

Clause 58 of the bill seems to contemplate that any person involved in any manner whatsoever with the operation of railway equipment, and who is thereafter determined to be impaired by virtue of alcohol or a drug, is guilty of an offence under section 237 of the Criminal Code and may thereafter face the loss of his or her licence, or face some other penal measure related to such impairment. It is to be noted that this clause itself does not in any way attempt to distinguish between those actually involved in the operation of the train—for example, the locomotive engineer who is responsible for the actual power motor operation of the train—and the score of other individuals whose responsibilities only tangentially touch upon the operation, such as baggagemen, maintenance-of-way forces, and so on.

Clause 61 also seems to refer to the possibility of an individual employee's losing his right or licence to operate railway equipment in the event he is found guilty of an offence under section 237 or section 238 of the Criminal Code. Because of the harsh operation of this clause, it could result in an employee's losing his right to earn a living and support his family. At the present time, if a citizen of this great country that we call Canada is found guilty of an offence under section 237 or 238 of the Criminal Code, he or she may lose his or her driver's licence, but only rarely does that mean that the individual loses employment prospects.

When I first went on the railway in 1941, the rule was: "Using intoxicants or frequenting places where they are sold is instant cause for dismissal." That was plain. I knew what could happen if I went into a hotel—they could fire me. Under a revision of the operating rules in 1962, that rule was changed to: "The use of intoxicants or narcotics by employees subject to duty, or their possession or use while on duty, is prohibited."

I asked the president of the CNR, and the general manager and the vice-president, "What does 'subject to call' mean? Is it six hours, eight hours, ten hours or twelve hours?" I am not a medical person, but if you go for a medical do not drink beer, wine or liquor for at least 24 hours before you have the examination, because it will show in your blood stream.

In 1987 Mr. D.L. Fletcher, senior vice-president of operations of the CNR, once again issued a new General Rule G. It states:

In addition to the requirements of this rule, employees must adhere to the following:

This is in addition to the others.

Employees must not use any drugs or medication while on duty or subject to duty which may produce drowsiness or any condition affecting their ability to work safely. It is the responsibility of the employee to know and understand the possible effects of any medication or drug prescribed or chosen for use.

Being under the influence of intoxicants, alcoholic beverages or narcotics while on duty, or subject to duty is prohibited.

Say that you have the flu or pneumonia and you are off work for four or five days. You go to the doctor and he puts

[Senator Turner.]

you on medicine, such as tetracycline, which you take for ten days. If you go back to work on your six-to-eight shift, what happens? The drug will show in your blood. If they test you, they have you.

Clauses 59 and 60 clearly contemplate the use of breathalyzer tests, if so ordered by a peace officer, which would include a railway policeman. The range of railway employees subject to this provision is broad and all-encompassing. Our association cannot see the justification of this requirement. In our opinion there are adequate powers now to deal with the problem of alcohol abuse, which are to be further reinforced by the drug and alcohol testing provisions contained in section 18(1) of the proposed Railway Safety Act. It would appear that the government's approach to any problem is punitive. There has been absolutely no evidence of an abuse of alcohol by railway employees to a degree that would justify the proposed extensive amendments to the Criminal Code of Canada.

A review of all major and minor railway accidents in Canada over the past 20 years or more shows that few, if any, were discovered to be the result of the abuse of alcohol.

A recent survey conducted by the Minister of Transport of various groups of railway employees clearly indicated that the problem of alcohol abuse is minimal and that they are no better or worse than the rest of the population of Canada—according to a comparison-of-population study on the use of alcohol conducted by Health and Welfare Canada. The minor problem of alcohol and drug abuse in the railway industry can be resolved and controlled by methods less draconian than the Criminal Code. The major weapon to fight the problem is effective, joint, union-management employee-assistance programs. We believe in such programs. They worked very well in the old Michigan Central Railway. Our association, and all railroads, will have more to say on this subject later, when we appear before the Transport Committee.

● (1530)

Mr. Justice Foisy's investigation of the Hinton collision stated:

No CN or Via employee involved in the collision was under the influence of alcohol or drugs at the time.

He did point out, however, that the man had only had a few hours' rest. What happens when war breaks out? There are only a few men to work on the railway. When the boss calls you on the telephone and says: "Are you coming to work or do you want me to suspend you?", you then have a decision to make. You are presented with an appearance sheet which says that you know the road you will travel over, that you have had sufficient rest and that there are no alcoholic beverages in your system. You then sign that appearance sheet.

During the war we were gone seven days a week, either 30 or 31 days a month. We were never at home. All I saw of my children at that time was the occasional look at them as they lay in their cribs. I remember on one occasion the boss called and asked me if I intended to go to work. I said I had been away for four days, that I would go to work, but that I refused