



Transport Canada
Transports Canada

427 Laurier Avenue West
Enterprise Building, 14th Floor
Ottawa, Ontario K1A 0N5

October 15, 2018

Re: Legalization of recreational cannabis in Canada

To whom it may concern,

The legalization of recreational cannabis in Canada on October 17, 2018, by virtue of Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (the *Cannabis Act*) serves as an important occasion to remind members of the railway industry of their obligation to operate in a manner which is not impaired by either alcohol or drugs. A number of legislative and regulatory measures exist today that prevent and deter the impaired operation of rail, thereby contributing to a safe and secure transportation system (see Appendix A for a list of obligations specific to the rail industry).

In addition to legalizing, strictly regulating and restricting access to cannabis, the *Cannabis Act* creates a strict legal framework for controlling the production, distribution, sale and possession of cannabis in Canada. Following its coming into force, adults will be allowed to legally use cannabis, and possessing small amounts of cannabis will no longer be a criminal offence.

In light of these pending changes to the law, Transport Canada would like to reiterate the following important points:

- employers are responsible for developing, implementing and monitoring Hazard Prevention programs, which should include policies around any potential hazard in the workplace, such as the use of drugs, alcohol, or other substances including cannabis;
- railway employees have a duty to work safely, and those who are not fit to work for any reason may pose serious health and safety risks to themselves, their co-workers and the public;
- being impaired at work – whether caused by cannabis, alcohol, drugs, or another source – can affect one's ability to focus, make decisions, follow instructions, and handle equipment and tools. Cannabis can impair a person's ability to safely operate railway equipment, risking the lives of people and property;
- it is a criminal offence to operate railway equipment while impaired by alcohol or drugs; and

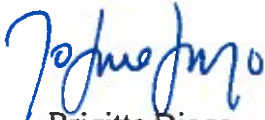
- it is and will continue to be illegal to take cannabis across any international borders, including the Canada – United States border and doing so may result in serious penalties.

Transport Canada remains committed to ensuring a robust, evidence-based regulatory framework when evaluating the various policy options and measures needed to mitigate impairment risks.

For further information on Bill C-45, please consult the following Government of Canada webpages:

- Justice Canada, Health Canada and Public Safety Canada – Legalization and Regulation of Cannabis
(<https://www.canada.ca/en/services/policing/justice/legalization-regulation-marijuana.html>)
- Health Canada – Q's and A's on the Introduction of the *Cannabis Act*
(<https://www.canada.ca/en/services/health/campaigns/introduction-cannabis-act-questions-answers.html>)

Sincerely,



Brigitte Diogo
Director General, Rail Safety

Appendix A - Obligations Specific to the Rail Industry

Canadian Rail Operating Rules pursuant to the Railway Safety Act (RSA)

Employees subject to/on duty are prohibited from using: (1) intoxicants or narcotics; or (2) drugs, medication or mood altering agents, including those prescribed by an MD, which will adversely affect their ability to work safely (Rule 'G').

https://www.tc.gc.ca/media/documents/railsafety/CROR_English_May_18_2018_Web_Services.pdf

Railway Rules Governing Safety Critical Positions pursuant to RSA

Safety critical positions are defined as any railway position directly engaged in operation of trains in main track or yard service; and any railway position engaged in rail traffic control (s. 3).

<https://www.tc.gc.ca/eng/railsafety/rules-tco17-358.htm>

Railway Medical Rules for Positions Critical to Safe Railway Operations pursuant to RSA

Employees undergo medical fitness for duty (FFD) assessments prior to commencement of employment in, or upon promotion or transfer to a safety critical position (s. 4.1).

FFD assessments take into consideration substance use, including abuse or dependence on alcohol, prescription medications, or illicit drugs (s. 5.2(g)).

<https://www.tc.gc.ca/eng/railsafety/rules-tco68-355.htm>