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Network Rail
Waterloo General Office
London, SE1 8SW

15th December 2024

Subject: Open Letter Regarding Medicinal Cannabis Policy (Reference: NRA24-13)

Dear Network Rail Leadership,

We are writing on behalf of PatientsCann UK, an organization advocating for individuals prescribed medicinal cannabis, to raise significant concerns regarding Network Rail's recently published safety advice, "The Use of Prescribed Medicinal Cannabis" (Reference: NRA24-13, dated 04/12/2024). While we appreciate the need for robust policies to ensure safety in safety-critical roles, this policy appears to unfairly discriminate against employees who are legally prescribed medicinal cannabis. It also raises potential conflicts with the Equality Act 2010 and the Public Sector Equality Duty under Section 149 of the Act.

Key Issues with the Policy:

1. Potential Disability Discrimination:

- **Failure to Make Reasonable Adjustments:** Medicinal cannabis is typically prescribed as a treatment of last resort after other options have proven ineffective. Automatically suspending these employees places an undue burden on individuals who have already demonstrated a need for this treatment to manage their condition. Reasonable adjustments should be considered on a case-by-case basis, as required by law.



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- **Indirect Discrimination:** Restricting the use of prescribed medicinal cannabis solely to conditions listed in NICE guidelines disproportionately impacts those with other legally recognized conditions. This approach is unnecessarily restrictive and does not reflect the broader discretion permitted under UK prescribing regulations.

2. **Inconsistencies with Public Sector Equality Duty:**

- Network Rail is obligated to eliminate discrimination, advance equality of opportunity, and foster good relations. Blanket suspensions and reliance on NICE guidelines fail to account for the diverse medical needs of employees or the individualized nature of disability accommodations.

3. **Disproportionate and Unjustified Approach:**

- Other potentially impairing medications, such as opioids or benzodiazepines, are managed through individualized risk assessments rather than blanket prohibitions. Treating medicinal cannabis differently is inconsistent and lacks justification.
- Functional impairment assessments are a more appropriate tool than blanket assumptions about impairment from medicinal cannabis use.
- NHS doctors can and do prescribe outside NICE guidelines when clinically justified. Aligning policies exclusively with NICE recommendations disregards legitimate prescriptions and medical expertise.

4. **Harm to Employees and Workplace Culture:**

- The policy pressures employees to choose between effective medical treatment and their livelihoods, potentially exacerbating health issues and reducing trust.
- Constructive dismissal claims and reduced morale are likely outcomes of this heavy-handed approach.



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Recommendations:

1. **Review the Policy in Collaboration with Stakeholders:** Engage unions, employee representatives, and advocacy organizations to ensure the policy reflects current medical and legal standards.
2. **Adopt an Evidence-Based, Individualized Approach:** Replace blanket suspensions with functional assessments to evaluate whether an individual's prescribed medication affects their ability to perform their role safely.
3. **Align with Equality Act Requirements:** Ensure reasonable adjustments are offered to employees prescribed medicinal cannabis, including case-by-case risk assessments and alternative accommodations where necessary.
4. **Provide Education and Training:** Train managers and staff on medicinal cannabis, including its legal status, medical uses, and the rights of employees under the Equality Act. This will reduce stigma and promote a fair, evidence-based approach to workplace safety.
5. **Implement Clear Appeals and Review Processes:** Allow employees to challenge suspension decisions and have their cases reviewed independently to ensure fairness and transparency.

Conclusion:

Network Rail has an opportunity to set a positive example for how public sector organizations can balance safety with equality and inclusivity. We urge you to reconsider the current policy and adopt a more nuanced, evidence-based approach that respects employees' legal rights and medical needs.

We would welcome the opportunity to discuss this further or to contribute to a collaborative review of the policy. Please feel free to contact us at info@patientscann.org.uk



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Yours sincerely,
PatientsCann UK

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