonable cause testing and must document the reasons for requiring a test as soon as possible after the referral is made. The supervisor shall contact Medisys directly to arrange for sample collection.

In those situations where the supervisor believes that a CN employee is under the influence of alcohol or other drugs while driving a CN vehicle or operating equipment, this may be a Criminal Code offence, and the CN police would be contacted immediately. Either the CN police or local police would investigate the situation and undertake alcohol testing, and Medisys would subsequently be contacted to undertake collection for a drug test.

3. RETURN TO DUTY AFTER A POLICY VIOLATION

Circumstances: If employment is continued, testing is required as a condition of continued employment on return to duty after a positive test for alcohol or drugs or any other significant policy violation.

What Substances: Alcohol and drugs.

Procedures: Testing will be conducted on an unannounced basis for a minimum of two years to a maximum of five years, as determined by the company.

The dates will be determined on an announced basis through the CMO's office, the site manager will be informed that an individual is required to report for a test, and arrangements will be made to complete the collection process as soon as possible after site management has been notified. The scheduling will remain unannounced to the employee until such time as the collection can be arranged.

4. RETURN TO DUTY AFTER TREATMENT

Circumstances: Testing is required as part of the monitoring program developed by the EFAP provider, in conjunction with an addictions counsellor or EFAP professional, for individuals in any position who are returning to duty after completing a treatment program.

What Substances: Alcohol and drugs.

Procedures: Testing will be conducted on an unannounced basis in accordance with the monitoring program established. The dates will be determined through the CMO's office, the site manager will be informed that an individual is required to report for a test, and arrangements will be made to complete the collection process as soon as possible after site management has been notified. The schedule for a test will remain unannounced to the employee until such time as the collection can be arranged.

5. RETURN TO DUTY AFTER A LEAVE OF ABSENCE OR REINSTATEMENT

Circumstances: Individuals holding risk-sensitive or specified management positions may be required to pass a drug test prior to returning to their position after a leave of absence of six months or more, or prior to reinstatement in a position with CN.

What Substances: Drugs only.

Procedures: The individual will be referred for a drug test, which must be passed as a condition of reinstatement or return to work. If the individual tests positive or refuses to participate, he or she will not be eligible for employment in that position with CN.

TESTING PROCEDURES

Sample collection, testing and reporting of results will be conducted in accordance with standards established by the U.S. Department of Health and Human Services, and/or the Standards Council of Canada in order to ensure the accuracy and integrity of results.

Appropriate sample collection, storage and chain-of-custody procedures will be followed. In addition:

- Employees who are proposed to be the subject of a drug or alcohol test will be requested to sign a form at the time of sample collection, authorizing the release of complete results to a designated company official in charge of the program. This release will also make it clear to the applicant that should the results of the test be positive or should he/she refuse the test, this will be considered a policy violation. This release of information forms part of the forms used by the Dynacare Lab and collection system which provides services on behalf of Medisys.
- Except for the release of information in accordance with this policy, the law and in situations affecting the health and safety of workers and the public, results of all testing will be maintained by the designated company official and will be kept confidential.
- Testing will be conducted in those circumstances outlined under the policy (as previously noted). Tests will be conducted to determine the presence of cannabinoids, amphetamine/methamphetamine, cocaine, opiates, phencyclidine, and alcohol with the following exceptions:
 - in a reasonable cause testing situation, the analysis may be expanded to include additional drugs.
 - in a monitoring program on return to duty after treatment, the analysis may be for additional drugs as determined by the treating physician in conjunction with the CMO.
- The testing program will cover alcohol and the specified drugs only; it will not include testing for other medical conditions or substances.
- Alcohol tests will be administered and confirmed by a calibrated breathalyzer wherever possible. Samples for urine-alcohol testing will only be taken in those situations when a calibrated breathalyzer cannot be available for sample collection within a reasonable period of time; in that situation, two samples will be collected 20 minutes apart. All drug tests will be administered by urinalysis.
- Collection of urine specimens and administration of alcohol tests will be performed by trained nurses or trained collection agents at company-designated collection sites managed through Medisys.
- In any situation where there is the possibility of a Criminal Code violation, investigation will be conducted by CN Police, who will conduct or arrange for alcohol testing; Medisys would then arrange for sample collection for drug testing.
- Urine samples will be analyzed by a fully qualified and accredited laboratory contracted through Medisys using a two-step process with initial screening by immunoassay and all confirmations being performed by gas chromatography/mass spectrometry (GC/MS).
- Confirmed positive test results will be reviewed by a qualified Medical Review Officer and the employee concerned will be given an opportunity to explain the finding before it is communicated to management.
- For the purpose of this policy, a positive alcohol test will be one in which the blood alcohol concentration is .04 BAC or more. For those individuals in a risk-sensitive or specified management position, the cut-off level will be .02 BAC in all testing circumstances. In addition to those instances where an employee is subject to an unannounced testing program on return to duty after treatment, or on return to duty after a positive test result, a positive test will be one in which the blood alcohol concentration is .02 BAC or more.

- A positive drug test is one in which the amount of drug in the sample identified by the confirmation test exceeds the cut-off levels established by the Standards Council of Canada and the U.S. Department of Health and Human Services. All positive results reported by the laboratory will be reviewed by the company's Medical Review Officer, who will ask the employee to determine if there is a legitimate medical reason for the finding. Only those results that are verified as positive by the MRO will be reported to the company as being positive. Company management will then take appropriate action in accordance with the policy.
- In the case of a verified positive test result of a test conducted in accordance with this policy, the employee may request that the sample be re-tested by another accredited laboratory. In these situations, the employee must make this request within 72 hours of being notified of the results. In the case of a second confirmed positive test, the employee requesting the second analysis is responsible for the associated costs.
- In a reasonable cause situation, samples for drug testing will be taken as soon as possible, and within 32 hours of the decision that testing is required. Alcohol tests should be conducted within two hours of the event, but no later than eight hours. Reasons for being unable to collect the samples within these time frames must be documented.

CONTINUING EMPLOYMENT CONTRACT

As a means of relapse prevention and to assist in assuring continued safe performance, a substance dependent employee may be requested to sign a contract for continued employment relative to this policy. Such contracts will be signed with and managed by CN's Chief Medical Officer as follows:

- in a transfer/assignment situation to a RSP or SMP at the time of a second application where the initial application has been refused due to a positive drug test result;
- on return to work following treatment for an alcohol or drug problem; and
- following reinstatement to service after a period out of service due to dismissal for a Rule G infraction or other violation of this policy.

Contract Outline: The objective of these contracts is to assist employees in recovering from an addictive or dependent disorder, remaining drug/alcohol free and committed to their recovery program. Such a contract may contain but is not limited to the following components.

For a minimum period of two years and up to five years, as determined by CN's occupational health service (Medisys), I agree while in the employ of CN to abide by the following:

1. I will follow a prescribed treatment and recovery program as defined by the EFAP Counsellor (CHC) and Medisys.
2. Upon request, I will report for alcohol and drug tests as scheduled by CN's occupational health service (Medisys). I acknowledge that the testing program will be scheduled on an unannounced basis and that the results of the testing program will be reported to CN management.
3. Upon request, I will attend medical assessments as requested by Medisys, and acknowledge that any concerns resulting from the assessments will be reported to CN's Chief Medical Officer.
4. I acknowledge that my supervisor will be requested to provide regular performance monitoring information to Medisys.
5. While employed by CN, I agree to abstain from the use of alcohol and illegal drugs, to use over-the-counter and prescription drugs responsibly, and to report medication use to Medisys. I acknowledge that if I occupy a risk-sensitive position at any time I will notify any treating medical professional that I hold such a designation.
6. I acknowledge that failure to comply with this contract or any violation of the alcohol and drug policy will result in dismissal from the company with no further opportunity for re-employment.

Note: Reinstatement contracts may include additional requirements. Please see "Guidelines for Process of Re-Instatement" which follow.

GUIDELINES FOR PROCESS OF REINSTATEMENT

Conditions for initiating a reinstatement request:

An employee dismissed as a result of a violation of the Policy to Prevent Workplace Alcohol and Drug Problems, or who is discharged for a Rule G violation may apply for reinstatement under the following conditions:

- must have had a minimum of two years compensated service prior to dismissal;
- there must be a period of 12 months minimum elapsed from the time of the dismissal to the initiation of the request for reinstatement.
- there are no outstanding disputes regarding the aforementioned dismissal.

Procedure:

1. Employee writes to the appropriate company officer (i.e. District Manager, Manager of Line Operations, or Chief of Transportation, etc.) with a copy to the EFAP Manager of that region requesting favourable consideration for reinstatement. Such request must be accompanied by all documentation attesting to the program of rehabilitation followed, including letters of commendation regarding lifestyle changes, letters from employers, volunteer organizations, etc.
2. In the case of unionized employees, the General Chairperson's office must provide Labour Relations with a letter outlining their concurrence with both the request and the reinstatement procedure including the signing of a last chance employment contract.
3. Following review by the District Manager, Manager of Line Operations, Chief of Transportation, or designate in consultation with Labour Relations, a letter will be sent to the employee as to whether the request will be considered. This should occur no later than 21 days from receipt of the above information. The District Manager or designate should also notify the Regional EFAP Manager as to whether the application for reinstatement will be considered.
4. If the application is to be considered, the Regional EFAP Manager will review the above described material at the next regularly scheduled EFAP Committee meeting in the location concerned. The Committee will make a recommendation to the Manager EFAP who will forward their recommendation to the appropriate Senior Vice-President within 14 days. A copy should also be sent to the Labour Relations Officer managing the file.
5. Within 21 days from receipt of the recommendation the appropriate Senior Vice-President will render a decision. Such decision will be forwarded to the employee; District Manager, Manager of Line Operations, or Chief of Transportation; Regional Manager Labour Relations; and Regional Manager EFAP.

Return to Work:

If the employee is required to maintain a rules designation, such class must be taken and passed prior to return to work.

- The employee will be reinstated without compensation.
- Seniority will be reinstated according to the relevant agreements.

Continuing Employment Contract:

Employees who are reinstated under the terms of these guidelines will be required to sign the CN Continuing Employment Contract for continued employment. Any breach of the contract will result in dismissal with no further consideration for reinstatement.

As a condition of employment and to support relapse prevention the employee will be required to enter a follow-up program including: an assessment by a substance abuse specialist. If this assessment indicates failure to comply with the terms of the rehabilitation program, and the employee is not following the return to work medical assessments, the reinstatement becomes null and void (see Continuing Employment Contract).

As a means of relapse prevention the re-instated employee also agrees to liaise regularly with two members of the EFAP committee chosen by him/herself. Such peers will be authorized by the employee to regularly provide reports on the employee's progress to those monitoring the contract.

Follow-up:

A record of the employee's re-instatement contract will be held by the District Manager or designate. In addition, a copy will be appended to the employee's personnel file at the Administrative Support Centre.

IMPAIRED DRIVING CHARGES OR CONVICTIONS

It is prohibited to be on duty or to be in control of a CN vehicle while under the influence of alcohol or drugs, including the after-effects of such use. All employees who drive a company vehicle, or drive on company business are required to maintain a valid driver's license. Any loss of the privilege to drive must be reported to a supervisor. If the individual is not dismissed, he/she will no longer be qualified to drive on behalf of the company during his/her disqualification period.

For employees who require a valid drivers license in the performance of their duties or for employees who operate railway equipment, and who lose the privilege to drive off-duty, off of CN premises and not in a CN vehicle, the following provisions will apply:

- a. **Impaired Driving Charge:** Any employee in these circumstances who has been charged with an impaired driving offence (including but not restricted to blowing over the legal BAC for driving in the jurisdiction where the charge occurred, driving while impaired, or refusal to blow into a breathalyzer) must inform a

supervisor within one working day and must report to a company-designated medical centre within three working days of the date of the charge.

A substance abuse professional will undertake an assessment to determine if there is a need for a structured assistance program and will determine whether the individual should continue to be allowed to drive a company vehicle pending resolution of the charge. If there is any question about safety, the individual will not be able to drive or operate equipment on behalf of the company until the limitation is lifted. They will be assigned alternative duties if available and appropriate. Subsequent charges will result in progressive corrective action. A conviction resulting from the reported charge will be grounds for corrective action under this policy.

In those situations where employees fail to report the charge and the company becomes aware of the situation, they will be subject to corrective action up to and including dismissal.

- b. **Impaired Driving Conviction:** Loss of a driver's license as a result of a conviction for an impaired driving offense or court order prohibiting the employee from operating a motor vehicle and/or railway equipment is grounds for corrective action. Each situation will be fully investigated, and action taken will depend on the circumstances surrounding the conviction.

A substance abuse professional will undertake an assessment to determine if there is a need for a structured assistance program and will determine whether the individual should continue to be allowed to drive a company vehicle.

An employee may be accommodated in another position provided they have previously reported the charge, but such accommodation is not absolute or indefinite. If driving is required in the performance of an employee's duties, and the company determines that an alternative position is not available or appropriate the company may dismiss the employee.

ESCORT PROCEDURES

If an employee is deemed by a supervisor to be unsafe for work or otherwise in violation of the policy while in the workplace, they will be escorted from the workplace. The employee will be given an opportunity to explain why he/she appears to be in a condition unsafe for normal duty. If it is determined that the employee is fit for duty after the interview, he/she may be returned to the worksite.

However, if the individual conducting the interview still believes the employee is in a condition unsafe for normal duty, and after consultation and agreement of a second person where possible, the following actions will be taken:

- they will be required to submit to an alcohol and drug test where there are reasonable grounds to believe alcohol or drug use may be a factor (see Testing); and
- they will be provided with transportation to their place of residence or the care of another person; or
- if there is a clear medical problem unrelated to a policy violation, they will be escorted to the nearest location for immediate medical attention, or Medisys will be contacted to arrange a medical assessment.

At supervisor discretion, any employee may be temporarily withdrawn from their assignment or reassigned pending medical determination of fitness for duty and/or completion of an investigation into a possible violation of this policy. They will not be allowed to return to their position without prior management consent after giving consideration to the job function performed, the safety of the work environment and any appropriate conditions governing return of the employee.

Any visitor identified as unsafe will not be allowed on the site, or will be escorted from the site.

SEARCHES

CN reserves the right to conduct unannounced searches for alcohol or drugs on company owned or controlled premises, including mobile equipment or vehicles. Searches will be conducted where the company has reasonable grounds to believe these substances will be present in contravention of the law or this company policy.

Supervisors will identify situations when a search may be warranted, (e.g., presence of drug paraphernalia, reported, visible or olfactory evidence of the presence of alcohol or drugs) and will contact CN Police for advice before taking any action. CN Police will assist in the conduct of searches wherever possible, or will advise on the need for the involvement of appropriate law enforcement agencies. Supervisors will not conduct a search themselves before consultation with experts.

GUIDELINES ON HOSTING

In the case of any company social event or hosting situation which could include Company business activities, appropriate regard will be taken for the safety and well-being of the individuals present and the community. Alcohol use is not permitted under any circumstances on CN property except in limited circumstances, subject to prior approval by a Vice-President, and in accordance with the guidelines below. A specific exception to this policy would allow a contracted commercial vendor duly licensed in the jurisdiction to conduct business on CN property where alcohol is served (e.g. licensed food and beverage establishment).

Alcohol is permitted at CN social functions off-site provided the basic policy standards are observed (e.g. fitness for work), that alcohol consumption is controlled so there is no inappropriate behaviour at the function or impaired driving afterwards, and the guidelines are followed. Where there are concerns about safe driving after the function, alternative transportation arrangements will be made available. Attendees at such functions are to be reminded of their personal responsibility in this regard.

Consistent with the above, if alcohol is made available in the course of conducting business, employees are expected to use judgement and be responsible in hosting others.

The following guidelines will assist in the management of a CN function:

1. Wherever possible, professional/trained servers will work at each event and/or will supervise the use of untrained servers.
2. Each event will have a designated "chief host/hostess" (e.g. facility manager, event convenor) with responsibility for:
 - obtaining appropriate permits;
 - establishing the general tone of the event;
 - acting as the sole contact with the servers during the function regarding opening and closing times, food and beverage arrangements, etc.;
 - ensuring bars are attended at all times;
 - ensuring alcohol is not served to individuals who appear to be intoxicated;
 - taking steps to prevent abusive or unsafe behaviour;
 - taking steps to prevent an apparently intoxicated attendee from driving after the function;
 - providing alternate transportation or accommodation where necessary (e.g. cab chits, designated drivers, or other alternatives); and
 - contacting the police if an incident occurs or an attendee disregards advice and attempts to drive in an intoxicated state.
3. In all circumstances, events will be managed in a way that avoids the potential for accidents, including identifying and eliminating potentially harmful situations (e.g. closing access to a major stairway).
4. Responsible serving practices will include providing food and non-alcoholic drinks, including coffee and tea after the bar has closed, establishing a firm time to end the event, and stopping service of alcohol at least one hour prior to the event being over.
5. Any hosting situation that results in inappropriate behaviour or risk to health and safety of attendees or the community will result in a review of these policies and active steps to ensure the problems do not occur again.

STANDARDS AND PROCEDURES FOR CONTRACTORS AND TENANTS CN PROPERTY/CN WORK

Because company concern for safety extends to the operations of contractors and tenants, CN encourages them to have a company alcohol and drug policy. A copy of CN's policy will be provided to all contractors and tenants who work on CN premises or conduct business on behalf of CN. The following provisions will apply to all contractors, tenants, licensees and their employees when on CN business or premises except as approved by a Senior Vice-President. This does not limit retail outlets and licensed business establishments from carrying out their normal operations.

- a. **Policy Standards:** At a minimum, all contractors and tenants are expected to ensure that their representatives remain free from any adverse performance effects of alcohol or other drugs and conduct themselves in an appropriate manner while on company business or premises. They will be made aware of the applicable policy provisions by company management, and are expected to ensure that their employees or subcontractors adhere to the following standards when on company business or premises:
 - no use, possession, distribution, offering or sale of illegal drugs or drug paraphernalia;
 - no use, possession, distribution, offering or sale of alcohol;
 - responsible use of prescribed and over-the-counter medications;
 - no trafficking (distribution, offering or sale) of prescription medications; and
 - report fit for duty and remain fit for duty.

- b. **Policy Violation Procedures:** Where a CN employee has reasonable grounds to believe any individual in the employ of a contractor or tenant is on duty in an unfit condition, or where during the preliminary phase of an investigation, an individual has been identified as being directly involved in the chain of acts or omissions leading up to an accident or incident:
- the contractor and/or tenant will be notified;
 - they will be required to conduct the individual(s) to a safe place;
 - they will be expected to investigate the situation;
 - they must satisfy CN that there was no policy breach;
 - the individual will not be allowed to return to any position with CN without written permission of a CN official, and will be required to adhere to any conditions governing their return.
- c. **Department of Transportation Requirements:** In addition to the above, all contractors providing drivers for international operations as of July 1, 1996, are required to certify they are meeting and will continue to meet U.S. Federal Highway Administration requirements under CFR 49 Parts 382 and 40 as part of their contract. CN reserves the right to audit their program as to compliance at any time. In addition, CN management must be informed if a driver is no longer qualified to drive in cross-border operations.
- d. **Consequences of Violation:** Failure of contractors or their employees to meet these standards will be considered a breach of the contract, and will, at CN's sole opinion, result in triggering penalty clauses under the contract, or suspension or termination of the contract. In the case of tenants and licensees, any violation would be in violation of their lease agreement, and will, at CN's sole opinion, trigger penalty clauses or the suspension or termination of the agreement.

Any confirmed violation of this policy by a cross-border commercial motor vehicle driver will result in termination of their contract with CN.

The Role of the EFAP in the Policy

CN recognizes that personal addiction and relationship problems are health problems and, if left untreated, can result in human and economic impacts on the employee, his or her family and ultimately on workplace productivity and safety. For this reason, CN has provided the employee and family assistance program as a free, confidential (*) and professional support to employees and their immediate families. The assessment referral (if necessary), and short-term counselling services are provided by psychologists and clinical social workers through an independent company: CHC—the EFAP Specialists. Employees or family members (covered by other parts of the benefits plan) are encouraged to call CHC directly. This is called self-referral and is always the preferred way to seek help, as it indicates that the person with the problem has acknowledged their problem and is ready to make some changes.

This is the first instance in which CHC (the EFAP provider) may be involved in this policy.

Sometimes, because of the nature of addictive illness, the employee “with a problem” denies that they have one. In this case, as workplace impacts increase (i.e., increased absenteeism, frequent accidents, lateness, gradual changes in the employees’ appearance and/or behaviour from usual) the supervisor may meet with the employee, point out his/her concerns based on the specific changes noted and make a “formal offer of assistance” to the employee. If there is no policy violation to railway safety, the supervisor may make a referral to CHC. He/she will notify CHC that he/she is making a formal offer. He/she may also call CHC for assistance or coaching in how to approach the employee. The EFAP Managers may also be consulted in this. Often EFAP Committee members are concerned co-workers who support employees in this process. CHC may be involved in prescribing and monitoring a treatment program.

This is the second instance in which CHC (the EFAP provider) may be involved in this policy.

Remember: return to the worksite is always a supervisory decision. If the supervisor continues to have concerns or if there is no change in the work patterns, management action must follow independent of whether the employee has sought help.

In cases where the supervisor believes that there is no policy violation and there might be a threat to safety if the employee were to report to work, then a referral must be made to Medisys. In such cases the supervisor must receive a “fit for duty” assessment prior to returning the employee to the worksite. (This situation includes referring employees when the supervisor has “reasonable cause” to believe that the employee may be under the influence at work.)

In this case, CHC—the EFAP Specialists may be involved in the treatment program prescribed through Medisys.

This is the third instance in which CHC (the EFAP provider) may be involved in this policy.

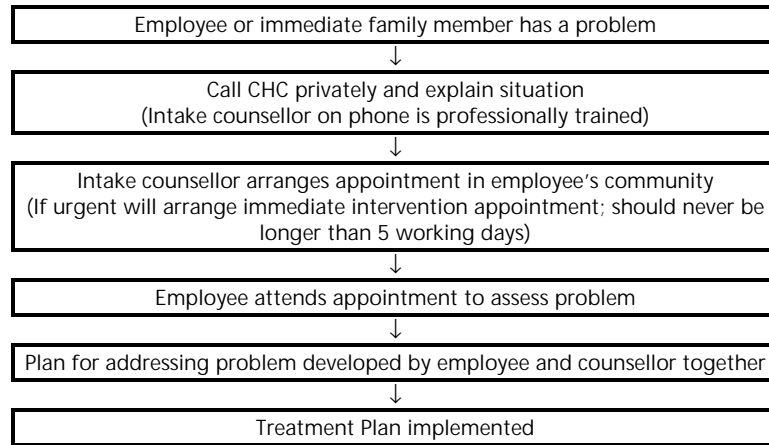
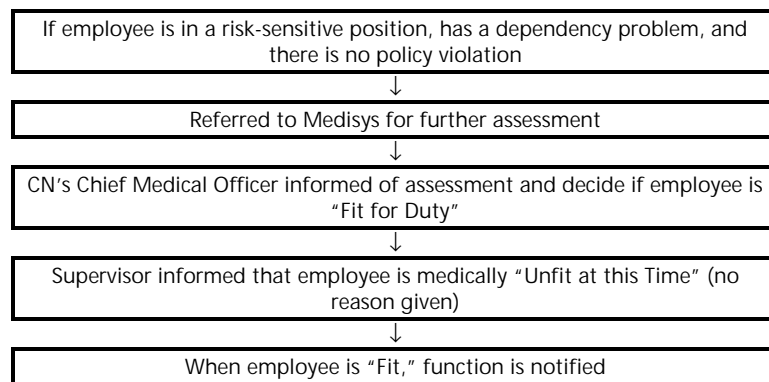
The fourth instance of involvement of CHC (the EFAP provider) in this policy is in monitoring recovery as part of a Continuing Employment Contract following:

- treatment/referral
- reinstatement

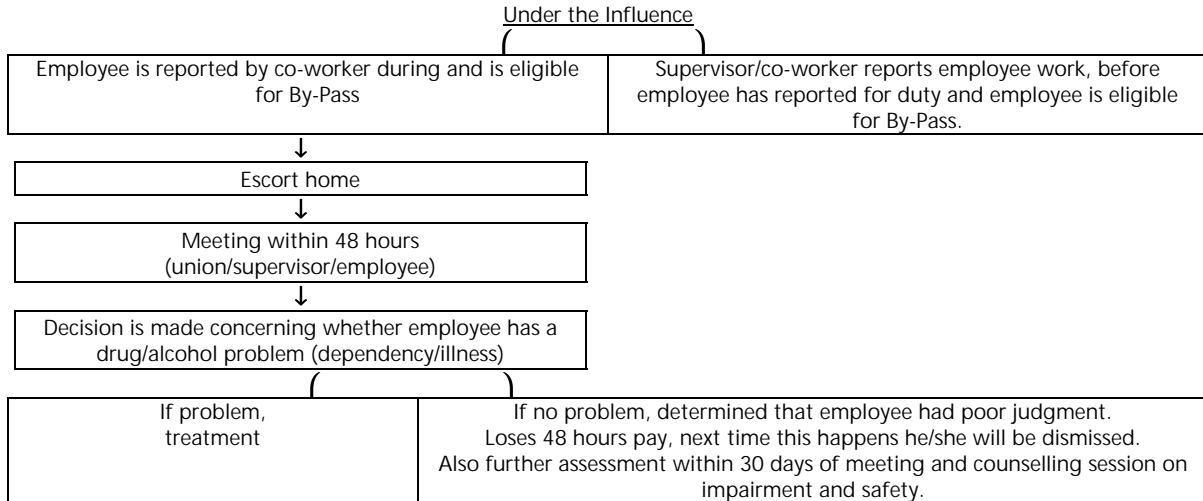
In this case regular follow-up, and possibly counselling, form a component of the relapse prevention program for addictive disorders.

* In cases where by law or professional ethics a counsellor is required to disclose certain information, EFAP counsellors are bound by the same codes of practice as other professionals. Examples of this are harm to self or others, child abuse or threat to railway safety.

How CN's EFAP Works

Non Risk-Sensitive:Risk-Sensitive:

Union/Management Agreement on the Control of Drug and/or Alcohol Abuse



MEDICATION GUIDELINES

Employees are expected to manage potential impairment during working hours due to the legitimate use of medications. The following drug categories have been associated with performance impairment and are provided as a guideline to employees in assessing their own situation. The list is not exhaustive; there are numerous other over-the-counter and prescription drugs which when taken may impact negatively on performance.

Therefore, employees are expected to consult with their personal physician or another health care professional to determine if use of the medication will have any potential negative impact on job performance, and to take appropriate steps to manage any associated risk.

- a. Antihistamines - are widely prescribed for hayfever and other allergies (e.g. Chlor-Tripolon, Dimetane). They are also found in many cold medications.
- b. Motion Sickness Drugs - are used to prevent motion sickness and nausea (e.g. Gravol, Antivert).
- c. Barbiturates (e.g. Phenobarbital), Sedatives, Hypnotics and Tranquillizers (e.g. Valium, Benzodiazepine, Halcion, Librium), and Antidepressants (e.g. Elavil, Anafranil). Some of these ingredients are also found in medications taken for digestive and other disorders.
- d. Narcotic Analgesics (e.g. Demerol, Darvon, Codeine). Codeine is often found in combination drugs such as 222s, 282s, 282 mepps, 292s or Tylenol 1,2,3s.
- e. 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 judgement, mood and behaviour (e.g. amphetamines or medications sold as "diet pills").
- f. Anticonvulsants are used to control epileptic seizures and can cause drowsiness in some patients (e.g. Dilantin).
- g. Cold Tablets/Cough mixtures – (e.g. Sinutab, Contact, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine).
- h. Muscle Relaxants (e.g. Flexeril, Robaxial).
- i. Anti-inflammatories (e.g. Indocid, Naprosyn, Ansaïd, Voltaren).
- j. 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.
- k. The use 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, by employees subject to duty, or on duty, is prohibited.
- l. 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.