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File No. 23014

March 15, 2012

FAXED

Mr. Dave Able
General Chairman
TEAMSTERS CANADA RAIL CONFERENCE
Engineers, CP Lines West
101-10820 24 Street SE
Calgary, AB T2Z 4C9

Dear Mr. Able:

**RE: TEAMSTERS CANADA RAIL CONFERENCE AND CANADIAN PACIFIC RAILWAY
COMPANY (RECENT OHS CONSENT FORMS)**

I am writing to confirm our firm's advice during our conversation on Wednesday, March 14, 2012 in respect of the above-referenced matter.

This issue arises from information obtained by a TCRC Local Representative from Division 320. He was representing a member who was asked to attend an investigation regarding a non-negative post-incident substance screening test. Prior to the investigation, the representative was told by the Investigating Office that if the member was not, in the course of his statement, going to provide information concerning the substance involved, the Company would ask him to sign a release to OHS to have the information released.

The Local Representative was able to obtain a copy of the OHS authorization form and the Driver's Check authorization form, both of which purport to release the "Drug Test Results, including the type of drug and name from the Drug test" in question. I have had a chance to review these forms.

You have asked what advice you should provide to your Local Representatives in this matter.

It is our opinion that the Company's actions appear to be in direct breach of the June 16, 2010 Agreement regarding CP Rail's Substance Testing Policy. This Agreement is attached for ease of reference.

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Paragraphs 12 and 13 of this Agreement state as follows:

12. The Company confirms that the quantitative results or drug substance type of any and all substance screening tests taken under the Revised Policy shall be provided exclusively to the Company's Occupational Health Services (OHS) department. The Company further confirms that at no point will any Company supervisors be provided the quantitative results or drug substance type of a substance screening test conducted under the Revised Policy, other than whether the test is "negative" or "non-negative" in respect of the applicable cut-off concentrations under the Revised Policy either "negative" or "positive" with regard to a breath alcohol test.
13. The Company confirms that, should an employee be asked to attend a formal statement (I.e. investigation) further to any issue arising under the Revised Policy, under no circumstances will the Investigating Officer inquire as to the specific or quantitative results or drug substance type of any substance screening test conducted under the Revised Policy (other than "negative", "positive" or "non-negative"). Further, the Investigating Officer shall not require any explanation by any employee as to the quantitative results or drug substance type of a substance screening test conducted under the Revised Policy. However, in the event that such a question, or a question of equivalent consequence is advanced to an employee, the employee may refuse to answer without any consequence or adverse inference whatsoever.

The Company's stated intention to now require/request that employees disclose the details of the drug testing results to anyone other than OHS is in direct breach of the above-cited terms of the June 16, 2010 Agreement.

Accordingly, we suggest that, in the event your Local Representatives and/or members are asked to sign either the OHS authorization form and the Driver's Check authorization form, your Representative should present the Officer with a copy of the June 16, 2010 Agreement and explain that the TCRC refuses to permit any breach of the clear terms of this Agreement in the manner requested by the Investigating Officer.

By following the above-suggested course of action, the Company will have to file its own grievance and seek an Order from the Arbitrator prior to obtaining the information that it seeks.

Of course, it remains in any member's discretion to volunteer details of the substances identified in a substance screening test, in the course of his/her formal statement. However, by no means should the Company be permitted to expressly inquire and/or require employees to share such details, in breach of its clear commitment in the June 16, 2010 Agreement.

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I trust this is of assistance to you. If you have any further questions or concerns in this matter, please do not hesitate to contact me.

Yours truly,
CaleyWray

A handwritten signature in black ink, appearing to read 'Ken Stuebing', with a long horizontal flourish extending to the right.

Ken Stuebing
KS/lc
Enclosure

cc: D. Olson; D. Fulton; G. Edwards