

**Presentation to
the Standing Senate Committee
on Social Affairs, Science and
Technology**

April 26, 2018

About Us

- Employers – national and international
- 24/7 safety-sensitive work
- Examples – air traffic controllers, bus drivers, crane operators, heavy equipment operators, oil and gas service contractors, oil and gas operators, pilots, pipeline operators, train conductors and engineers, truck drivers, etc.



Our Objectives

1. Protect workplace safety.
2. Protect public safety.



Task Force Discussion Paper

Only one reference to marijuana use in the workplace (p. 21):

“In addition, consideration will need to be given to the use of marijuana in workplaces. For example, a zero tolerance policy could be applied for those who operate heavy machinery or conveyances.”

- Note: onus placed on employers to manage this risk (when it should be a shared responsibility and there is no current regulatory framework to prevent safety-sensitive employees from being at work under the influence of alcohol or drugs).



Task Force Final Report

- Under the heading “Workplace Safety” (p. 28):

“Drug and alcohol use or impairment in the workplace can pose a danger to everyone in the workplace, including the person who is impaired. This is particularly the case in “safety-sensitive” industries, such as transportation, health care and law enforcement, where symptoms related to impairment – reduced mobility, co-ordination, perception or awareness – can increase the risks of hazards, injuries and death.” (Emphasis added)

- Report recommendations regarding workplace safety:
 - *“Facilitate and monitor ongoing research on cannabis and impairment, considering implications for occupational health and safety policies”*
 - *“Work with existing federal, provincial and territorial bodies to better understand potential occupational health and safety issues related to cannabis impairment”*
 - *“Work with provinces, territories, employers and labour representatives to facilitate the development of workplace impairment policies”*

Colorado Experience: Potential for Increased Use

- History
 - 2006-2008: early medical marijuana era
 - 2009-present: expansion of commercialization era
 - 2013 to present: recreational use era



- Colorado statistics regarding marijuana use over past 30 days*:

	National Ranking (2005/2006)	National Ranking (2014/2015)
Youth (12-17)	14	1
College Age (18-25)	8	2
Adult (26+)	8	1

*The Legalization of Marijuana in Colorado: The Impact, Volume 5, October 2017
Rocky Mountain High Intensity Drug Trafficking Area

The Colorado Experience: Safety Impacts

- Traffic/hospital marijuana-related statistics*:

Marijuana traffic-related deaths: 2013 (55) vs. 2016 (125)	+125%
Marijuana-related emergency room visits: 2011-2012 vs. 2013-2015	+35%
Marijuana-related hospitalizations: 2009-2012 vs. 2013-2015	+72%

- Adult past month marijuana used **increased 71%** in three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).



*The Legalization of Marijuana in Colorado: The Impact, Volume 5, October 2017
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Quest Diagnostics Drug Testing Index 2017 Report – U.S. Workforce Results

- Positive marijuana test results continue upward climb
 - Oral fluid positive increased 75% over the last three years in general U.S. workforce. (5.1% in 2013 to 8.9% in 2016)
 - Marijuana use among safety-sensitive workers increased 5%, the largest year-over-year increase in five years.
- Cocaine urine positives rose for the fourth consecutive year in the general U.S. workforce and second consecutive year for federally mandated safety-sensitive workforce.
- Methamphetamine positives rose 64% since 2012 in general U.S. workforce.



Alcohol and Drug Testing – the U.S. Example

- The United States has legislated alcohol and drug testing in the federally regulated transportation sector for over 20 years.
- Canadian transportation industry (commercial motor vehicle operators (truck and bus), rail) operating cross-border are required to comply with U.S. regulations, including mandatory alcohol and drug testing (pre-employment, reasonable cause, post-incident, random, and return to duty).
- Canada should be aligned with the U.S. on this issue so that safety benefits can be maximized.

Canadian Nuclear Safety Commission

A Canadian Example

- The federal Canadian Nuclear Safety Commission has just moved forward (November 9, 2017) with Fitness for Duty Regulations that include **alcohol and drug testing, including random testing.**
- Precedent-setting in Canada.
 - Provides **preventive** framework for workplace safety.
 - Benefits the public, the employees and the employer.
- In addition, the Transportation Safety Board report in the Carson Air crash (released November 2, 2017) strongly endorses the use of alcohol and drug testing, including random testing, for the aviation industry.

Our Ask

- We recommend that Bill C-45 be amended to include a regulatory alcohol and drug testing framework to monitor and address employee fitness for duty in safety-sensitive industries (including pre-employment, post-incident, reasonable cause, random and return-to-work testing).



Appendix: Members of Employer Coalition

- Canadian Association of Petroleum Producers
- Canadian Construction Association
- Canadian Fuels Association
- Canadian Trucking Alliance
- Canadian Urban Transit Association
- FETCO (Federally Regulated Employers – Transportation and Communications)
- Motor Coach Canada/Ontario Motor Coach Association
- Petroleum Services Association of Canada
- Railway Association of Canada
- Toronto Transit Commission
- Metrolinx
- Forest Products Association of Canada