



427 Laurier Avenue West
Enterprise Building, 14th floor
Ottawa, Ontario

Our file / Notre référence
RDIMS 16372508 / X 20-03

MAR 20 2020

Dear Sir/Madam:

I am writing to advise you of the issuance of a temporary exemption to paragraph 4.1 c) of the *Railway Medical Rules for Positions Critical to Safe Railway Operations* under subsection 22(2) of the *Railway Safety Act*.

This paragraph of the rules requires every employee in a Safety Critical Position to undergo a company-organized Medical Fitness for Duty assessment every five until the age of forty, and every three years thereafter until retirement, or until that person is no longer employed in a Safety Critical Position.

The purpose of this temporary exemption is to reduce the demand on healthcare resources in Canada following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization on March 11, 2020, and to reduce the unnecessary risks from exposing those in safety critical positions to potentially hazardous healthcare settings.

The exemption will remain in effect until September 20, 2020.

Should you have any questions regarding this process, please contact Mr. Sean Rogers, Director, Regulatory Affairs at (613) 998-1939 or sean.rogers@tc.gc.ca. Alternatively, if you would like to discuss technical aspects of this issue, please contact Ms. Stephanie Lines, Director, Operations Management at (613) 990-7745 or stephanie.lines@tc.gc.ca.

Sincerely,

Brigitte Diogo
Director General
Rail Safety

Encl.

c.c.: Mr. G. Doherty, TCRC-MWED Ms. L. Cyr, TCRC-MWED Mr. L. Couture, IBEW
Mr. K. Neumann, USW Mr. T. Lundblad, USW Mr. C. Crabtree, ATU
Mr. S. Pickthall, IAMAW Mr. D. Ashley, TCRC Ms. L. Robillard, TCRC
Mr. B. Snow, UNIFOR Mr. E. Féquet, TUT Mr. N. Lapierre, Métalos

TRANSPORT CANADA
NOTICE OF EXEMPTION PURSUANT TO SECTION 22
OF THE *RAILWAY SAFETY ACT*
CHAPTER R-4.2, [R.S., 1985, CH. 32 (4th SUPP.)]

Pursuant to subsection 22(2) of the *Railway Safety Act* (RSA), the Minister may issue an exemption to the application of a specified provision of rules in force under section 19 or 20 of the RSA where the Minister is of the opinion that doing so is in the public interest and not likely to threaten safe railway operations.

It has been determined that it is necessary to adopt temporary measures in the public interest to reduce the regulatory demand on healthcare resources in Canada following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization on March 11, 2020, and the unnecessary risks that would be encountered by those individuals in safety critical positions from exposing them to potentially hazardous healthcare settings.

In my opinion, a temporary exemption from paragraph 4.1 c) of the *Railway Medical Rules for Positions Critical to Safe Railway Operations* is in the public interest and is not likely to threaten safe railway operations.

As such, I, Brigitte Diogo, Director General, Rail Safety, as authorized by the Minister of Transport under section 45 of the RSA, hereby exempt the companies listed in Appendix A from the application of paragraph 4.1 c) of the *Railway Medical Rules for Positions Critical to Safe Railway Operations* with respect to those employed in Safety Critical Positions.

Railway companies shall retain a record of any employee whose medical assessment was postponed due to the granting of this temporary exemption.

For the purpose of this exemption, a **Safety Critical Position** has the same meaning as provided in the *Railway Rules Governing Safety Critical Positions*.

This exemption will take effect immediately and remain in effect until September 20, 2020, or until the date on which the Minister of Transport revokes this exemption, in writing, where the Minister of Transport is of the opinion that it is no longer in the public interest or that it is likely to threaten safe railway operations.



Director General, Rail Safety

MAR 20 2020

Date

RAILWAY COMPANIES PARTY TO THE EXEMPTION

9961526 Canada Limited
BNSF Railway Company
Canadian Pacific Railway Company
Canadian National Railway Company
Chemin de fer Québec North Shore & Labrador
City of Ottawa carrying on business as Capital Railway
Central Maine and Quebec Railway Canada Inc.
CSX Transportation, Inc.
Eastern Maine Railway Company
Goderich-Exeter Railway Company Limited
Great Canadian Raitour Company Ltd.
Hudson Bay Railway Company
Kettle Falls International Railway Company
Knob Lake and Timmins Railway Company Inc.
National Railroad Passenger Corporation (Amtrak)
Nipissing Central Railway
Norfolk Southern Railway Company
Pacific & Arctic Railway Navigation, British Columbia & Yukon Railway, British Yukon Railway
dba White Pass & Yukon Route Railroad (WP&YR)
RaiLink Canada Ltd.
St. Lawrence & Atlantic Railroad (Québec) Inc.
St. Paul & Pacific Northwest Railroad Company, LLC
The Essex Terminal Railway Company
The Toronto Terminals Railway Company Limited
Transport Ferroviaire Tshiuetin Inc. (Tshiuetin Rail Transportation Inc.)
Union Pacific Railroad Company
VIA Rail Canada Inc.