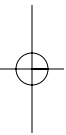
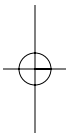


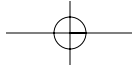
The Railway Safety Act:

A Guide to Mandatory Reporting for Physicians and Optometrists



Transport
Canada

Transports
Canada





Recent changes to the Railway Safety Act (RSA) require railway employees working in Safety Critical Positions to inform their physician or optometrist, prior to any examination, that they do such work. These employees are directly engaged in the operation of trains, including rail traffic control. The RSA also requires the physician or optometrist to immediately notify both their patient and the railway company if the employee has a medical condition that may reasonably pose a threat to railway safety. The changes to the Railway Safety Act also led to the development of the Railway Rules Governing Safety Critical Positions and the Railway Medical Rules for Positions Critical to Safe Railway Operations by the Railway Association of Canada. The rules were approved by Canada's Minister of Transport on June 16, 2000 and will take effect December, 2001.



What is the Railway Safety Act?

The Railway Safety Act is federal legislation that gives jurisdiction over railway safety matters to the Minister of Transport. The RSA is regulated by Transport Canada, and covers railway safety, security and the environment.

Historically, legislated medical requirements for certain railway operating positions contained standards for vision and hearing only. Beyond that, medical requirements for employees had been left to the individual railways as a matter of company policy.

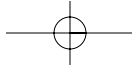
Recognition that other medical standards beyond vision and hearing should also be governed by regulation arose in the late 1980's following a fatal train collision where an employee's medical condition was a possible contributing factor.

What provisions of the Railway Safety Act affect Physicians and Optometrists?

Section 35 of the RSA mandates regular medical examinations for all persons occupying safety critical positions and:

- requires that physicians and optometrists must notify the railway company's Chief Medical Officer if a person occupying a safety critical position has a medical condition that could be a threat to safe railway operations and that the physician or optometrist send a copy of this notice without delay to the patient;
- places the responsibility on the patient to inform the physician or optometrist that he or she holds a designated safety critical position at the time of any examination;
- allows the railway company to use the information provided by the physician or optometrist in the interest of safe railway operations;
- prohibits any legal, disciplinary or other proceedings against a physician or optometrist for such information given in good faith, and;
- prohibits further disclosure, or use as evidence, of such medical information, except with the permission of the patient.





What are Safety Critical Positions?

Employees in Safety Critical Positions, as designated by the Railway Rules Governing Safety Critical Positions, operate, or control the movement of trains. They represent approximately 15,000 railway workers in Canada. These positions have a direct role in safe railway operations where impaired performance due to a medical condition could result in a significant incident affecting the health and safety of employees, the public, property or the environment.

The actual occupations included in Safety Critical Positions may vary between railways, but typically include:

- Locomotive Engineer;
- Conductor;
- Assistant Conductor (Brake person);
- Yard Foreman (Yard person), and;
- Rail Traffic Controller (Train Dispatcher).

In addition, any employee or contractor who is required to perform any of these functions will be considered to occupy a Safety Critical Position.

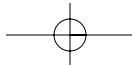
What are the Railway Medical Rules for Safety Critical Positions?

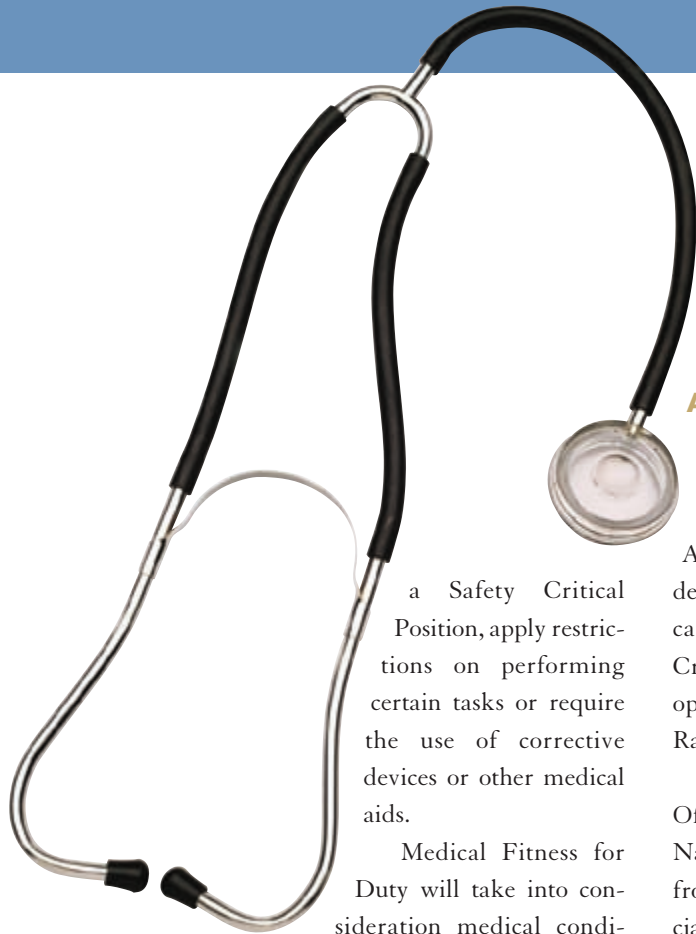
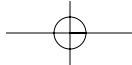
Railway Medical Rules for Positions Critical to Safe Railway Operations were developed by the Medical Steering Committee of the Railway Association of Canada and have been approved by Canada's Minister of Transport.

The goal of the Medical Steering Committee was to develop rules that set out the requirements for the frequency of medical assessments and also allow for the individual assessment of Medical Fitness for Duty. The new Medical Rules represent a significant change in the way medical fitness for duty is determined in the Canadian railway industry and increase the involvement of the treating physicians and optometrists in the process.

The required minimum frequency for Medical Fitness for Duty assessments is every five years until the age of 40 and every three years thereafter as long as an employee occupies a Safety Critical Position.

With the information provided by the employee's treating physician or optometrist, the Chief Medical Officer of each railway company may require an increase in the frequency of medical assessments, restrict a person from occupying





Are there Medical Guidelines available to assist physicians and optometrists with patients who occupy Safety Critical Positions?

A number of Medical Guidelines have been developed to assist physicians and optometrists in caring for their patients who occupy Safety Critical Positions. These guidelines were developed by the Medical Advisory Group of the Railway Association of Canada.

This group consists of the Chief Medical Officers of Canadian Pacific Railway, Canadian National, VIA Rail Canada, a medical advisor from Transport Canada and various medical specialists. The guidelines are reviewed and updated regularly. The following guidelines are available:

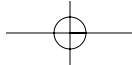
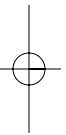
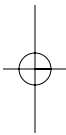
- Hearing;
- Vision;
- Epilepsy;
- Cardiovascular Disorders;
- Diabetes, and;
- Mental Disorders.

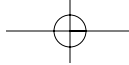
Additional Medical Guidelines will be developed. Medical conditions not currently covered by a specific guideline will be governed by accepted medical practice.

a Safety Critical Position, apply restrictions on performing certain tasks or require the use of corrective devices or other medical aids.

Medical Fitness for Duty will take into consideration medical conditions including treatment and medications, both past and current, that could result in:

- sudden or gradual impairment of cognitive function including alertness, judgment, insight, memory and concentration;
- impairment of senses;
- significant impairment of musculoskeletal function, or;
- other impairment that is likely to constitute a threat to safe railway operations.





Who is responsible for the costs of the medical assessments and reporting?

Medical costs incurred as a result of these Medical Rules, not covered by the provincial health care plan, will be paid by the employer in accordance with provincial third-party billing guidelines.

For a copy of the various Medical Rules and Guidelines or to obtain additional information:

Canadian Medical Association

www.cma.ca

Canadian Association of Optometrists

www.opto.ca

Railway Association of Canada

www.railcan.ca

Or call:

Canadian Pacific Railway
Occupational Health Services
1-866-876-0879

Canadian National Railway
Occupational Health Services
1-514-399-5690

VIA Rail Canada
1-800-363-6737

The Railway Association of Canada
Office of the Vice-President
Operations and Regulatory Affairs
1-613-564-8088

Acknowledgments

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