

CANADIAN PACIFIC RAILWAY RETURN TO WORK POLICY

1. POLICY STATEMENT

Canadian Pacific Railway shall make every reasonable effort to provide suitable modified or alternate employment to employees who are temporarily or permanently unable to return to their regular duties, as a result of an occupational or non-occupational injury or illness. This will include training and/or the modification of work stations or equipment to accommodate disabled employees providing that such accommodation does not create undue hardship to the company. When involved, the disabled employee must be responsible for participating in the program to the best of his/her ability and capacity. Early intervention is considered the cornerstone of the Return To Work Program.

2. SCOPE

This policy applies to Canadian Pacific Railway personnel in Canada. While procedures established that govern unionized employees do not necessarily apply to MSPS employees, these principles will guide the treatment of all cases on CPR.

3. OBJECTIVES

This policy is intended to achieve effective Return to Work by:

- Assisting employees in maintaining their dignity and self-respect subsequent to being adversely affected by a disabling injury or illness;
- Ensuring the well-being of affected employees and by doing so reduce stresses associated with: adjusting to a disability, reintegration to the workplace, financial complications and other factors that adversely affect disabled employees;
- Early intervention resulting in the expeditious return to work of valuable human resources thereby minimizing the economic and emotional impact on employees.
- establishing/promoting good communication between all parties; respecting the need to protect confidential information.
- developing a comprehensive data base that will enhance the effectiveness of initiatives undertaken to prevent future injury and illness.
- Reduction of direct and related costs associated with occupational and non-occupational injuries and illnesses.

Success in meeting the above objectives will be accomplished through implementation and updating of this policy, education and training on its contents and support from all levels within the corporation.

4. RESPONSIBILITY FOR ADMINISTRATION

Each Manager will be responsible for the administration of all aspects of the Policy in his or her jurisdiction. Where necessary, this responsibility will include consultation with the Company's Chief Medical Officer.

PROCEDURES GOVERNING THE CPR RETURN TO WORK POLICY AS IT APPLIES TO UNIONIZED WORKERS EMPLOYED IN CANADA

COMPANY/UNION COMMITMENT

Canadian Pacific Railway and all of the Unions representing employees have entered into the following Letter of Agreement:

"CPR and the (name of Union) recognize that an early return to productive employment in the work place will assist in achieving speedy rehabilitation as well as allowing employees to maintain their personal dignity and financial stability.

Accordingly, CPR will make every reasonable effort to accommodate employees coming within the scope of the Return To Work Policy with suitable alternate, temporary or permanent employment, by reviewing, and if necessary, modifying their regular duties.

In consideration of accommodating a disabled employee the following shall apply in the order listed below:

- First, the disabled employee's present position shall be considered for modification,
- Second, positions within the disabled employee's classification shall be considered,
- Third, positions within the bargaining unit shall be considered,
- Fourth, positions outside the bargaining unit shall be considered,

Any alteration in seniority shall only be considered as a final resort after all other avenues have been duly considered by both parties. The company and respective union(s) must agree to any alterations of seniority. Alterations of seniority on other than short term cases must be approved by the Union Vice President/General Chairman.

Collective Agreement terms which are superior to these guidelines will not be superseded except as mutually agreed in order to accommodate a disabled employee".

This agreement can be cancelled by the Company or any of the signatory unions upon sixty (60) days notice from either party. Notice of cancellation will effect the relationship in question and not all parties covered by this agreement.

2. DEFINITIONS

Core Return to Work Committee

A senior advisory committee of five union representatives and five company officers responsible to ensure that procedures governing the CPR disability management policy as it applies to unionized workers employed in Canada remains in step with applicable legislation and other advances in the field of return to work. This Core Committee will meet regularly to deal with policy issues and/or the placement of employees when additional discussion between management and union or between unions is required in order to facilitate the accommodation of a disabled employee. When necessary, other resources will be called upon as advisors to the Core Committee. The Core Committee will consist of the following representatives:

Management: CPR (Mechanical Services)

- CPR (Field Operations)
- CPR (Engineering Services)
- CPR (Legal Services)
- Occupational Health Services

Union: BLE (includes RCTC)

- BMWE
- CAW
- TCU/CPA/IBEW
- UTU

Advisors

- Chief Medical Officer
- Director, Employee Relations
- AVP Industrial Relations

Mandate/Mission

- Provide policy direction and ensure the Return to Work Process is effective

Responsibilities of the Core Committee and its members

- Establish and revise the Return to Work Policy and ensure its implementation.

- Be aware of best practices so that the committee or its members can suggest innovative solutions.
- Educate management and unions about CPR's obligations.
- Promote accountability among functional groups to accommodate employees.
- Provide guidelines for resolution.
- Identify, recommend and implement changes to systemic barriers that negatively affect the Return to Work Process.
- Make the Return to Work Process part of CPR's mainstream processes.
- Act as a resource for Local Return to Work Committees and the management of the program.

Local Return To Work Committee (LRTWC)

A local return to work committee normally consisting of a management and union representative.

Graduated Work Program

A form of work-hardening that initially results in a minimal amount of activity or time at work with a firm schedule to increase participation up to and including normal duties within a specified time period. Such programs must be structured and may be performed under the guidance of a rehabilitation specialist and/or medical expert.

Long Term Temporary Disability (full recovery anticipated)

The attending physician is unlikely to be able to provide an anticipated date of return to normal duties; however, the duration will obviously extend beyond twenty-one calendar days and complete recovery is anticipated.

Meaningful Work

Work that will contribute to the rehabilitation of the employee and will add value to the corporation.

Modified Work Plan

A plan established by the LRTWC in line with capabilities/restrictions received from the attending physician with or without assistance from the Chief Medical Officer or a rehabilitation specialist that includes all aspects of a modified work plan such as: reassigned responsibilities, rescheduling, training or modification of job duties, equipment or work stations, etc.

Modified/Alternate Duties

Any job, task, function or combination of tasks or functions that a worker who suffers from diminished capacity, temporary or permanent, may perform safely. This work may incorporate but is not limited to, regular work that has been changed, redesigned or physically modified. This may include reductions in time or volume, as well as work which is normally performed by others or which has been specifically designed or designated for a worker participating in a modified work plan. The work must be productive and the result of the work must have value.

Permanent Disability

Permanent restrictions which are the result of an occupational or non-occupational injury or illness.

Return To Work Form

A form provided to and completed by the attending physician that lists restrictions imposed on the disabled employee. (See Appendix A.)

Short Term Disability

An injury/illness with a prognosis that the employee will return to regular duties within 21 calendar days.

Weekly Indemnity Benefits (WIB)

Income protection received by employees in the event that they are unable to work because of an non-occupational illness or injury.

Workers Compensation Benefits (WCB)

A benefit package including income protection, medical assessments, treatment, retraining and counselling provided for employees through Provincial WCB authorities. All references to WCB in these procedures include CSST in the Province of Quebec.

3. INITIAL PROCEDURES (OCCUPATIONAL)

- a) Should an employee who suffers a work related injury/illness require transportation from the place of employment to a doctor or hospital the company will provide same using an ambulance or other form of transportation. The employee may be accompanied by a first aid attendant or company supervisor. Employees shall not suffer any loss of wages he/she would have otherwise earned during that shift/tour of duty had he/she not become ill or injured.
- b) Communication of vital information will be accomplished using a Return To Work Form. To respect an employee's privacy a supervisor/first aid attendant will not accompany the employee while being examined nor speak to the doctor to

discuss the employee's diagnosis or the possibility of a modified/alternate work plan.

c) The appropriate manager will supply the employee with a Return To Work Form (and relevant WCB forms if applicable) in the event that he or she reports a work related injury/illness. If required to seek medical attention the employee will provide the attending physician with the Return To Work form requesting that it be completed to enable prompt return to the appropriate manager. Completion of the form should normally be accomplished during the first visit to a doctor. If an employee attends a doctor and the form is not returned in a reasonable period of time the appropriate manager should follow up with the employee to determine the status of the injury/illness. Employees will not be expected to pay for completion of the form.

d) When necessary, clarification of capabilities/restrictions listed on the Return To Work Form can be accomplished by a RTWC Member speaking to the treating physician as long as the employee has provided his/her consent. Such information will pertain to the employees capabilities/restrictions and not the diagnosis.

e) Employee involvement and participation will be ensured by providing the employee with a copy of their injury report (Form 1409). If not already contacted by the Union RTWC Member it will be the employee's responsibility to ensure that contact is made with their RTWC Representative in order to discuss their injury, the probability of a modified work program and action to be taken in the event of a delayed return to work.

4. SHORT TERM DISABILITY (OCCUPATIONAL)

a) If the rehabilitation period is projected at less than twenty-one calendar days and restrictions stipulated by the physician provided the ability to perform meaningful work, a modified/alternate work plan can be agreed upon by the employee's manager, the disabled employee and the designated Union RTWC member.

b) Should the Union RTWC member not be immediately available for contact in order to discuss the accommodation referred to in the previous paragraph, and providing that agreement exists between the employee and manager, the manager may effect a modified/alternate work plan. In this case the manager must contact the Union RTWC member at first opportunity to confirm arrangement of the plan

c) If consultation between the manager, employee and Union RTWC member fails to produce an acceptable solution the issue will be advanced to the department head and appropriate union officer. Conflicts might include but are not limited to:

- Management's failure to provide an opportunity for modified duties.
- Duties or the assignment of duties considered inappropriate by the employee or the Union RTWC member.
- A request for specific duties considered inappropriate by management.

d) A reevaluation will be performed in the event that circumstances result in the rehabilitation period extending beyond twenty-one calendar days. This reevaluation will include discussion between the appropriate manager, the disabled employee and the Union RTWC member on further options and may include participation/approval from the company's Chief Medical Officer. A Return To Work Form may be required from the treating physician and a rehabilitation specialist and/or a General Claims representative may be required to participate.

e) If an employee is not placed on modified/alternate duties at the outset of the injury/illness, General Claims and the LRTWC will monitor recovery with the intent of progressing the case when the employee is fit to return to service on a regular or restricted basis.

5. LONG TERM TEMPORARY DISABILITY (OCCUPATIONAL)

a) This classification includes injury/illness when the prognosis calls for a rehabilitation period that extend beyond twenty-one calendar days and it is anticipated that the employee will return to regular duties. Short term cases that extends beyond 21 days will be dealt with as long term temporary disabilities.

b) In consultation with the employee, the RTWC will make every reasonable effort to establish a modified work plan to cover the anticipated rehabilitation period. This assessment will include a revised medical prognosis and consultation as may be necessary between the employee, the RTWC, the Chief Medical Officer, General Claims and the WCB. Such a plan must include meaningful work and not create undue hardship for the company. Employees on a long term temporary Modified Work Plan will be subject to reevaluation on a regular basis to determine the status of their condition.

c) Accommodation may require an adjustment of work process or schedule, financial investment made by the company to modify a work station, tool or machine, or additional training of reasonable duration.

d) Accommodating long term temporary disabilities may require special arrangements not provided for by the collective agreement.

e) Particulars of a "Modified Work Plan" must be agreed upon by the employee, company, union and WCB when required by Provincial WCB authorities. The plan will be documented. f) If an employee is not placed on modified/alternate duties at the outset of the injury/illness, the RTWC and General Claims will monitor recovery with the intent of progressing the case when the employee is fit to return to service on a regular or restricted basis.

6. PERMANENT DISABILITY (OCCUPATIONAL)

a) Permanently disabled employees are those who experience an injury/illness that permanently restricts their ability to perform their regular duties.

b) In consultation with the employee, the RTWC will make every reasonable effort to establish a permanent modified work plan. This assessment will include a revised medical prognosis and consultation as may be necessary between the employee, the RTWC, the Chief Medical Officer, WCB, General Claims and Human Resources (Employment Services). Such a plan must include meaningful work and not create undue hardship for the company. Permanently disabled employees will be subject to reevaluation on a regular basis to determine the status of their condition.

c) Cases not resolved using the procedure outlined in paragraph (b) will be advanced to the Core Committee for resolution. Issues can be advanced to the Core Committee through any committee member.

d) The "Modified Work Plan" for a permanently disabled employee may be reevaluated in the event that relevant circumstances change subsequent to the plan's implementation.

e) Particulars of a "Modified Work Plan" must be agreed upon by the employee, management, the Chief Medical Officer, the treating physician, the union(s) and the WCB when required by Provincial WCB authorities. The plan will be documented.

f) Accommodation may require an adjustment of work process or schedule, financial investment made by the company to modify a work station, tool or machine, or additional training of reasonable duration.

g) Accommodating permanently disabled employees may require special arrangements not provided for by the collective agreement.

7. NON-OCCUPATIONAL INJURY OR ILLNESS (WIB)

a) Participation in the Disability Management Program must be left to the employee's discretion.

b) Employees wishing to participate must have their doctor complete a Return To Work Form which is to be provided to the appropriate manager.

c) Non-occupational injury or illness cases will be handled as per sections IV, V and VI of these procedures. Although not directly involved, General Claims will serve as a resource if called upon to assist with the management of these cases.